Taking on the Klan

Laurence Leamer to discuss his new book at Bench-Bar

By Brian Estadt

When bestselling author Laurence Leamer steps to the podium as the keynote speaker of the Bench-Bar Conference on June 17, he’ll discuss more than the courtroom battle at the heart of his new book, The Lynching. He’ll talk about how his research for the book made him realize that the legacy of pervasive racism was more far-reaching than most people could imagine.

“I compare it to the Holocaust,” Leamer said of the period when Klan lynchings flourished. “Jewish Americans remember and want us all to be reminded of what happened and what could happen again. I think we deserve the same attention to the black reality, to black lives. We all should be educated to know about this and we don’t. And young black Americans don’t know about it any more than white Americans. To me, it’s very, very unfortunate.”

The Lynching, the subject of the book’s title is the 1981 hanging of a 19-year-old Alabama man by two members of the United Klans of America in retaliation for the acquittal of a black man accused of killing a white police officer. Although a criminal trial found the two men guilty, it was a civil trial that the Southern Poverty Law Center brought that wiped out the USA’s finances.

Leamer spent about a year researching the book.

“Bringing our opinions, ego, viewpoints and preconceptions to the table to find some of these former Klansmen,” he said. “I was very fortunate. Literally everybody cooperated. Of the two murderers, one was executed. The other spent 25 years in prison, and he’s out now, and I talked to him. I interviewed the two other living Klansmen who were members of that group. I interviewed George Wallace’s son and daughter. I interviewed the widow and grandchildren of Robert Shelton, the Klan leader, and (the victim) Michael Donald’s sister.

“I thought Peggy Wallace, George Wallace’s daughter—wow, the things she said about her father! She’s living down there, and there are still a lot of big fans of her father there, I tell you.”

It began with a blurb

Leamer last visited the ACBA in 2013 while promoting The Price of Justice, which detailed the circumstances surrounding the Capterton v. A.T. Massey case that Reed Smith partners David Fawcett and Bruce Stanley handled.

The Lynching grew out of The Price of Justice, but not because the two subjects are overtly connected. Rather, it was because Morris Dees, the co-founder of the Southern Poverty Law Center, was among those who provided blurbs for the back cover of the book about how campaign contributions from a mining company executive corrupted the West Virginia Supreme Court.

“After he gave me the blurb, he called and said, ‘You know, I have this story that’s been sitting there for years. Writers come to me and want my cooperation to do it, but I’ve never wanted to do it before. But I really love your book, and I’d be willing to be cooperate with you.’”

That story ended up being the tale of a pivotal 1981 lynching in Alabama, the civil lawsuit it spawned, the

Continued on page 6

TO THE DRAWING BOARD

Heckman to use humor, pop culture at Kaplan Lecture

By Tracy Carbasho

With an internationally renowned speaker who uses humor, drawings and pop culture to illustrate his belief that the best mediators are willing to be silent, are curious about the parties and remains free making assumptions, those who attend the 13th Annual Kaplan Lecture promises to be unlike any other.

“Bringing our opinions, ego, viewpoints and preconceptions to the table can be detrimental to the process,” said Brad Heckman, CEO of the New York Peace Institute, one of the largest mediation services in the United States. “If we approach each session with a beginner’s mind and respect our clients’ courage to have difficult conversations, we can bear witness to amazing acts of generosity, kindness and reconciliation.”

Heckman will share his sought-after, down-to-earth brand of teaching with those who attend the lecture on Wednesday, May 25.

Kaplan Lecture speakers are known for providing tools and information to help participants develop skills that could be relevant not only to any dispute-resolution process, but also to life experiences. Heckman will provide easy-to-remember, sensible techniques that attorneys can use in their practices and their everyday lives.

“I don’t want to give away too many spoilers, but we’ll discuss agendas and affect labeling,” he said. “I hope to raise awareness of a range of mediator interventions that allow parties to feel heard and to create paths to come up with their own ways of moving forward. Many of the skills we’ll cover relate to how we listen, ask questions and generate movement in disputes.”

Heckman’s penchant for peaceful dialogue began in 1980 when he was a university lecturer witnessing Poland’s transition to democracy. He went on to earn his master’s degree in international relations from the Johns Hopkins University School of Advanced International Studies.

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LAWYERS JOURNAL

Western District aims to reverse sanctions trend

By Tracy Carbasho

The mandatory ADR process implemented a decade ago by the U.S. District Court for the Western District of Pennsylvania is among the best in the nation, but judicial officials say not everyone understands how the program can be best utilized.

“The alternative dispute resolution process was implemented to comply with the court’s mission toward the ‘just, timely and economical resolution’ of civil cases,” said Karen Engr, ADR coordinator/consultant for the court. “The process is in place to benefit all parties, including the attorneys, their clients and the neutrals, and people should use it accordingly. The expectation is that everyone will comply.”

Although attorneys know they must comply and their ADR coordinator, Chief Magistrate Judge Maureen O’Connor, required by Judge Mark Hornak’s offer prior to the mediation as offers until after the close of discovery had a policy of not making settlement

Continued on page 11
THE FULL TEXT AND/OR HEADNOTES FOR THE CASES BELOW APPEAR IN THE ONLINE, SEARCHABLE PJL OPINIONS LOCATED AT WWW.ACBA.ORG.

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Common Appeal—Sufficiency—Theft Offenses—Weight of the Evidence—Circumstantial Evidence

Where discrepancies were found in Girl Scout Camp bank records, the evidence supported the camp director’s conviction.

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Criminal Appeal—Possession—PWID—PCRA—Ineffective Assistance of Counsel—Rule 600—Speedy Trial Rights

Extreme pre-trial delay in bringing defendant to trial did not violate Rule 600 because continuances were requested by the defendant.

Employment—Employment Agreement—Non-solicitation Clause

Grant of partial summary judgment for Defendants regarding Plaintiff’s claims related to non-solicitation clause in employment agreement where employment terms and consideration changed.

Pittsburgh History & Landmarks Foundation, a Pennsylvania Non-Profit Corporation; Landmarks Financial Corporation, a Pennsylvania Non-Profit Corporation; Henry P. Hoffstot, Jr.; David E. Barenfeld; Peter H. Stephaich; Patrick R. Wallace; Alexander Speyer; and Henry P. Hoffstot, III v. Arthur P. Ziegler, Jr.; Mark S. Bibro; and Jack R. Norris, Ward, J. ......................................Page 135
Miscellaneous—Derivative Lawsuit

Defendants in a derivative lawsuit must provide Plaintiffs with legal opinions and communications where attorney-client and work-product privileges found not to apply to individual directors, officers or managers.

Decano Construction, LLC v. William Clair, Hertzberg, J. .............................................Page 139
Contract

Opinion in support of bench trial verdict in favor of concrete contractor.

James Carney v. Vinit Rathardeka and Usha Rishi, Hertzberg, J. .................................Page 140
Contract—Tortious Interference—Attorney-client Relationship

Granting Defendants’ motion for summary judgment and dismissing Plaintiff’s claim for tortious interference with contractual relations of attorney-client relationship involving estate planning.

Dion Lee McElrath v. Allegheny County Jail, Hertzberg, J. ...................................................Page 142
Personal Injury—Political Subdivision Tort Claims Act

Sustaining preliminary objections and dismissing Plaintiff’s Complaint against Allegheny County Jail under Political Subdivision Tort Claims Act (42 Pa.C.S. § 8550) for alleged damages from haircuts from inmate prison barbers.

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ON DECK: PNC Park CLE on laws of baseball

By Brian Knavis

Baseball often is probed by trivia questions – who hit the longest home run in Pirates history? – and dissected by statistics – what, exactly, is a slugging percentage? – but rarely are the legal topics surrounding the sport explored.

However, the legal side of the national pastime is exactly what’s penciled into the lineup for “The Pittsburgh Pirates and the Laws of Baseball,” a one-hour CLE at PNC Park that the ACBA and Pirates will present June 7. The event is sponsored by PNC Bank, and admission will also include a ticket to that night’s game against the New York Mets.

Bryan Stroh, senior vice president, business affairs and general counsel with the Pirates, will be the presenter. Pirates President Frank Coonelly, also an attorney, will participate as well.

In addition to a question-and-answer session with both Stroh and Coonelly, the program will primarily focus on three baseball-related legal topics:

• Contract negotiations. This segment will discuss the dynamics of negotiations with individual player agents, as well as broader collective bargaining agreements with the Major League Baseball Players Association.

• Trademarks and merchandising. Stroh will examine intellectual property aspects of team logos and merchandising agreements, as well as efforts to crack down on bootleg merchandise.

• Stadium agreements. While the Pirates are PNC Park’s operating tenant, the Sports and Exhibition Authority (SEA) is the actual owner of the park. The program will discuss the nature of this agreement and aspects of the sophisticated contracts that govern such a relationship.

“We’re certainly proud of the fact that we are a publicly facing institution and a lot of people are interested in our business,” said Stroh. “The sports industry is unique because our business practices are pretty public and under a fair bit of scrutiny.

“When I speak to other lawyers, often they’re surprised that many of the legal issues facing our business are the same as the legal issues facing other businesses, we just happen to be a baseball team. However, there are also some aspects about the legal issues of our business that are unique. Those are the topics we will be discussing.”

Player contract negotiations are often quite different than other types of contract negotiations. Additionally, in baseball’s collective bargaining agreements, teams in markets like Pittsburgh and Kansas City negotiate as joint employers with teams in very different markets like New York and Los Angeles, said Stroh. These differing market factors result in complex bargaining dynamics.

Coonelly – who previously served as senior vice president and general counsel of labor in the Office of the Commissioner of Baseball – has extensive experience negotiating MLB collective bargaining agreements and will participate in those portions of the discussion.

“The Pirates are pleased to support programing that is deemed interesting and informative to the local bar association.”

The event was the idea of Michele Greenway, ACBA’s membership director.

“We are always trying to come up with interesting programming for our members,” she said. “There’s a good chance that attorneys who practice in virtually all areas of the law will be interested in this event. After all, who doesn’t like baseball?”
On April 12, Equal Pay Day, members of the IGE and WLD joined at the Rivers Club for a breakfast discussion about gender equality, equal pay and other topics relevant to the special day. Moderator Patricia Gillette, pictured top right, addresses the importance of women standing up for themselves in regards to equal pay, responsibility and leadership in their place of work. The Gender Equality in the Legal Profession in Pittsburgh program included panelists Ayana Ledford, Stephanie Sculillo and Christie Brown Tillapaugh, pictured above. Discussions covered relevant topics as well as personal experience and feelings from each panelist.
By Mark Higgs

It’s time once again for the ACBA Golf and Bocce Tournament, a summer tradition of charity, competition and camaraderie.

The 24th annual golf tournament and fourth annual bocce tournament will take place at the Allegheny Country Club in Sewickley on Monday, July 25. Besides golf and bocce, the event will offer lunch, dinner, an auction and prizes recognizing individual and golf team performance.

Cost to golf is $285 per player for ACBA members and $295 for nonmembers. Cost to play bocce is $95 per player for members, $105 for nonmembers. Guests wishing to attend solely for dinner may select a $50 option.

“Bocce has been a nice element for people who don’t like or know how to golf. It gives them another option,” said Erin Rhodes, ACBF programs and projects coordinator.

Both the Allegheny County Bar Foundation and Neighborhood Legal Services Association benefit from the proceeds, which include registration fees, auction revenue and sponsorships, in addition to raffle tickets for a Pebble Beach golf getaway – also to be offered at the event. All auction items are donated, from such establishments as golf courses, restaurants and hotels, among others.

Golfers may begin registration at 10:30 a.m., with a shotgun start at 12:30 p.m. Bocce registration also begins at 12:30, followed by a lesson at 1 p.m. and the tournament at 1:30 p.m. Lunch is 11 a.m. to noon. Dinner, auction, raffle and an awards ceremony will follow the tournaments.

Sponsorship opportunities are available. Sponsorship benefits include complimentary golfers, lunch, dinner and refreshments, awards, ad space and recognition in various formats.

To learn more about sponsorship or register for the tournament, see acbf.org. For more information, contact Erin Rhodes at 412-402-6641 or erhodes@acba.org.

Allegheny Country Club has been in existence since 1895, but it resides at a new location featuring many improvements and contemporary amenities.
Survey says: Many find ADR process beneficial

Attorney Susan Schwochau helps analyze data that is provided on surveys completed by attorneys who have used the ADR process in the U.S. District Court for the Western District of Pennsylvania. Based on the responses for the period of February to October 2015, more than 76 percent of respondents agreed that the process was useful.

Nearly 46 percent of the respondents settled some or all issues. Of those who did not settle any issue, 35 percent said the parties were likely to settle in the future.

“The court’s ADR Committee can review responses over time to see whether changes to the program or to court procedures are affecting how the program is perceived and whether changes to the ADR program’s rules are worth considering,” Schwochau said. “Responses have been fairly consistent in reflecting that a large majority finds the ADR process useful.”

According to Fischer and Engro, there are simple ways to ensure the effectiveness of the ADR process and to avoid sanctions. They suggest the following:

• Attorneys should educate clients about the differences between the various forms of ADR.
• The role to be played by the third-party neutral should be discussed and understood by all parties.
• The case-management conference and meetings among counsel in preparation for the ADR session should be used to discuss any potential issues that might arise in the actual ADR setting.
• Neutrals always should have a pre-session conference call with counsel to determine the particulars of each case, such as who will attend the ADR session.
• Attorneys on both sides should talk to each other about the ADR options, the neutral who has been selected, how they would like to proceed in front of the neutral and what individuals should attend. If something changes, continue talking about whether the ADR session should continue, should a different person attend or should the parties request more time from the judge.

Engro stresses that the arbitrators, mediators and early neutral evaluators are required to conduct a pre-ADR conference call with the lawyers to ensure all parties are ready to proceed. She said this is the time to work out logistics, make sure everyone can adhere to the court rules and is ready to participate in a meaningful manner in whatever ADR process has been selected.

The increase in sanctions is a small bump in the success of the Western District’s ADR process, which was implemented as a pilot program in June 2006 for cases assigned to District Judges Donetta Ambrose, David Cercene, Thomas Hardiman and Arthur Schwab. It became applicable to all judges effective Jan. 1, 2008.

Fischer said the effectiveness of the program is evidenced by numbers that show approximately 97 percent of all civil cases settle and the Western District is ranked 10th out of the nation’s 94 federal courts for the shortest median time from filing to disposition of a case.

The local program has been selected by the Federal Judicial Center in Washington, D.C. and the Administrative Office of Pennsylvania Courts among an elite group of courts throughout the country as part of a study of best practices.

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Bench-Bar CLE to address topic

This will be discussed in detail at the Bench-Bar Conference once when the ACBA ADR Committee sponsors a program on Friday, June 17, at 3:30 p.m. To register, see acba.org.

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Do ‘one more thing’ – attend Bench-Bar

By Jay A. Blechman

Each year, there is one big opportunity to get together with members of the bench and bar in an informal setting. Each year, you get the typical mailings and emails, ads and invitations to join fellow lawyers and judges, get some CLE credits and mingle. Each year, more than 10 percent of our association participates in the Bench-Bar Conference. I am hoping to see even more of you this year!

A number of years ago, I became president of the ACBA and accepted the gavel at the Bench-Bar conference. I made it a theme and mantra of mine to ask every member to do “one more thing” for the association that year than they had otherwise planned. So many people responded positively that I am reprising the role as cheerleader in the capacity of chair of the Attendance Committee for the Bench-Bar Conference.

You may ask, “why?” I could answer, “because I love the organization, and it is a worthwhile project.” That would be true. I could say, “Because the Bench-Bar Conference is the single most significant event of the association’s year.” That would be true. I could say, “It is the best gathering of its kind compared to other metropolitan Bar Caucus – a national organization of metropolitan bar presidents.” I can state without hesitation that our Bench-Bar Conference outshines all of the other Bench-Bar conferences of like associations around the country. It is a source of pride for us, and we should continue to support it.

In the end, though, you need to do things that have some meaning to you. Being a part of the legal community in Pittsburgh and knowing lawyers who practice in various areas of the law is both enriching on a personal level and on a professional one. Whether you are with a big firm, small firm, or medium-sized firm; whether your practice is international, national, statewide or local; if you are a lawyer living in the Pittsburgh area, you will be better for joining your colleagues, friends, former classmates and judges at this year’s Bench-Bar. I challenge you to do this “one more thing.”

Jay A. Blechman is a family lawyer and member of Steiner & Blechman LLC. He is a past president and past treasurer of the ACBA.

The Bench-Bar Conference is a great project every year. If you attend, you benefit from the longevity of its existence and the experience of those who have contributed to its success over the years. It is, in fact, the single most significant event on the ACBA calendar, in that it attracts more members to one place at one time for networking, education and fun than any other event.

As a former president of the Metropolitan Bar Caucus – a national organization of metropolitan bar presidents – I can state without hesitation that our Bench-Bar Conference outshines all of the other Bench-Bar conferences of like associations around the country. It is a source of pride for us, and we should continue to support it.

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Jay A. Blechman is a family lawyer and member of Steiner & Blechman LLC. He is a past president and past treasurer of the ACBA.

Legal Technology & E-Discovery Committee

An Overflight of Federal and State Drone Laws

By now, nearly everyone has seen them buzzing through the air. Unmanned Aircraft Systems (UAS), also known as “drones,” have become increasingly popular among both recreational and commercial users. Not surprisingly, along with the increased use of this technology have come increased legal concerns. While the FAA contemplates the release of new rules regarding drones, some state and local governments have pursued their own legislative action.

*Lunch will be served.

Credits: 2 hours of Substantive CLE credit
- When: Friday, May 20 - Registration: 11:30 a.m. - Time: 12 - 2 p.m. - Where: Koppers Building Conference Center, Grant Room, 9th Floor, 436 Seventh Ave.
- Cost: $80 for ACBA members, $100 for Non-ACBA members - Last date to pre-register: Wednesday, May 18, 11:59 p.m.

Register online at www.acba.org.
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Less than zero? Negative interest rate talk surfaces

By Katherine Byrne

Federal Reserve Chair Janet Yellen's congressional testimony surfaced a phrase not heard in U.S. economy circles for years: “negative interest rates.” The prospect of negative rates - when the central bank charges its depositors a fee to hold some of their money instead of paying interest on that money – isn’t as far-fetched as it once was. For this interview, I sat down with Steve Ellis, senior investment advisor with PNC Wealth Management® in Pittsburgh, to discuss the possibility, as unlikely as it may be, of below-zero interest rates in the U.S.

Katherine Byrne: What does it mean to have negative interest rates?

Steve Ellis: Negative interest rates are getting increased attention following recent moves by central banks in Europe, Japan, Sweden, Switzerland and Denmark to adopt them as a way to revitalize economic growth and increase inflation. In their simplest form, negative rates would cause banks to pay interest as they do now. Ms. Yellen recently acknowledged that America’s central bank was taking another look at below-zero rates – after previously considering them in 2010 – in an effort to be prepared should the U.S. take the banks paying the interest as it does now. Ms. Yellen recently acknowledged that America’s central bank was taking another look at below-zero rates – after previously considering them in 2010 – in an effort to be prepared should the U.S. economy falter. Although she was quick to point out that a move to negative rates is not the most likely scenario.

KB: Why would the Fed consider such a bold move?

SE: The goal with negative rates is to banks to make more loans to businesses and consumers which, theoretically, would stimulate economic growth and consumer spending.

While indications point to a boost in lending in countries that recently took negative rates – when the central bank could take before even considering easing – in which the Fed expands its balance sheet and purchases securities – could return, or the central bank could give forward guidance, sharing its thoughts on when an increase would or wouldn’t occur. Negative interest rates would be an unprecedented move that carries many downside risks, particularly for segments of the financial system such as the money market industry.

KB: What would it take for the Fed—

SE: There are several measures the Fed could take before even considering taking rates below zero if the economic situation warranted. The fed funds rate could be cut, reversing the December 2015 increase; quantitative easing – in which the Fed expands its balance sheet and purchases securities – could return, or the central bank could give forward guidance, sharing its thoughts on when an increase would or wouldn’t occur. Negative interest rates would be an unprecedented move that carries many downside risks, particularly for segments of the financial system such as the money market industry.

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June 5 • He Died with Guns in His Closet: Firearms and Estates
June 6 • Trying A Case in State Court (From Start to Finish)
June 7 • Medical Cannabis Coming to Pennsylvania
June 8 • Writing for Lawyers
June 9 • Real Estate Agent and Broker Liability
June 10 • Alzheimer's Disease
June 11 • Getting the Deal Done
June 12 • Evolving Issues in Fair Debt Collection
June 13 • Hot Topics in Wage and Hour Law
June 14 • CLE for Today's Busy Lawyer
June 15 • Representing Physicians and Dentists
June 16 • Sheriff's Sales in Pennsylvania
June 17 • Cross Examination in Commercial Litigation
June 18 • The New MBA Concepts for Lawyers
June 19 • Advanced Piercing the Corporate Veil
June 20 • Appellate Advocacy in State Courts
June 21 • Representing Residential Landlord & Tenants in Pennsylvania
June 22 • Boundary Law in Pennsylvania
June 23 • Trial Evidence

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June 21 • Sheriff's Sales in Pennsylvania
June 22 • Medical Cannabis Coming to Pennsylvania
June 23 • Hot Topics in Wage and Hour Law
June 24 • Civil Administrative Consequences of Criminal Actions
June 25 • Appellate Advocacy in State Courts
June 26 • CLE for Today's Busy Lawyer

SIMULCASTS FROM PLI

June 6-7 • 17th Annual Institute on Privacy & Data Security Law
June 9 • Hot Topics in Advertising Law
June 13-14 • Acquiring or Selling the Privately Held Company
June 21 • Audit Committees & Financial Reporting
June 25 • Expert Witness
June 28 • Understanding Patent Law
June 29-30 • 17th Annual Private Equity Forum

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June 1 • A Family of Laws for the Family Lawyer
June 2 • Medicare - What's behind the Curtain?
June 3 • Real Estate Agent and Broker Liability
June 4 • Advanced Piercing the Corporate Veil
June 5 • Sheriff's Sales in Pennsylvania
June 6 • Medical Cannabis Coming to Pennsylvania
June 7 • Hot Topics in Wage and Hour Law
June 8 • Getting the Deal Done
June 9 • Writing for Lawyers
June 10 • Representing Residential Landlord & Tenants in Pennsylvania
June 11 • He Died with Guns in His Closet: Firearms and Estates
June 12 • Trying A Case in State Court (From Start to Finish)
June 13 • Evolving Issues in Fair Debt Collection
June 14 • Alzheimer's Disease
June 15 • Representing Physicians and Dentists
June 16 • Sheriff's Sales in Pennsylvania
June 17 • Medical Cannabis Coming to Pennsylvania
June 18 • Hot Topics in Wage and Hour Law
June 19 • Civil Administrative Consequences of Criminal Actions
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Klan's widespread influence, the fight for civil rights, the personal evolution of Dees as one of the SPLC's leading attorneys.

The Lynching is not a legal thriller. Leamer gives away the ending right up front in the preface.

"Courtroom Battle That Brought Down the Klan - so the book's success rests on his ability to provide a greater understanding of the region, the politics and the religion and the story through the details that he includes.

Among those details is the fact that a young Dees had defended the leading member of the United Klans of America against charges that he assailed a private black man.

"He's one of the least hypocritical people you will ever meet," Leamer said about all these things, and he doesn't care what people think of him. He really doesn't.

History's echoes

Although Dees and the SPLC are focal points in the story, there are other heroes scattered among the book's pages. Among them is federal Judge Frank Johnson, who impartially presided over many of the civil rights cases that Dees and the SPLC filed.

Noting that he's not the only one to have Johnson in high regard, Leamer recalled a dinner-party conversation with former Atlanta Mayor Andrew Young.

"This one friend of mine got up and, Oh, we're Democrats here, and I said the Democrats came through for civil rights," and Andrew Young said, "That's not what it all means. Without the Ku Klux Klan judges, we never would have gotten where we got.

"Frank Johnson is an authentic hero. He was involved in so many of the crucial decisions. He's a liberal Republican from northern Alabama. Just a magnificent man — and brave."

While Johnson upheld the rule of law in cases that infuriated many, Breen said. "Frank Johnson is an authentic hero. He was involved in so many of the crucial decisions. He's a liberal Republican from northern Alabama. Just a magnificent man — and brave.

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Heroes and villains

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More pernicious than I thought possible

As for the actual act of lynching, Leamer said it was a grim insight into how thoroughly it must have affected black lives.

"The lynching is the brilliant psychological reality of lynching," he said. "If you're a black mother, how do you think your children are going to react, to be told you have to stand and tall and be a man, and you see him on the roof, who sees a white person, he doffs his hat and gets off the sidewalk? Probably you want to make sure your son lives."

"The fear of lynching, you know, there was a real fear of lynching. But beyond that, it was the constant fear. It's just the black soul, the terror that you're going to be lynched. It was always there.

"We can be said, an acceptance of racist attitudes.

"I found classic American racism worse and more pernicious than I thought possible. Obama talks about slavery being America's original sin — which it most certainly was — but that sin goes on in different ways. What a struggle it has been to move beyond that. And we're all implicated. Journalists are implicated for not covering this honestly and thoroughly and considering what we can do to move forward with this. It just was horrible."
Although there are drags on the economy – from the downturn in energy production, the hit to household wealth from falling stock prices, and weakness in exports because of the strong dollar and weak global growth – the fundamentals for consumers are solid. We believe these strong fundamentals will be enough to power the economy to growth and job creation. However, we see continuing pressure on consumer spending, as the economy’s backbone – continues to move higher. Job growth is good, wage growth is accelerating, lower gas prices give shoppers more money to spend, and house prices are rising.

People on the Move

Pollock Begg Komar Glasser & Vertz LLC has added Heather Trostle Smith to its ranks as an associate Smith is a divorce attorney with experience in family law, estate litigation, personal injury law, professional liability and complex commercial matters. Reed Smith LLP has announced the appointment of Ericson P. Kimbel as partner in the firm’s global Energy & Natural Resources Industry Group and its Construction & Engineering team. Practicing in construction law, Kimbel has represented many of the world’s largest companies and multinational groups specializing in the nuclear, oil and gas, renewable energy and pipeline industries. He advises owners, contractors, subcontractors, design-builders, and construction managers in all phases of both public and private construction projects on commercial, federal contracting, institutional, highway, nuclear energy, renewable energy, pipeline and oil-and-gas projects.

Bar Briefs

News and Notes

Richard Holsworth, a litigation attorney with Fox Rothschild LLP, has been appointed to the Executive Leadership Council for the Tour de Cure, an American Diabetes Association’s signature fundraising cycling event. Holsworth will help plan the 2016 event in western Pennsylvania, recruit teams and participants and develop strategic partnerships with corporate sponsors. Nationally, celebrating its 25th year, the tour raises more than $29 million to fund research for a cure and provide information to help prevent diabetes, advocate for those affected by diabetes and public-awareness activities. Held July 17, this year’s local tour will include long-distance routes of between 10 and 100 miles in Butler and Lawrence counties. Holsworth will spearhead the American Diabetes Association’s inaugural Grand Fondo, a 100-mile competitive ride to raise money and awareness for diabetes. In his litigation practice, Holsworth works with businesses and individuals to resolve disputes in the areas of real estate, health care, employment and commercial contracts as well as personal injury and products liability matters.

Kate Lewis Stoy has been elected to serve a three-year appointment on the Board of Governors for the Duquesne University School of Law Alumni Association. She is an associate at Thompson Rhodes & Cowie, P.C., where she practices complex insurance defense litigation and government compliance on behalf of large medical institutions.

Heather Trostle Smith

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