An appeal for self care

Profession exacts toll on mental health

By Tracy Carbasho

A Pittsburgh attorney’s shock over her law partner’s suicide has evolved into a heartfelt mission to educate others about the dangers of not taking care of themselves in a profession laden with stress.

“Educational programs about depression, mental health and suicide prevention can help save lives. As a society, we are still extremely uncomfortable talking about mental health issues and especially talking about suicide,” said Katherine Vollen, a partner at Humphrey, Vollen & Anderson. “We need to open the discussion about these issues, even though they are difficult, because we need to lift the stigma about mental health and suicide.”

Vollen will discuss the death of her friend Kristen Humphrey for the first time in a public forum when she moderates a program presented by the ACBA Family Law Section on Friday, Nov. 18. The event is being held in memory of Humphrey, who was 46 at the time of her death in May.

Vollen hopes the program -- “Depression, Anxiety and Suicide Prevention in the Legal Community” -- will help legal professionals realize they should not be afraid to seek help and that it encourages law firms to promote both physical and mental health wellness. Kristie Knights, a licensed psychotherapist and founder/CEO of the nonprofit iRise Health Wellness, will be the featured speaker.

Innocence Project opens Pittsburgh office

Seeks attorneys, law students to help free those jailed due to wrongful convictions

By Tracy Carbasho

Attorney Jeff Bresch knows how rewarding it is to win a case, but working with the Pennsylvania Innocence Project to free a woman wrongly convicted of murder was one of the most fulfilling experiences of his 25-year career.

Now, he wants other attorneys to know they have the same opportunity to help by working with the local Innocence Project office that opened in June at the Tribone Center for Clinical Legal Education at Duquesne University.

The office currently has about 20 cases in various stages of review or litigation in Western Pennsylvania.

“I won my case, but securing a person’s freedom is indescribable,” said Bresch, a partner at the Pittsburgh office of Jones Day. “The Innocence Project serves as a voice and legal force for those wrongly accused, convicted and incarcerated.”

The project was brought to the local area by Duquesne University President Ken Gormley, who initially began exploring the idea back in 2008 shortly after he was named interim dean of the university’s law school.

Associate Professor of Law John Bago had expressed to him the urgency of creating a satellite office here in Western Pennsylvania due to the complexity of investigating, developing evidence and trying cases at such a distance,” Gormley said. “The establishment of a satellite office here is a monumental breakthrough. The most important requirement to get involved is a desire to see justice done and the heart and drive to get it accomplished. Those who have done this work say that it not only rescues the lives of fellow citizens who have been wrongly convicted, but it is also a life-changing experience for those lawyers who make it happen.”

Bresch agrees. For his first case, he was asked more than a year ago by local attorney Dave Fawcett – who serves on the board of the statewide project – if he would handle a pro bono case on behalf of Crystal Weiner, a Fayette County woman who had been convicted of murdering a Connellsville man.

Weiner served 11 years in prison but was released after the project became involved.

Weiner is grateful for the work her lawyers did and is equally optimistic that the project will continue to fight for the voiceless who have been wrongly convicted and incarcerated.

Fawcett, an attorney at Reed Smith, said the project is unique because it pursues only cases in which new evidence clearly shows that a person was wrongly convicted and is innocent. It is not enough to say that a person’s rights were violated or that the case was improperly investigated or prosecuted.

“The Pennsylvania Innocence Project, using volunteer law students, continued on page 10
Gender Bias Duty Officers

If you (attorneys or law students) have observed or experienced any form of gender bias in your role as an attorney or law student intern, you may contact any one of the following members of the Gender Bias Subcommittee of the Women in the Law Division on a daily basis. The duty officers will keep your report confidential and will discuss with you actions available through the subcommittee.

Kimberly Brown ...................... 412-394-7995
Rhoda Neft .............................. 412-406-5434
Jill M. Weimer ........................ 412-201-7632

Ethics Hotline

The ACBA Professional Ethics Committee’s “Ethics Hotline” makes available Committee Members to answer ethical questions by telephone on a daily basis.

November
Amy Coco .................................. 412-765-3399
Jason Karavias .......................... 412-456-7700
John H. Riordan, Jr. .............. 412-394-3338

December
Scott Eberle ............................... 412-995-3000
Gayle R. Kraut ........................... 412-261-4466
Ronald B. Roteman ..412-391-8510 ext. 828

In Re: Commonwealth of Pennsylvania v. Charles L.A. Harris, Zottola, J. .............................................................................................. Page 303
Criminal Appeal—PCRA—Sentencing (Legality)—Mandatory Sentence—Retroactivity
The Alleyne decision, holding many PA mandatory sentencing provisions unconstitutional, is not retroactive to cases on collateral review.

The full text and/or headnotes for the cases below appear in the online, searchable PLJ Opinions located at www.acba.org.

Pittsburgh Logistics Systems, Inc. v. B. Keppel Trucking, LLC, Friedman, J. ................................................................. Page 293
Arbitration
Court denied Petitioner to set aside arbitration award against Petitioner, finding that Petitioner was bound by arbitration clause in contract it drafted even though Petitioner failed to sign contract after execution by counterparty.

Christopher M. Hoback, Plaintiff v. Jennifer O. Ross, Defendant and PVC Bank, N.A. and David A. Ross, Garnishor, Friedman, J. ................................................................. Page 294
Garnishment
Court awarded Garnishor attorneys’ fees and costs against attorney who improperly sought to garnish child support payments from Garnishor father. Court rejected claim that motion for attorneys’ fees was untimely.

New Trial
Court granted motion for new trial based on evidence that jurors searched the internet during trial and found criminal charges of tax evasion against Plaintiff, prejudicing Plaintiff because his credibility was a central issue at trial. Court made credibility determination that jurors searched internet even though they denied doing so.

Commonwealth of Pennsylvania v. Thomas Jeffrey, Bangas, J. ....................................................................................... Page 298
Criminal Appeal—Evidence—Hearsay—Suppression—Sufficiency—Confrontation—After Discovered Evidence
Daughter attempts to recant abuse allegations against father; conviction occurs even without the daughter’s testimony.

Commonwealth of Pennsylvania v. Darryl Blakesky, Bangas, J. ....................................................................................... Page 302
Criminal Appeal—Sentencing (Legality)—Mandatory Minimum—Sex Offenders—Alleyne
A lifetime registrant who fails to register is subject to a mandatory minimum sentence as Alleyne does not apply to enhancements for prior convictions.

Commonwealth of Pennsylvania v. Charles L.A. Harris, Zottola, J. .............................................................................................. Page 303
Criminal Appeal—PCRA—Sentencing (Legality)—Mandatory Sentence—Retroactivity
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Help your clients. Help the ACBA.
Commission on Judicial Independence to present program on specialty courts

By Tracy Carbasho

Pennsylvania courts have spent nearly 20 years fine tuning a system that replaces incarceration with behavioral treatment as part of a process that benefits the defendants, the criminal justice system and local communities.

This process began in 1997 when the first problem-solving court was started in Philadelphia as a drug court program for adults. Allegheny County was among the first to join the statewide movement in 1998 when it began operating an adult drug court. Today, Allegheny County also offers treatment courts for mental health, driving under the influence, veterans, prostitution, sex offenders and domestic violence.

The programs offer an alternative to jail by addressing underlying behavioral problems, such as drug abuse or mental illness. The efforts are targeted toward nonviolent offenders who have a reasonable probability of rehabilitation.

The Pennsylvania Commission on Judicial Independence has organized a Nov. 17 program — “Problem-Solving Justice: Treatment Courts in Pennsylvania” — that will discuss the effectiveness of the specialty courts.

“Practicing attorneys and law students, especially those in criminal law, could benefit from attending this program,” said Pitt Law School Dean William Carter Jr.

“Knowledge about problem-solving courts and how they operate can be instrumental to attorneys representing clients who have mental health issues, addiction or post-traumatic stress disorder. This is true not only for criminal defense attorneys, but also for prosecutors, since getting appropriate treatment and addressing those issues giving rise to criminal behavior benefits both the individual and society.”

Carter was one of the course planners for the event, along with The Board of Bar Commissioners, the Pennsylvania Judicial College, Pennsylvania Bar Association, the Pennsylvania Bar Institute, the Pennsylvania Bar Foundation and the Pennsylvania Bar Association Center for Public Representation.

The concept of problem-solving justice has been a significant innovation over the past 20 years in our criminal justice system. From a handful of treatment courts at the turn of the century, there are now hundreds across the country,” Madeira said. “It is our hope that attendees will learn how the criminal justice system is proactively addressing the scourge of addiction and untreated mental illness.”

Today, Pennsylvania has more than 100 problem-solving courts operating throughout the state. According to the Administrative Office of Pennsylvania Courts, these programs decrease prison costs, reduce recidivism, attempt to correct the underlying behavioral issue, restore lives, and protect communities from repeat offenders.

“We are targeting those with mental health, drug addiction and untreated mental illness,” Madeira said. “Once you help someone turn their life around, it helps their family and society because they become a productive citizen.”

Zottola said the problem-solving courts are also effective at saving money. He points to a study conducted in 2007 by the Rand Corp. which showed that Allegheny County had saved approximately $3.6 million over a two-year period by diverting people from jail and into its Mental Health Court. The decrease in jail expenses can offset the cost of treatment services.

“The county's Veterans Court was modeled, in part, after its successful Mental Health Court, which has been in place since 2001,” Zottola said. “We hope to start this process at the beginning of December. If we can get someone into treatment in the beginning, we will get better results for the individuals, their families and society.”

Madeira said “For example, if someone is arrested in January and in magistrate court within two or three weeks, they could start treatment sooner. It takes longer to get cases to the Court of Common Pleas.”

Zottola said the only cases that will be considered for treatment programs at the magisterial level will be nonviolent ones for charges, such as disorderly conduct or public drunkenness.
Joseph Hornack, chair of the ACBA Committee on Law and Disability, and speaker Jillian Zacks pose for a photo during a reception to discuss the Achieving a Better Life Experience Act. A presentation detailed how the act allows people with disabilities to save money in tax-exempt accounts that may be used for qualified expenses.

Pictured right, from left, Carol Kowall, Carol Horowitz and Peri Jude Radecic discuss implications of the ABLE Act and how it will benefit Pennsylvanians with disabilities.

Jeff Pollock watches the presentation on the ABLE Act.
Sobering numbers
A recent study that surveyed more than 12,000 licensed, working attorneys in the United States shines light on the need for more awareness about how the legal profession can lead to alcoholism, drug addiction, mental-health issues and suicide.

Conducted by the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs with results published this year in the Journal of Addiction Medicine, the study found that 21 percent of those surveyed qualify as problem drinkers, 28 percent struggle with some level of depression, and 19 percent demonstrate symptoms of anxiety.

In addition, it found that the highest incidence of these problems occurs during the first 10 years of a legal career. The study also found that those 30 or younger are “significantly more likely” than older attorneys to have problematic drinking behaviors. The study—which also found that attorneys consume alcohol at a far higher rate than other professionals— notated that the results “represent a direct reversal” of decades-old research that indicated the results “represent a direct reversal” of decades-old research that indicated that nearly 3 percent of participants engaged in self-injurious behaviors and that 0.7 percent had attempted suicide at least once.

The report concludes that the most common obstacles for attorneys getting help are the fear of others finding out and general concerns about confidentiality. Vollen thinks this was the case with her friend. “I expect that Kristen was ashamed or afraid to ask for help,” she said. “I have learned that there are many high-functioning, intelligent, seemingly happy people who are silently struggling with depression or suicidal thoughts.”

Lack of self-care
Knights has counseled lawyers about stress, anxiety and depression caused by working in a high-pressure profession in which it often is difficult to balance work and family life. She said common stress factors are demanding schedules, deadlines, client expectations, the obligation to represent client interests and the pressures to perform well, to ensure that clients pay and to secure more business. “Due to the high demands of the job and embracing the ‘think like a lawyer’ attitude, there is a lack of self-care,” she said. “The stigma of mental illness and suicidal thoughts makes it virtually impossible to talk about or seek the support necessary to get better.”

Lawyers might not even realize they are exposed to trauma while helping their clients get through a difficult situation. Knights said it is possible for an attorney to suffer from secondary post-traumatic stress disorder when handling a difficult case. “This often leads to higher levels of emotional exhaustion and burnout. As a result, the symptoms of anxiety and depression increase,” she said. “Coupled with a lack of self-care, this leads to distress.”

A memorial fund has been established in Humphrey’s name through Knights’ iRise Leadership Institute. The money will be used for ongoing education and support for attorneys.

Learning to cope
Nicole Boyle Kairys and Jennifer Zofcin, who co-chair the Family Law Section’s Programming Committee, have learned to cope with the stress of what can be a difficult profession. “I think most of us agree that it can be very stressful at times,” said Kairys. “Our clients are going through a difficult time in their lives, and the litigation itself can often be very contentious and address difficult subject matter.”

“Since I have been a lawyer, I have learned that there’s no crisis or emergency when handling a family law case that isn’t a crisis or emergency to someone. I used to think it was only a crisis or emergency to me, but I have learned that it can be a crisis or emergency for my clients.”

“Coping with the stress is accomplished in many different ways. For me, sitting down with other family lawyers for some social time and realizing that the problems belong to the clients and that we all have the same problems is a great release,” Anderson said. “Exercise and family time are also very helpful.”

Anderson said the holidays increase the level of stress for family law practitioners because it’s common for clients to have emergency child-custody disputes. She said those type of disputes concern her because they impact her ability to spend quality time with her own family.
Lawyers Concerned for Lawyers

The Lawyers Concerned for Lawyers program, which has a Pennsylvania chapter, is ready to assist with around-the-clock helplines for legal professionals and their family members. Volunteer legal professionals, who have been through alcoholism, depression, drug abuse and other relevant problems, provide peer support that has proven highly successful.

LCL President Mark Flaherty stresses the organization maintains confidentiality. Its free services include:

• peer support from recovering lawyers and judges who understand what it’s like to have a problem;
• referral to a healthcare provider for a free evaluation;
• a personalized treatment plan;
• literature;
• referral to LCL’s executive staff or a professional to discuss intervention regarding another lawyer, judge or family member;
• and a helpline specifically for judges.

“I’ve seen miracles happen where people have turned their lives around by calling the helplines,” Flaherty said.

LCL volunteers give presentations throughout the year at every law school in Pennsylvania because staff members believe this is where problems sometimes originate.

Laurie Besden, LCL executive director, is proof the organization can make a difference. She recalls listening to a Lawyers Concerned for Lawyers presentation during her first year at the Dickinson School of Law at Penn State University and thinking, “what a waste of time.”

Today, she openly tells the story about how she became an alcoholic and drug addict while in law school. After being involved in numerous car accidents, being incarcerated for over 11 months and losing her license to practice law in Pennsylvania and New Jersey, she was at rock bottom. A friend put her in touch with a volunteer at LCL and now she is sober, has been reinstated to practice law, and travels around the state to educate others.

“I’m lucky to be alive and I’m sharing my message to help others.”

Know the Warning Signs of Suicide

Source: American Association of Suicidology

How do you remember the Warning Signs of Suicide?

Here’s an easy-to-remember mnemonic:

IS PATH WARM?

I Ideation
S Substance Abuse
P Purposelessness
A Anxiety
T Trapped
H Hopelessness
W Withdrawal
A Anger
R Recklessness
M Mood Changes

A person in acute risk for suicidal behavior most often will show:

Warning Signs of Acute Risk:
Threatening to hurt or kill him or herself, or talking of wanting to hurt or kill him/herself; and or, looking for ways to kill him/herself by seeking access to firearms, available pills, or other means; and/or talking or writing about death, dying or suicide, when these actions are out of the ordinary. These might be remembered as expressed or communicated ideation. If observed, seek help as soon as possible by contacting a mental health professional or calling 1-800-273-TALK (8255) for a referral.

Expanded Warning Signs:

• Increased substance (alcohol or drug) use
• No reason for living; no sense of purpose in life
• Anxiety, agitation, unable to sleep or sleeping all of the time
• Feeling trapped – like there’s no way out
• Hopelessness
• Withdrawal from friends, family and society
• Rage, uncontrolled anger, seeking revenge
• Acting reckless or engaging in risky activities, seemingly without thinking
• Dramatic mood changes

About the Founder:

Stanley D. Ference, II, founder of Ference & Associates, advises clients on all aspects of patent, trademark and copyright law. He has over twenty years of experience representing clients and has obtained intellectual property rights throughout the world. He has patented and licensed patents, trademarks and copyrights, including arguing before the U.S. Court of Appeals for the Federal Circuit. Mr. Ference focuses much of his work in the area of electrical engineering, including the computer software and electro-mechanical related arts.

Online Extras: For a self-assessment quiz and a list of resources, see acba.org.
Alimony recapture and child contingency rules

By Deborah Iwanyshyn

The Internal Revenue Code at 26 USC § 71(c)(2) Reg §71-1T(c) discusses when the tax deduction by the payor for alimony is recaptured and tax is owed based upon a happening related to a child of the parties for which child support is paid. This is referred to as the Child Contingency Rule.

If alimony is reduced (a) upon the happening of any contingency related to the child or (b) at a time that can be clearly associated with a contingency related to the child, then the amount of the reduction will be treated as child support, rather than alimony, from the start.

A contingency relates to the child if it is dependent on an event relating to the child, regardless of whether the event is likely to occur. Examples are when the child:
1. Reaches 18, 21, or the age of majority in their state;
2. Gets married;
3. Graduates from school;
4. Leaves home;
5. Joins the military;
6. Dies;
7. Gets a full-time job.

Section 71 of the Internal Revenue Code provides two situations where payments would not qualify as alimony if they are reduced at a time clearly associated with a contingency related to the child.

Six-month rule – one child

The first situation occurs when the payments are to be reduced not more than six months before or after the date on which the child reaches age 18, 21 or the age of majority in their states. And this means all three ages! Example: Bob is to pay Karen alimony, and their son, Aaron, is going to live with Karen. Bob has agreed to pay Karen alimony for eight years. He has agreed to pay $3,000 per month until Aaron graduates in five years (and will be 18 within three months of graduation) and then $2,000 per month for three years. According to the revenue code, the IRS can consider the reductions of $1,000 per month child support and look back five years and tax Bob on $60,000 of deductions he took and called it alimony. Bob would have to go back and amend five years of tax returns. However, Karen can only go back and amend for three years to exclude this income so Uncle Sam gets the benefit here and penalties and interest might be imposed on Bob.

Multiple-reduction rule – multiple children

The second rule applies in situations that involve more than one child. If the payments are to be reduced on two or more occasions which occur not more than one year before and after each child reaches a certain age, then it is presumed that the amount of the reduction is child support. The age at which the reduction occurs must be between 18 and 24, inclusive, and must be the same for each of the children. Example: John is ordered to pay Terri $2,000 per month for alimony. Terri has custody of the two children, Roman and Kate. The alimony is to be reduced to $1,500 per month on Jan. 1, 2018, when Roman is 20 years and 5 months. On Jan. 1, 2022, alimony will be reduced to $1,000 per month when Kate is 22 years, 3 months. Each reduction in the payment will occur not more than one year before or after a different child attains the age of 21 years and 4 months. Therefore, the reductions are associated with a contingency related to the children, and are presumed to be child support.

Overcoming the presumption

Either you or the IRS can overcome the presumption in the two situations above. This is done by showing that the time at which the payments are to be reduced was determined independently of any contingencies relating to your children. For example, if you can show that the period of alimony payments is customary in the local jurisdiction – such as a period equal to half of the duration of the marriage – you can overcome the presumption and may be able to treat the amount as alimony.

Attorney Deborah Iwanyshyn is the Chair of the Tax Committee of the American Bar Association Family Law Section. A former practicing CPA and business appraiser, she practices solely in the Family Law area, with an emphasis on complex marital estates and closely held businesses.
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Andrew Rothey, Shayne Raver and Robert Raver raise their glasses at the Clemente Museum last month with Engine House 25 wine. The Young Lawyers Division along with the Arts and the Law Committee co-hosted the tour event.

PHOTOS BY JOCELIN HERTSEK

Lauren Meifa Catanzarite tries her hand at smashing grapes. In the Engine House 25 cellar, guests had the opportunity to see how the wine was made and look through the barrels. Executive Director Duane Rieder gave guests a guided tour and answered questions about the wine-making process.

Engine House 25

Sean P. Dawson and Melanie Cuddyre, Class of 2018 University of Pittsburgh School of Law students, look over the Roberto Clemente memorabilia available for display at the museum in the Strip District. Items on display included game day tickets, old jerseys and parts of the old stadium.

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INNOCENCE PROJECT
continued from front cover

Incarcerated (in the U.S.) each year approximately 10,000 people are even on the low end of the estimate, people convicted each year are innocent.

Experts have estimated that anywhere from one to 10 percent of people convicted in the criminal justice system.

Paul Fawcett said, “Once cases are selected to be pursued, it’s a big job to pursue the evidence, sometimes in the face of intense efforts by the government to conceal the truth or cover up bad conduct by law enforcement. An innocent person behind bars is a blemish on our entire justice system.”

Duquesne University Law School Interim Dean Maureen Lally-Green has a unique perspective on the work being done by the project based on her judicial experience as a judge on the Superior Court of Pennsylvania.

“The Judiciary strives to assure that no innocent person is convicted of any crime. Yet, the Innocence Project shows us that serious mistakes occur within our legal system,” Lally-Green said. “The project is critically necessary because a convicted person often has no financial resources or legal support network to even challenge, let alone correct, the wrong. The project, therefore, becomes a wrongly convicted person’s only lifeline to justice and freedom.”

Serving as the lifeline in the local office is Liz DeLosa, the managing attorney, who oversees the Duquesne location. Her background as a state and federal public defender let her see firsthand the flaws that can occur in the criminal justice system.

DeLosa said the office currently can accommodate eight law students – four from Duquesne and four from the University of Pittsburgh, but only six are participating at this time. Students participating from Duquesne are Kelsey Ayers, Susannah Glick, Kristi Heidel and Jennifer Vogel. University of Pittsburgh students taking part are Sean Champagne and Kyle Watson.

“One of the few opportunities to get hands-on experience in post-conviction litigation,” Champagne said. “From this experience, I am hoping to learn more about the investigative side of criminal defense and advocacy on behalf of the wrongfully accused.”

Innocence Project, founded in 1992, is a national litigation and public policy organization dedicated to exonerating wrongfully convicted individuals through DNA testing and reforming the criminal justice system. There are offices throughout the United States.

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“Having an office in Pittsburgh allows the more efficient use of our resources as many of our clients and witnesses are incarcerated in prisons in Western Pennsylvania,” Glazer said.

DeLosa is the only paid employee of the local nonprofit organization. She stresses that volunteers are the lifeblood of the organization and says volunteer attorneys, law students and non-attorneys are always needed. Law students and attorneys review cases, while non-attorney volunteers help with administrative functions.

The organization relies primarily on private donations and pro bono assistance, so every contribution is welcome and pro bono attorneys are a must. Training is provided for both the attorneys and students.

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The Bomb captures its 15th ACBA softball title

By Jeffrey Pollock

For 27 years, The Bomb has tried to do its part to be a contributing member to the legacy of the City of Champions. On Oct. 18, The Bomb was led to its 15th title over four dynastic decades of dominance by its managing triumvirate of Tom Charles, Dave Charles and Bill Stewart. This year’s ACBA Softball League Tournament Championship follows an unprecedented litany of first-place finishes in 1989, 1994-98, 2001-05, ’08, ’09, and ’13.

The Bomb beat the defending champ, ICBM, in a rare 3-2 pitchers’ duel. Perhaps the four-week delay after The Bomb’s semi-final win over Reed Smith on Sept. 22 (when The Bomb plated an impressive 25 runs in 5 innings) caused the bats to be a bit rusty. Commish Sam Grego’s team came out of the losers’ bracket on a roll in our legal community’s annual double-elimination tourney at Oakland’s Marino Field, but its players’ hits were too frequently snared in the webbing of The Bomb squad’s stellar defensive glove-work.

Many other impressive teams competed as well during the 2016 softball season. The perennially competitive Renegades got to the semifinals of the winners’ bracket, while the historically strong teams of the Fertile Octogenarians (which fields some actual septuagenarians) and the D.A.s made it as far as the quarterfinals of the losers’ bracket. A tip of the cap must also go to the powerful and speedy teams fielded by Snyder’s Sluggers and McGuire/Woods.

Jeffrey L. Pollock is a solo attorney/mediator/collaborative lawyer in Squirrel Hill.

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- Invited Member - The National Academy of Distinguished Neutrals (NADN)

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Pro Bono Achievement Award winners gather at the annual ACBF Fellows Reception for a celebration of pro bono service. In front, from left, are Barbara Clements (Lorraine M. Bittner Public Interest Attorney Award); Beth Dodson (Jane F. Hepting Individual Attorney Award); Katie Leech Vollen (Young Lawyer Award); Miranda Settlemeyer (Legal Assistant Award); Peter Lewis, of Stoll Keenon Ogden PLLC (Law Firm Award); Paul Titus (Lifetime Pro Bono Service Award); Jason Piatt (Law Student Award); and Kent Boswell, of Stoll Keenon Ogden PLLC (Law Firm Award). The Oct. 20 reception was held in Hotel Monaco in Pittsburgh. In addition to the presentation of the pro bono awards, the event featured the announcement of 2016 grant recipients, remarks from 2015 grant recipients and the induction of the class of 2016 ACBF Fellows.
Congratulations to the Fellows Class of 2016

Fellows
Susan Abramovitch, Esq.  •  Christopher A. Amar, Esq.  •  Stephanie T. Anderson, Esq.  •  Hilary A. Bendik, Esq.  •  Richard L. Byrne, Esq.  •  Pauline M. Calabrese, Esq.  •  Samuel Grego, Laura Phillips, Dennis Rasturiss, Stephanie Anderson, Lauren Melfa Catanzarite, Sally Thomas, Patrick Connelly, Michaelene Rose, Ron Jones, Alexandra Kovalchick, Lyle Washowich, Susan Seitz (also a new Sustaining Fellow), Susan Abramovitch, Richard Ernsberger and Hilary Bendik. The new Fellows were inducted during the reception.

New Sustaining Fellows
Susan A. Ardusson, Esq.  •  Jay A. Blechman, Esq.  •  Aimee L. Burton, Esq.  •  William D. Clifford, Esq.  •  Lorri McMaster, Esq.  •  Jennifer Fox Rabold, Esq.  •  Heather Schmidt-Brenahan, Esq.  •  Howard J. Schubberg, Esq.  •  Susan Seitz, Esq.  •  David J. Shragger, Esq.  •  William L. Steiner, Esq.

Young Lawyer Fellows
Lori Wiszewski Azzara, Esq.  •  Joseph V. Balestrino, Esq.  •  Lauren Melfa Catanzarite, Esq.  •  Richard T. Ernsberger, Esq.  •  Mark C. Hamilton, Esq.  •  Ron G. Jones, Esq.  •  Alexandra L. Kovalchick, Esq.  •  Michaelene K. Rose, Esq.  •  Corinne McGinley Smith, Esq.  •  Heather C. Stumpf, Esq.

Associate Fellow
Diane K. McMillen, CPA

Please give a special welcome to the following Fellows, Sustaining Fellows and Patron Fellows who also joined the Class of 2016. They will be honored at a special induction with lunch at the ACBF Full-Board Meeting on December 7, 2016.

Fellows
Richard L. Byrne, Esq.  •  Cynthia E. Kernick  •  Joanne M. La Rose, Esq.

Sustaining Fellows
David J. Shragger, Esq.  •  William L. Steiner, Esq.

Patron Fellows
Jeffrey D. Heeter, Esq.  •  Joseph A. Napoli, Esq.

We could not have a successful program without you!

PHOTOS BY MARK HIGGS

Elizabeth Behrend (front), Barbara (middle) and Bob Ernsberger (right) came out to congratulate Richard Ernsberger on his induction into the Class of 2016 Fellows.
DECEMBER UPONING CONTINUING LEGAL EDUCATION

### LIVE AND SIMULCAST SEMINARS

- **Dec. 1** • Powerful Witness Preparation
- **Dec. 2** • Kids in Cyberspace
- **Dec. 5** • Act 79: Omnibus Changes to the PEF Code
- **Dec. 6** • Criminal Law Update
- **Dec. 7** • Ethics Fun with Sean Carter
  • Succession Planning for Family and Closely Held Businesses
- **Dec. 8** • Dining Out - Legal Issues for Restaurants and Their Customers
- **Dec. 9** • Ultimate Motions Practice
- **Dec. 12** • Unwinding or Defending Couple’s Estate Planning Structure in Divorce: Working with Your Client’s Estate Lawyer
  • PA Attorney-Client Privilege and Work Product Doctrine
  • The Freedom of Information Act
- **Dec. 13** • Trial Lessons Learned in Fairytales
  • The Emerging Retiree
- **Dec. 14** • How to Win Your Next Trial Using the Power Trial Method
  • Distracted Driving
- **Dec. 15** • Ethics Potpourri
  • Lies-In Business and Under Oath
- **Dec. 19** • Secrets of Bulletproof Contract Drafting
- **Dec. 20** • Writing and Speaking to Win with Steve Stark
- **Dec. 22** • The Law of Guns in Pennsylvania

### VIDEO SEMINARS

- **Dec. 2** • Five Easy Cases That Just Look Hard from the Outside
- **Dec. 5** • Mastering Medical Records in the 21st Century
- **Dec. 6** • The Role of Indemnity and Insurance in Business Transactions
- **Dec. 9** • Easements and Rights of Way: From Acquisition to Zoning
- **Dec. 21** • Police Misconduct and the Defense of Criminal Cases
- **Dec. 28** • Real Estate 101: Buying & Selling Residential Real Property
- **Dec. 29** • The Best Retirement and Estate Plans for Attorneys

### SIMULCASTS FROM PLI

- **Dec. 1** • Hedge & Private Fund Enforcement & Regulatory Developments
- **Dec. 7-8** • 49th Annual Immigration & Naturalization Institute
- **Dec. 9** • Preparing for Shareholder Activism
- **Dec. 12-13** • Annual Disclosure Documents
- **Dec. 14** • New Developments in Securitization
- **Dec. 19-20** • Nuts & Bolts of Corporate Bankruptcy
- **Dec. 22** • Ethics for Corporate Lawyers

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- **Dec. 1** • Powerful Witness Preparation
- **Dec. 2** • Act 79: Omnibus Changes to the PEF Code
- **Dec. 5** • PA Attorney-Client Privilege and Work Product Doctrine
  • Ultimate Motions Practice
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- **Dec. 20** • Writing and Speaking to Win with Steve Stark
- **Dec. 21** • Kids in Cyberspace
  • What You Need to Know about Drones
- **Dec. 22** • The Law of Guns in Pennsylvania

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People on the Move

Holly M. Forsberg has joined Strassburger, McKenna, Gutnick & Gefsky as an associate. Her practice focuses on business services and real estate law.

Nicholas C. Katko has joined Matis Baum O’Connor as an associate. As a civil litigator, he focuses his practice in health care litigation.

Bar Briefs

TAXATION SECTION

Update on Finalized IRS Section 385 Regulations

Should a related-party interest in a corporation be treated as stock or debt? Or, perhaps, part stock and part debt? On Oct. 13, the IRS and Treasury Department released much-anticipated final and temporary regulations regarding this topic under IRC Section 385. This presentation will review the differences between the final IRC Section 385 regulations and those initially proposed on April 4, 2016. The session will include a review of the various exclusions provided under the final regulations and documentation requirements. Finally, the panel will address some of the common implications for multinational companies. *Lunch will be served.

Credits: 1 hour of Substantive CLE credit • When: Friday, Dec. 2 • Registration: 11:30 a.m. • Time: Noon - 1 p.m. • Where: Rivers Club, One Oxford Centre, 301 Grant St., Pittsburgh, PA 15219 • Cost: $30 for Taxation Section members, $55 for ACBA members, $75 for all others • Latest date to pre-register: Wednesday, Nov. 30, 11:59 p.m.

WORKERS’ COMPENSATION SECTION

Judges’ Expectations of the Bar, and the Bar’s Expectations of Judges: A Roundtable Discussion

This roundtable discussion will feature comments from the points-of-view of the three most prominent parties involved in a Workers’ Compensation case: the judge, plaintiff’s attorney and the defense attorney. Judges’ expectations of attorneys and attorneys’ expectations of judges will be examined. Impartiality, legal ability, ethical issues and judicial temperament will be discussed. Holiday party will immediately follow the CLE from 5 - 6 p.m. Separate registration is required to attend.

Credits: 1 hour of Ethics CLE credit • When: Friday, Dec. 2 • Registration: 3:30 p.m. • Time: 4 - 5 p.m. • Where: Allegheny HYP Club, 619 William Penn Pl., Pittsburgh, PA 15219 • Cost: $45 for Workers’ Compensation Section members, $55 for ACBA members, $65 for all others • Latest date to pre-register: Wednesday, Nov. 30, 11:59 p.m.

Lawyers’ Mart

Introducing the 2016-2017 Pocket Part to Pennsylvania Family Law Practice and Procedure with Forms (Volume 17)

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- Approved Panels & Rosters:
  - US District Court for the Western District of PA
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Credit & the Bankruptcy Court

The Hon. Jeffrey A Deller, chief judge of the U.S. Bankruptcy Court for the Western District of Pennsylvania, explains the types of loans available to students starting college during an October outreach program for high school students. The program aimed to educate young adults on the upcoming possibilities in financial stability to prepare them for the years ahead after high school. Deller joined judges Carlota Böhm and Gregory Taddonio to educate the students.

PHOTOS BY JOCHELIN HERTSEK

Judge Taddonio discusses credit cards during the “Credit & the Bankruptcy Court: Avoiding the Pitfalls of Student Finances” program.

Thomas E. Reilly also participates in the 2016 Bankruptcy High School Seminar by volunteering as an acting judge. The volunteer attorneys and judges ran through a script of a typical court room hearing for high school students to give them an idea what Bankruptcy Court is like.