Pa. Bar Exam to be conducted remotely Oct. 5-7

By Zandy Dudiak

As of press time, acting on the best information available from health authorities and with safety in mind, the Pennsylvania Board of Law Examiners (PABLE) has decided to conduct the second 2020 state bar exam remotely on October 5-7.

Originally scheduled for July 28 and 29, the bar exam was initially moved to Sept. 9 and 10 in hopes that the first wave of the COVID pandemic would ebb and allow for in-person testing. While PABLE was hopeful the September dates would hold, officials cautioned at the time that the coronavirus social distancing concerns could impact the in-person exam.

All those who registered for the July/September exam will be automatically registered for the October exam.

“Ultimately, we concluded that this is the best option to meet our mission of protecting the public; to allow us to offer another 2020 bar exam to as many applicants as possible; ... to reduce stress on applicants who would otherwise be confronted with taking an exam in person, with masks, in the midst of a pandemic; and to avoid unnecessary risk to the health of applicants, proctors and board staff who would administer and score an in-person exam,” PABLE Chair David Fine wrote in a July 8 letter announcing the exam dates.

The essay sections will take place on Oct. 5 and 7. The multistate bar exam (MBE) will be administered on Oct. 6 and will include only 100 questions instead of the standard 200. The MBE will be administered electronically, Fine said. The test includes some 20 printed pages of questions and more than 400 answers.

Among other concerns are inequities in internet access, having a quiet place to take the exam and performance test aspects. She said PABLE and law schools have been working together in making decisions about this fall’s exam.

“We all want to make the best decisions while also realizing there are standards for our profession,” she said. “This is a super high-stakes, high-anxiety exam. Integrity is so key.”

For in-person exams, the performance test includes some 20 printed pages of documents and that input is helping us to identify and find the best answers to the issues,” Fine said. “We know applicants are eager to know more, and we plan to prepare and publish a document that will give more detailed information.”

“One of the concerns applicants have is how the exam will be scored,” said April Barton, Dean of the Duquesne University School of Law. “It is an entirely different preparation process and exam-taking experience.”

On July 18, 2020, 27 recent Duquesne School of Law graduates sat for a practice performance test using a mock remote exam scenario. Richard Gaffney, Director of Bar Studies at Duquesne, said the bar exam applicants found that they needed an extra 15-20 minutes to complete the 90-minute performance test, that a “notes” column attached to the exam document would prevent having to toggle between documents and that, instead of a two-column format, one column would be easier to read online.

Gaffney said PABLE has been receptive to comments and concerns from the law schools.

“There are no perfect solutions in this situation,” Barton said. “There are more questions than answers.

Paul Wildermuth said applicants have had many questions about the technology and concerns that the internet is stable enough to ensure they can complete the exam.

“There are questions about the proctoring portion of the software – how does it work and whether it will accurately determine whether someone is cheating,” Wildermuth said.

Pitt School of Law has offered to host those taking the exam in the law school’s computer lab.

Adapting to changing times, ACBA offering abundance of Live Webinar and Online CLEs

By Brian Knavish

A lot has changed about the practice of law in recent months, but one thing that has not changed is that lawyers still need CLE credits (and some need a bunch by the end of the month). Another thing that hasn’t changed is that the ACBA is still offering an array of CLE courses on a wide variety of topics, pandemic or not.

True, in-person CLEs are “no longer a thing” these days due to safety concerns and social distancing measures. But the Pennsylvania CLE Board has ruled that attorneys can obtain all 12 of their credits through “distance learning” in 2020, previously, lawyers in Pennsylvania had to earn at least six of their annual credits in person CLEs.

The ACBA aggressively jumped into this new CLE world and is now offering a variety of real-time Live Webinar CLEs. Additionally, the ACBA has a robust library of previously-recorded CLEs that can be viewed online at any time.

On top of that, the ACBA will offer in-person CLEs again when it is safe to do so, but for now the focus is online programming.

“Like everyone, we had to adapt to the ‘new normal.’ For us, that meant rapidly reinventing our CLE strategy basically overnight,” said Christina Daub, the ACBA’s Director of Membership and CLE. “We’re happy to say we’ve been successful at that. By offering Live Webinar CLEs in real time, attorneys can get the latest on very time-sensitive topics and interact with presenters just like they would at a traditional in-person CLE.”

The ACBA has organized more than 27 Live “Webinar programs since March, and there are dozens more currently in the works. To view the schedule, visit the ACBA’s online calendar at ACBA.org.

“For those who need a little more flexibility, we offer previously recorded Online CLEs,” Daub explained. “These include recordings of some of our most popular in-person CLEs from the past year or so, as well as recordings of nearly every one of the Live Webinar CLEs we’ve presented since the start of the pandemic.

There are currently more than 70 Online CLEs available at cle.acba.org, and more are being added every week.

One thing that the PA. CLE Board has not changed is compliance period deadlines. The current compliance period ends on Monday, Aug. 31.

“Procrastinators don’t need to worry,” said Daub. “At our online CLE center, you can find enough courses to knock out your entire requirement in one day. I’d recommend spreading them out a bit, because that would be quite a long day, but the point is there are more than enough programs available to keep you covered.”

Schedule of Live Webinar CLEs: ACBA.org/Calendar

View 70+ previously recorded CLEs at cle.acba.org

ACBA CLE

By Karen Shively, President-Elect

The first wave of the COVID pandemic has not had the expected impact on the ACBA’s Membership and CLE committees. Instead of seeing a decrease in enrollment, they have seen an increase in the number of people looking to continue their legal education.

“In fact, all of our committees have adapted and moved forward despite the pandemic,” said Shively, who chairs the ACBA’s Committee on Membership and CLE.

Recently, the ACBA launched a committee focused on CLE content oversight to ensure CLEs are of the highest quality.

“We’ve asked some of our top legal minds to give us feedback, and that’s helping us improve our CLEs,” she said.

Shively also chairs the ACBA’s Committee on the Legal Profession’s Historical Record, which is charged with ensuring that ACBA records are properly cataloged and preserved.

The committee’s work has been hampered by the pandemic, but it continues to work on a digital plan for ACBA’s archive.

The ACBA also hosts an annual symposium on the contributions of women in the legal profession.

“The symposium is a great way to learn about the history of women’s contributions to the legal profession,” Shively said. “We’re always on the lookout for new speakers and topics.”

Vol. 22 No. 17 August 14, 2020 The Journal of the Allegheny County Bar Association
Landmark Supreme Court ruling defends LGBTQ rights

By Shira Itskowitz

In the biggest triumph for gay rights since 2015, the Supreme Court ruled to protect gay, lesbian and transgender workers in Bostock v. Clayton County, GA, a landmark Supreme Court ruling. This decision has significant impact for equality on the job and is the biggest victory for gay rights since 2015. In this landmark Supreme Court ruling, the justices struggled over the fundamental question – What exactly does the term “sex” include? The Court considered two instances where men were fired for being gay and another case where a transgender woman was fired for disclosing her identity to her boss. The Court decided that discrimination based on sexual orientation or gender identity includes discriminating based on sex, making it clearly illegal under the Civil Rights Act of 1964.

Prior to this decision, more than 25 states had not established such broad workplace protections for LGBTQ individuals. As a result of this landmark Supreme Court ruling, employers are federally prohibited from discriminating against individuals for being gay or transgender. With this ruling in mind, employers must consider their policies and procedures to protect LGBTQ workers and to ensure that they are treated fairly.

Itskowitz is a 2020 Summer Intern at Feinstein Doyle Payne & Kravec, LLC.

August 31 is the deadline to renew your ACBA membership.

Membership renewal deadline is in two weeks.

When your membership ends, so does your subscription to the Lawyers Journal.

Don’t miss out on all the benefits and discounts!

Renew today at ACBA.org/renew-membership.
By Elizabeth Hughes

Members encouraged to wear a mask

Right now, we would be revisiting the highlights of Bench-Bar Conference, planning for the annual Civil Litigation Section’s Lunch with the Judges and round out the summer with happy hours and other in-person events for our members. None of that is happening.

How many of us working at home suffer from the dog barking or your kids having a meltdown during an important call? And while I love seeing my colleagues on Zoom, it is not a substitute for human contact. We need to get back to “normal” and hopefully in time for the next passing of the gavel to take place where it’s supposed to take place.

So please wear a mask. It’s not a political issue or a point of debate, it is just the smart and reasonable thing to do based upon the evidence. As lawyers, evidence is basically our holy grail. At the time of this writing, there are 165,000 cases of COVID-19 (or SARS-CoV-2) in Pennsylvania and 7,074 people have died across the Commonwealth. Infections in the United States are over 4 million and 143,000 people have lost their lives. These are family members, friends, colleagues and neighbors. They are mothers, fathers, sisters, brothers, grandparents, BFFs, neighbors. They are mothers, fathers, sisters, brothers, grandparents, BFFs, neighbors. They are mothers, fathers, sisters, brothers, grandparents, BFFs, neighbors. They are mothers, fathers, sisters, brothers, grandparents, BFFs, neighbors. They are mothers, fathers, sisters, brothers, grandparents, BFFs, neighbors.

There is overwhelming evidence to proves that wearing a mask can help prevent that virus from person to person by at least 30–50% and possibly as much as 80% as compared to not wearing one.

Lawyers are uniquely situated to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors. We are required to set the example for others on a wide range of behaviors.

With civility and in an ethical manner at all times. Being a lawyer is not just what we do as a profession, but it is who we are at our core. We live by rules every single day, whether it involves rules relating to how we conduct ourselves in the courtroom, rules pertaining to the method of filing and timeliness of pleadings, rules regarding our courtroom attire or the dress code imposed by our employers. Basically, all of us do things every day that sometimes we don’t agree with, things we think are stupid or a waste of time, or things that we feel put us out or inconvenience us in some way. Sometimes we even do it with a smile pasted on our face and gripe about it afterwards. But the bottom line is we do it and we do it for stakes much lower than life and death.

We do things every day that we don’t want to do for one of two reasons: 1) to achieve a desired result (like the eventual resumption of the events above); or 2) for the benefit of someone else and in consideration of their physical and emotional well-being. Maybe you wore that stupid costume to your best friend’s 80s themed birthday party. What about the time that you wore that ugly bridesmaid’s dress for eight hours straight and let someone document you wearing it through photographic evidence, without complaint? Or maybe you went out and stocked up on a closet full of polo shirts so that you can play a round of golf at your favorite club where a collared shirt is a requirement. We wear shoes that pinch our toes because they look good with our outfit, or that suit with the pair of pants that are digging into our waistline, or that tie that is almost choking us because we decide that doing so will achieve a desired result or because we want to make someone else happy.

We also place expectations on the behavior of others, and we tend to get upset if they do not meet those expectations. Your best friend wants to go to the hockey game? Is it that individual’s “constitutional right” to talk or to smoke? Is it my “constitutional right” to be chooses to die on and certainly not that individual. That is not the hill we should stand? Sure. Is it discourteous and unhelpful to say, “No! That’s my right! That’s your right!”? Is it discourteous and unhelpful to say, “No! That’s my right! That’s your right!”? Is it discourteous and unhelpful to say, “No! That’s my right! That’s your right!”? Is it discourteous and unhelpful to say, “No! That’s my right! That’s your right!”? Is it discourteous and unhelpful to say, “No! That’s my right! That’s your right!”? Is it discourteous and unhelpful to say, “No! That’s my right! That’s your right!”? Is it discourteous and unhelpful to say, “No! That’s my right! That’s your right!”? Is it discourteous and unhelpful to say, “No! That’s my right! That’s your right!”?

Legal actions and potential actions through our legal system, can help prevent that virus from person to person by at least 30–50% and possibly as much as 80% as compared to not wearing one.

Wonder if your decisions, legal advice or other professional actions are ethical?

Members can get consultation on their legal actions and potential actions through the ACBA Professional Ethics Hotline. See ACBA.org/OfficerAssignments for details.

Elizabeth Hughes
ACBA President
By Ron Cichowicz

“Somewhere along the way, we must learn that there is nothing greater than to do something for others.” – Martin Luther King Jr.

Well before Dr. King uttered these words, Kennedy T. Friend understood their meaning. More importantly, he not only understood them, he acted upon them.

Friend was a distinguished member of the Allegheny County bar who died in London, England on May 26, 1929. But before his death, Friend secured his legacy of generosity by establishing through his will the Kennedy T. Friend Scholarship Fund to support education at one of two prestigious institutions for deserving children of Allegheny County attorneys.

For those qualifying each year, the opportunity is almost too good to be true. Terms of the will state that the balance of the income of the trust “shall be devoted to the education at Yale University or the University of Paris, France, of such child, or children of the members of the Bar of Allegheny County as may be designated by the said Trustees of their successors.”

Simply put, any child of an attorney who is a member of the Allegheny County Bar Association and/or who has his or her principle practice in Allegheny County can apply for this scholarship as long as they choose to attend, and are accepted at, either Yale University or the University of Paris.

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Simply put, any child of an attorney who is a member of the Allegheny County Bar Association and/or who has his or her principle practice in Allegheny County can apply for this scholarship as long as they choose to attend, and are accepted at, either Yale University or the University of Paris.

“My dad, who previously worked for the City of Pittsburgh, also went to Yale,” she said. “So he is a huge part of the reason I applied there.”

Her mother has dedicated her life to public service. A former Peace Corps volunteer, Long started her legal career in private practice but became a public defender.

While Griffin already had earned a full scholarship to another university, she said her heart was with Yale.

“Once I received my acceptance to Yale, I couldn’t wait to hear about the Kennedy T. Friend Scholarship,” she said. “I felt it might come through, and thankfully, it did. It enabled me to study with my sister and, with the COVID crisis, it was nice to have her there with me. It also allowed me to completely focus on academics. It changed my life forever.”

Because of the COVID pandemic, both Gianna and Ada are taking a “gap year.” Ada is moving to London to pursue art interests, while Gianna will spend the year studying in France.

Her intention is to focus in the global health area.

“When I started at Yale, I was 100 percent certain I would study global affairs,” she said. “But I took one class

Continued on page 8
**When is the best time to prepare for a disaster?**

*Directly after you’ve experienced a disaster*

By Keith Cameron

**Being Prepared**

To state the obvious, law firm clients have a very limited tolerance for disruptions to the delivery of their legal services, even when the firm is experiencing an understandable business interruption. Examples include the loss of electrical power for two days following a severe storm or inaccessible law office space for four days because of a flood. Many of your firm’s clients have likely overcome obstacles and disruptions of their own and because of this, have an idea of what it takes to keep operations running.

However, instead of giving leeway, they more so expect an established firm to have a plan that will minimize disruption. And in today’s technology-driven era, quick responses, solid communication, accessibility and the ability to work remotely aren’t applauded, they’re expected. In fact, from your clients’ side of things, minimal disruption to service is expected.

**Contingency planning**, which is a disciplined process for preparing to absorb the effect of a disaster and continue essential services, is done by most companies. Most law firms, however, have only a minimal contingency plan, which oftentimes focuses around their IT services. IT is critical, but it’s certainly not the single key to your operations.

An underlying reason for disregarding such planning is the challenge of planning for uncertainty. Well-intended planning efforts usually get bogged down in the overwhelming possibilities of disasters that may or may not ever happen. I’ve prepared contingency plans in various industries and companies and have encountered the formidable obstacles created by this uncertainty.

**Save and Use the Valuable Lessons Learned**

With this year’s pandemic, your firm is still navigating the worst business interruption disaster of our time. And even though you and everyone in your firm is “done with this lockdown” and ready to get back to (a new) normal and real work, the central message in this article is to act now and use the valuable lessons you just learned. Remember, there is little uncertainty because you just lived it. The important lessons for your firm can be found by taking two steps:

1. Identify what caused the most disruption to delivering your legal services and running the firm during the recent lockdown; and
2. Then identify how you resolved those disruptions or would if required to do so again.

Your recent lockdown experience provided real examples of what caused disruptions in your business and how you solved them. It is important to capture those lessons now, as you will forget some of the most important solutions if you wait six months to capture and record your findings. These solutions set the stage for your firm’s practical and cost-effective action plan when faced with the next disaster. The IT people refer to the objective as business continuity, which is a meaningful term in regard to your firm’s entire business operation, not just the IT portion. It refers to the preparation required to run your firm and continue delivering legal services when a disaster strikes.

**Identify Your Firm’s Most Essential Solutions**

In Seattle, because of the constant threat of earthquake, every resident is urged to prepare a Go Bag. The Go Bag is an actual bag which holds the most essential items one would need in the event of an earthquake. It’s kept by an exit door of the residence so that it— and nothing else—can be quickly grabbed as the person leaves the building at the first sign of a quake. I offer this example as a simple guide to help your firm identify what it needs to operate during a disaster.

**Find this page helpful? Want more information and resources to help you run your practice? Check out the ACBA’s Law Practice Management Center at ACBA.org/PracticeManagement.**

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ACBA lobbies U.S. congressmen and senators representing Allegheny County to urge Congress to act on House Bill 6697

By Zandy Dudiak

When the Small Business Administration implemented the Paycheck Protection Program (PPP) instituted as part of the CARES Act in response to COVID-19, it excluded professional trade organizations with fewer than 500 employees that operate under section 501(c)(6) of the Internal Revenue Code, including the ACBA.

It wasn’t just bar associations, whose members include attorneys, judges and staff members from the courts and district attorney’s offices, that were left out. So were local medical societies and nursing organizations.

“All these groups on the front line have been cut out of it,” said David Blaner, ACBA Executive Director.

Blaner explained that, in March, the federal government’s stimulus package offered one percent interest loans to qualifying organizations through the PPP, except for those that operate under 501(c)(6) rules, to cover payroll and operating costs. The loans included a seven-year payoff period with an interest rate of four percent. The loans included payroll costs for employees that operate under section 501(c)(6) of the Internal Revenue Code (other than a professional football league), or (2) are a destination marketing organization engaged in promoting communities and facilities to businesses and leisure travelers.

The bill prohibits compensation of an employee who is a registered lobbyist from the calculation for loan amounts or for allowable uses of funds provided under the program.

Blaner sent a letter on July 16 to the Pennsylvania Association of Bar Executives members, encouraging them to remind their federal elected officials that bar associations support the operations of the courts and provide pro bono assistance to civil legal service organizations.

“It’s my understanding that Congress is working on additional stimulus legislation,” he said. “I’m hoping HB 6697 will be considered as part of their efforts to provide financial assistance to 501(c)(6) organizations.”

The ACBA has been impacted significantly by the COVID-19 pandemic.

“We have eliminated three full-time positions and two part-time positions as a result of lost revenue from CLEs, legal and commercial advertising in our publications, rent from our parking lot and sponsorship income,” Blaner said.

“Our legal advertising income from sherrif sales and other legal notices has dropped substantially as a result of the pandemic.”

The PPP loan would provide a temporary financial bridge loan for the ACBA, providing about two or three months for the legal advertising and CLE income to rebound, he said.

The ACBA has also incurred unexpected costs related to COVID-19. Blaner said ACBA offered free training on Microsoft Teams for about 200 bar members and court personnel so that they could work remotely.

“The bar association is the intermediary working with the courts,” Blaner explained. “Our members are on the front line providing pro bono services. We help support the operations of the courts.”

Because the ACBA maintains a database of attorneys, the courts have contacted the bar association to disseminate information related to COVID-19 issues to those who might be impacted.

The PPP program has $1.5 billion remaining in the program, so Congress does not need to allocate more funds to assist 501(c)(6) organizations,” Blaner noted.

“Why was one group eliminated? It makes no sense. It’s an unlevel playing field. We really could use it.”
**ACBA member Katie Kennedy wins photo directory contest**

The 2020-21 ACBA Legal Directory is arriving soon. The cover photo – taken in the lobby of the City-County Building – is the work of ACBA member Katie Kennedy, the winner of the third annual ACBA Legal Directory cover photo contest. A panel of members voted on the entries and selected Kennedy’s shot as the winner.

“This photograph was taken in the lobby of the Pittsburgh City-County Building. I often visit the Department of Court Records, and on this trip, I looked up at the ceiling and the columns in awe. It’s a beautiful building and the way that the light was coming in with the different colored lights beaming on the columns, I wanted to capture the moment,” Kennedy said.

*Katie Kennedy*

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**Board of Governors appoint Novak to fill unexpired term**

By Jim Spezialetti

When the ACBA Board of Governors needed to fill an unexpired term, there were a number of qualified candidates but Jean E. Novak made the decision an easy one.

“Jean is well respected by her colleagues, and the board has seen her work and dedication to the ACBA,” said ACBA President Elizabeth Hughes. “Her record speaks for itself. She will be a great addition to the board.”

Novak was appointed to fill the remaining one-year term of Dan Fitzsimmons, who was elected as board treasurer. The ACBA By-Laws authorize the ACBA Board of Governors to fill all vacancies on the board. Novak was a candidate for the position of governor in the 2020 ACBA Elections, and she received the next highest number of votes in those elections.

A director at Strassburger McKenna Gutnick & Gefsky, Novak serves as a fellow for the Allegheny County Bar Foundation, vice chair of the Medical Marijuana and Hemp Committee and council member of the Women in the Law Division, among others.

Novak said the ACBA has a great reputation across the country, and she is ready to help continue that success.

“We’ve done a great job of keeping up with the trends,” Novak said. “I want to help move the ACBA forward.”

During these challenging times as a result of COVID-19, the bar association has done a great job of keeping attorneys connected, she said. “The Zoom calls have been terrific,” Novak said.

The next regularly scheduled Board of Governors meeting will be in September, and Novak said she is looking forward to it.

*Jean E. Novak*

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Like Griffin, Stern is a graduate of Allderdice High School. His father, Howard Stern, is a professor at Carlow University and his mother, Rhonda Wasserman, is a law professor at the University of Pittsburgh and an ACBA member.

Stern said the scholarship covered “a greater and greater portion” of his undergraduate tuition.

“The sum went up each year so it became even more wonderful,” he said. “I also received it for law school. Although I had to take on some debt then, it was greatly diminished.”

Stern will be a fellow with Greenpeace International in 2020-21 and will clerk for a judge on the Ninth Circuit in 2021-22.

Stern graduated from Yale Law School in May – like so many others, it was a “Zoom” commencement – and is currently studying for the bar exam in California. After his clerkship, he intends to find a permanent staff attorney position, focusing on climate change or human rights litigation.

“The Kennedy T. Friend Scholarship was life changing for me,” Stern said. “It made attending Yale and graduating practically debt-free possible.”

Although the exact amount of the grants awarded depends on the yearly income of the fund and the number of eligible applicants, students are encouraged to apply concurrent to applying to Yale’s University of Paris rather than waiting until receiving an acceptance. Trustees meet annually in June to set the amounts of the grants for the following summer and fall terms and must know the number of potential students by May 1.

“I would strongly encourage anyone who might be eligible to apply,” Mitinger said. “Over the years, we’ve seen how transformative it has been and the doors it has opened for so many bright and motivated kids.”

For more information on the Kennedy T. Friend Scholarship fund, visit www.acbf.org/Kennedy-Scholarship-Fund.

PA BAR EXAM
continued from front page

The National Conference of Bar Examiners, said in late July that PABLE had not yet made a final decision on awarding a contract.

The Pennsylvania law school deans submitted a letter to the PABLE for a discussion about a diploma privilege option for those who are currently registered for the Pennsylvania bar.

“We cannot emphasize enough the sense of upset this has caused our grads in this truly unprecedented moment,” Wildermuth said. “They feel everything all of us feel during this time – the uncertainty, the fear of getting sick, the lack of social connection, etc. – but much more acutely given the never-ending changes they encounter daily in their job prospects, their loan obligations and now the bar exam. They feel as if there is nothing stable out in a legal career, which is already an extremely anxious, once-in-a-lifetime moment for these particular grads, I think a diploma privilege must be considered.”

KENNEDY T. FRIEND SCHOLARSHIP
continued from page 4

on global health challenges and know that’s what I want to do. It’s a field where someone can really make a difference. I want to take this opportunity I’ve been given to really make a difference. I want to be able to help people.”

For Scott Stern, the Kennedy T. Friend Scholarship is a sort of “family affair” as well. His twin brother, Eric, also attended Yale on the Kennedy T. Friend Scholarship and his other brother, Ben will be entering Yale soon to pursue a master’s degree in environmental management.

The ACBA Job Board, at jobs.acba.org, gets more than 10,000 hits per month on average, all from candidates looking for positions in the Pittsburgh area. Employers can post jobs directly to the board.

The association is offering a special to all employers who are looking to hire. Enter the code JOB30 and receive 30 percent off any of the following job posting packages offered on the job board: The “30 Day” package, “First Seen” package, and “Job Flash” package.

Additionally, the ACBA can go a step further and directly help with the recruiting process by screening, interviewing and recommending candidates for hire. For more information, contact attorney Jennifer Pulice at jpulice@acba.org.

LAW PRACTICE MANAGEMENT
continued from page 5

as you form your lockdown solutions into your firm’s business continuity (BC) plan. For your plan, strive for three main objectives: Prioritize the small number of most essential solutions; keep them where the folks who will need them always know where they are, and keep them current.

Some initial steps to develop your firm’s BC plan might look like the following:

• Appoint a small group of employees who are representative of the different areas of your firm: IT, Accounting, HR, Associate, Partner, etc. with a goal of identifying 1) the key disruptions encountered at the beginning and during the lockdown; and 2) if the disruption was solved, how it was done.

• Establish a deadline of no longer than 30 days for this group to deliver its findings to you.

• Decide which solutions are essential enough to include as part of your firm’s BC plan.

If these steps look more like than you need, first, remember that you may be unaware of solutions other attorneys and staff implemented during the lockdown. Second, the obstacles your firm encountered and solutions you innovated recently are not burned into the memories of your employees. There’s a good chance that some of these individuals may be more familiar with your firm’s BC plan.

Note that your solutions may come in many forms. Some general examples follow:

• A current list of employees’ cell phone numbers distributed by email regularly

• A procedure for accessing your firm’s BC plan.

• Authority delegated to a given individual to make key financial decisions responsively

• A procedure for reviewing and sending a client invoice

• A procedure for accessing your clients’ files

• A procedure for receiving and sending U.S. Mail and other deliveries

Implement and Update

I’ve lived through many efforts to establish plans within a law firm as a COO, as well as a consultant. I’ve found that most good ideas never leave the planning table and are quickly forgotten. Don’t let your firm miss the golden opportunity to establish a practical and effective BC plan while the efforts are still current! Implement! Implement the useful ideas you just identified. You may have some improvements to the original version you used during the lockdown, which is to be expected. Begin by assigning responsibility to the appropriate individuals to work on implementation plans to make the solutions real.

The plan should flag any part of a solution which must be periodically refreshed and include recommendations on how to ensure thse information, such as phone numbers and contacts, is updated. Keeping information current and the most up-to-date is essential; otherwise the solutions will be far less effective when the next disaster strikes.

Conclusion

Act now to preserve the valuable lessons about what your firm faced and what works best, and what doesn’t, for you during the recent lockdown. It will prepare you to effectively manage through the next disaster your firm faces.
**ACBF names new trustees**

By Ron Cichowicz

The Allegheny County Bar Foundation (ACBF) has added five new members to its Board of Trustees. In accordance with an amendment to the ACBF By-Laws, three of the five Trustees are non-attorneys. This is the first time non-attorneys will serve on the Board as an effort to better serve the larger community. Approved at the July meeting of the Allegheny County Bar Association (ACBA) for three-year terms, the new members are: Gilda M. Arroyo, Esq., Burns White, LLC; Andrew K. Fletcher, Esq., Blank Rome, LLP; Edward J. Donnelly III, M.D.; Crystal McCormick Ware, University of Pittsburgh; and Mary Lou McLaughlin, Director Emerita of the Pittsburgh Foundation.

“We are pleased to welcome our newest board members to the Foundation,” said Jennifer R. Andrade, president of the Foundation. “The invaluable experience, strategic insights and distinguished backgrounds they bring will strengthen the Foundation’s impact in Allegheny County and the surrounding communities. We are grateful for their enthusiastic support of the ACBF’s mission and that they have chosen to help guide its work.”

Additionally, Gary M. Lang has been reappointed to the Board of Trustees to serve his first full three-year term and Jaclyn M. Belczyk has been reappointed to a second three-year term and elected to serve as the Board’s Secretary. Trustees Ronald J. Brown, Daniel J. Sinclair and Robert S. Bernstein have been appointed to the ACBA Audit Committee. Brown also serves as the Board’s Treasurer. The other officers include President Jennifer R. Andrade; Vice President Keith E. Whitson; and Immediate Past-President the Hon. Patricia L. Dodge.

“The Foundation also wishes to extend appreciation and recognize the contributions of outgoing board members Jeffrey D. Heeter, Efrem M. Grai, and Jill Lipman Beck,” Andrade said.

The ACBA established the Allegheny County Bar Foundation in 1980 as a 501(c)(3) organization to conduct a broad range of educational and charitable activities related to the law. Key programs include providing Pro Bono Services, awarding Legal Aid Grants and continuing to make an impactful difference in both the community and the profession through numerous public service and legally-related initiatives.

For more information about the Allegheny County Bar Foundation, visit www.acbf.org.
In Memoriam

Marvin Lieber remembered as an outstanding lawyer and bar leader

By Frederick N. Egler Jr.

Marvin Lieber, who devoted his 60-year career to unparalleled service to his clients, his profession, and his community, died July 16 at the age of 86. An outstanding lawyer and bar leader, he will be remembered as a stalwart defender of the legal profession and a tireless supporter of vital community organizations.

Marvin Sidney Lieber was born June 29, 1934 and raised in Squirrel Hill, graduating from Taylor Allderdice High School in 1951. He earned undergraduate and graduate degrees from the University of Pittsburgh and its School of Law, graduating from the law school in 1958. He served in the United States Air Force and attained the rank of captain. He began his practice with his brother Jerome and became a member of Berkman Ruslander Pohl Lieber and Engel when the firm was formed in 1965. Lieber developed a prominent estate planning, corporate and tax practice at the firm, whose offices occupied the former top floor of the Frick Building that originally housed the offices of Henry Clay Frick.

The firm became Klett Lieber Rooney and Engel when Edwin Klett and William Schorling from Eckert Seamans joined Lieber and his partners. Lieber served as chair of Klett Rooney, and was joined in practice by his wife, Penina in 1988. They would practice together for over 20 years, leaving Klett Rooney together in 1995. They represented many health care, educational and other charitable institutions in the course of their practice. They formed the Pittsburgh office of Obermayer Rebmann Maxwell & Hippel LLP in 1997. Lieber began his final professional association in 2013 when he joined Eckert Seaman.

Few lawyers have devoted more time and energy to their profession than Lieber. He held virtually every position of responsibility in the Pennsylvania Bar Association, becoming one of the few people ever to serve as president of the Pennsylvania Bar Foundation, the Pennsylvania Bar Institute, and, in 2000, as the 106th president of the PBA. He also served in several positions of responsibility for the ACBA, including as the chair of the personnel subcommittee of the Headquarters Committee.

The Supreme Court of Pennsylvania appointed Lieber to its initial Continuing Legal Education Committee in 1992, at a time when many of his contemporaries viewed the concept of mandatory CLE with a combination of hostility and bewilderment. His devotion to his alma mater, the University of Pittsburgh, was unmatched. He served on the Board of Visitors of the School of Law for over 30 years, was a member of the board of the Law School Alumni and served as a trustee of the University as well.

“He was one of a kind and a passionate supporter of Pitt Law,” said Lori McMaster, Immediate Past ACBA President and Executive Director of External Relations for the School of Law.

Lieber gave generously of his time to many Pittsburgh institutions, serving on many boards, including the Pittsburgh Symphony Society, the Pittsburgh Opera, and the United Way of Southwestern Pennsylvania. He was also deeply supportive of his faith, serving as a trustee of the Jewish Healthcare Foundation and as president of the School of Advanced Jewish Studies.

Lieber received countless awards and honors during his career, including two from the University of Pittsburgh and the School of Law as a distinguished alumnus. He was also elected a fellow of the American College of Trust and Estate Counsel. He was honored by the ACBA as a 60 Year Practitioner in 2019.

Lieber’s career spanned a period of unprecedented growth and change in the legal profession. He strove to maintain the integrity and fellowship of the profession, according to his wife, Penina.

“When he was President of the PBA, he would ask, ‘Are we a trade association or a profession?’ For him, it was a profession.”

Asked about the experience of practicing with her spouse, Penina said that Marvin emphasized, above all, respect for and care of clients.

“Talk less, listen more,” he would say. “Listen to your clients because they deserve that respect.”

Marvin and Penina were married in 1964 and had three children, two of whom followed them into the law. Marvin’s brother, Jerome, died in 2004. The family has requested that contributions be made to the University of Pittsburgh School of Law. Marvin was buried in a private ceremony.

Visit us today at ACBA.org.

Lawyers’ Fund Available to Help During Difficult Times

The Coronavirus crisis is impacting all of society in numerous ways. Many are experiencing financial hardship, including members of the Pittsburgh legal community.

The Allegheny County Bar Foundation Lawyers’ Fund can provide confidential, need-based financial assistance to area lawyers and their families. Funds may be available to help those struggling to make ends meet, manage student loan debt, cover funeral expenses of a loved one, pay for substance abuse counseling and more.

Attorneys do not have to be ACBA members to be eligible for help, but they do need to have a principle office in Allegheny County.

For more information, contact ACBA Executive Director David Blaner at dblaner@acba.org or 412-402-6601. All inquiries are confidential.
The ACBA has more than 70 previously recorded ONLINE CLEs in dozens of practice areas ready to be viewed 24/7 from anywhere at cle.acba.org. View anytime, anywhere.

- A Look at the Ethics of Physical Evidence at a Crime Scene
- A Name is an Identity: The Name Change Process and Vulnerable Communities
- A Primer on COVID-19-related Business Interruption Insurance Coverage in PA
- Alcohol Beverages and Nonprofit Organizations
- An Introduction to Telemedicine and the Future of Patient Care
- An Overview of Trusts
- Are Your PC and Data Secure – What is Cyber Security Means to Today's Lawyer
- Asylum Law for Non-Immigration Lawyers
- Attorney Office Space – Options and Considerations
- Bankruptcy Basics for the Non-Bankruptcy Practitioner
- Constitutional Rights in the Digital Age – Is There an App for That?
- Coronavirus and Your Mental Health
- COVID in Schools from the Perspective of Pennsylvania Teachers
- COVID-19 Tax Update
- Criminal Law for the Non-Criminal Attorney
- Crisis Communication: A Guide for Safeguarding Brand Equity, Reputation & Bottom Line
- Divorce Law 101
- Does Your Brand Have Bandwidth
- Education in the Era of COVID-19
- Electronic Evidence: Collecting, Preserving and Reviewing Critical Information
- Equitable Distribution of Oil, Gas and Mineral Rights in Family Law
- Ethical Considerations in Drafting Contracts
- Ethical Considerations in Family Law Custody Litigation
- Examining Reasonable Accommodations in the Workplace
- Decluttering Your Workspace: Increase Productivity and Clear Your Mind
- Fair Housing Rights and Responsibilities: Reasonable Accommodations
- Financial Planning Strategies for Attorneys Nearing Retirement
- Force Majeure and Defenses to Contract Performance in the COVID Landscape
- Forensics of Alcohol Intoxication
- Helping Your Law Practice Thrive During the Pandemic
- How ‘Our Family Wizard’ Can Benefit the Parties/Court in Custody Litigation
- Impairment in the Legal Profession and WHAT YOU Can Do About It
- In the Squared Circle: 30 Years of Representing WWE
- Jury Selection and Management: An Engineered Group Dynamics Approach
- Landlord-Tenant Mediation and Pro-Bono Training
- Law Firm Metrics for Strategic Decision-Making Success
- Leveraging Change Management Principles to Optimize Legal Technology
- Life and Disability Insurance – Protecting Lawyers’ Families from Debt
- Maintaining a Professional Law Practice While Running a Successful Business
- Mediation in the Time of COVID-19
- Meet You in [Corporate] Hell!
- Navigating Remote Depositions
- New Financial Strategies for Going Public
- New Essential Changes to Pa. Guardianship Practice
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- New Essential Changes to Pa. Guardianship Practice
- New Essential Changes to Pa. Guardianship Practice
- Optimizing COVID-19 Readiness and Organizational Response
- Police Misconduct Update: SCOTUS, Third Circuit, and Western District
- Power Act Pro Bono Representation for Survivors of Domestic Violence
Bar Briefs

News and Notes

Leech Tishman Fuscaldo & Lampl, LLC is pleased to announce the launch of the firm’s Hospitality, Restaurant, and Bar Industry Resource Center for COVID-19 legal services. The Resource Center will offer restaurant, bar and hospitality industry clients that have been severely impacted by the COVID-19 pandemic with information and tools to navigate complex state and local mandates that have severely affected the way they do business as well as information on other pandemic-related legal issues. Leech Tishman’s new Resource Center seeks to assist companies across this industry to address financial losses, get back to business, and protect the health and safety of their customers and employees.

Frederick N. Frank

A three-member panel of the Disciplinary Board of the Supreme Court of Pennsylvania administered public reprimands to the following attorneys on July 22: Cynthia A. Baldwin – Allegheny County; Richard P. Gainey – Allegheny County; Michael Patrick O’Day – Allegheny County; and Jeffrey Marc Robinson – Allegheny County.

The law firm of Tucker Arensberg, P.C. is pleased to announce that The Honorable Judith K. Fitzgerald (Ret.) is the recipient of the Bankruptcy American Inns of Court Alliance Distinguished Service Award for 2020. The Distinguished Service Award recognizes the ongoing dedication to the highest standards of the legal profession, the rule of law, and the demonstration of personal ethics and integrity, and specifically dedicated to a judge or attorney who has practiced in the field of bankruptcy law. Judge Fitzgerald has more than 25 years of experience as a Bankruptcy Judge, having presided over matters in the Western District of Pennsylvania (where she was chief judge for five years) as well as in the District of Delaware (20 years), the Eastern District of Pennsylvania (8 years) and the U.S. Virgin Islands (9 years).

Manning “Jim” O’Connor II of Metz Lewis Brodman Must O’Keefe LLC has been appointed by the Pennsylvania Supreme Court to serve on the Pennsylvania CLE Board, which oversees the rules and regulations for continuing legal education in the Commonwealth. He has more than 35 years of trial experience in state and federal courts in Pennsylvania and several other states. He represents businesses in a wide range of disputes involving all aspects of employment litigation. These include breaches of contract, harassment, and discrimination claims; non-compete/non-solicitation agreements; and trade secrets, among others. He also handles complex commercial litigation matters.

People on the Move

Strasserburger McKenna Gutnick & Gefsky (SMGG) is pleased to announce James Norris, Of Counsel, will join SMGG’s Pittsburgh-based office this summer. Norris comes from a background in commercial litigation, representing clients in contract, fraud, insurance coverage, construction, public utilities and RICO disputes. He also has experience counseling clients in municipal, business and employment matters, which includes hiring and discharge practices, prevention and defense of discrimination claims, and reducing workers’ compensation costs to the employer.

ACBA BOG appoints attorneys to NLS Board

By ACBA Staff

In accordance with the NLS bylaws, the Board of Governors of the Allegheny County Bar Association is responsible for appointing 18 attorneys to their Board. Robert V. Racunas, Executive Director of Neighborhood Legal Services, informed the association that the terms of seven Board members expired on June 30, 2019. The attorneys whose terms expired are: Kimberly Brown, Larry Silverman, Michael Patrick O’Day – Allegheny County; Jeffrey Marc Robinson – Allegheny County; and the terms of seven Board members expired on June 30, 2019. The attorneys whose terms expired are: Kimberly Brown, Larry Silverman, and the terms of seven Board members expired on June 30, 2019. The attorneys whose terms expired are: Kimberly Brown, Larry Silverman, David Ehrenwerth, Joshua Stein, Kat Kate Kenyon, Tony Thompson and Elizabeth Parker.

Attorneys Parker, Silverman and Stein completed their one, three-year term on the Board of Directors and the ACBA BOG reappointed them to serve a second, three-year term.

The Board of Governors also made the following four appointments to the NLSA Board: Jessica Altobelli, Leslie Dutchtch, Nicholas Kennedy and Jeffrey Pollock. The appointments are for a three-year term.

Lawyers’ Mart

APPRAISALS

ESTATE PLANNING
IF YOUR CLIENTS ARE CONSIDERING CHARITABLE GIVING as part of their estate planning The Pittsburgh Presbyterian Foundation can provide a means to support charitable work benefiting them in need throughout SW Pennsylvania. For more information contact the Foundation at www.pgpspresbytery.org/ gpcpwykston.htm or Rev. Dr. Douglas Putt at 412-323-1400 Ext 318.

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