**K&L Gates, FBI launch anti-human trafficking initiative**

**By Ron Cichowicz**

Human trafficking is a horrible, yet largely underreported problem, widely affecting adolescent victims and disproportionately impacting the transgender community.

To try to alleviate this horrendous practice in southwestern Pennsylvania and identify victims of this crime, two years ago the FBI reached out to Pittsburgh-based K&L Gates to launch a unique collaboration. Together, the nation’s top law enforcement agency and the law firm founded the Anti-Human Trafficking Initiative, specifically to:

- Identify members of the LGBTQ community in Western Pennsylvania who may be victims of human trafficking, including adolescents, and
- Connect victims (or potential victims and/or individuals who know of victims) to law enforcement (i.e., the FBI) to help human trafficking victims.

“Two years ago, the FBI reached out to our firm through one of our partners, J. Nicholas Ranjan, former chair of our pro bono committee who now sits on the Federal bench,” K&L Gates Associate Michael Komo said. “To our knowledge, this is the first such collaboration between a law firm and the FBI focused on combatting human trafficking. We were told the FBI approached us because of our positive reputation among the LGBTQ community.”

Joining Komo from K&L Gates to lead the Initiative are Partner Nicole Stockey, Associate Max Gelernter and Senior of Counsel Walter Blunt, Jr. The Initiative’s mission is to serve as a legal resource for victims of human trafficking to help educate them and allow them to receive the protections that the U.S. Constitution affords them. Though the initiative was designed to identify LGBTQ victims, a historically underserved community, Komo said K&L Gates also will do its best to help any and all victims of human trafficking, regardless of sexual orientation and/or gender identity.

Komo, who represents other pro bono clients, including domestic violence survivors, juveniles seeking expungements and transgender individuals seeking name changes, said he sees this latest Initiative as “another installment of the great work we are doing for adolescents and minorities.”

By working with the FBI, whose mission is to protect the American people and uphold the U.S. Constitution, the Initiative aims to become a leading legal resource to protect the civil rights of trafficking victims, focusing on those who are most susceptible, particularly transgender women of color, as well as youths and adolescents.

“We also are focusing on minorities within the LGBTQ community, specifically victims of color,” said Komo, who also is chair of the K&L Gates LGBTQ Employee Resource Group, which includes attorneys, staff members and LGBTQ allies. He added that the Initiative is available to help any victim through this process regardless of race, religion, sexual orientation or gender identity.

“We won’t turn away any victim,” Stockey said. “We’ll do whatever we can to help. Every situation is unique.”

Recognizing that victims of trafficking often have limited access to legal counsel and few viable legal options, the Initiative offers knowledgeable legal representation and corresponding legal resources to victims. Though K&L Gates’ expertise is in providing legal services, the firm is committed to providing and/or connecting victims with other needed resources or services. Komo said the Initiative is partnering with organizations in the city who work directly with the LGBTQ community and that efforts are being made to provide not just legal aid, but medical, housing and other resources as well.

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**The Journal of the Allegheny County Bar Association**

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Chin Up! Taking care of your spine

By SJ Morrison

We’ve all been told the importance of moving more, getting sleep and drinking water. Spinal health, however, is often overlooked. Your spine is more than just the bones in your back that hold up your frame. For instance, if your foot hurts, how do you know? (Hint, the answer is in the question.)

Your spine is part of your central nervous system and is directly connected to your brain. Your nervous system is the only way that your brain can communicate with your body. When you are seated at a desk or working from home a work-station modification may be in order. When you are waiting in line, pause and try to keep your weight on the balls of your feet. This helps you to maintain a neutral cervical curve. This may mean investing in a monitor so that you are looking straight ahead. By sitting up straight, you help to reduce the likelihood of these problems developing.

Well, if your spine is not properly aligned, it will lead to instability. Your body will try to compensate with tight muscles on one side and the potential for arthritic changes on the other side. An “arthritic change” is a boney change. This comes with inflammation and we call that arthritis when the changes are permanent. Arthritis can decrease your range of motion and flexibility.

However, there are things we can do now to take care of our spines to reduce the likelihood of these problems developing. Today, with cell phones and laptops many of us are hunched over our devices placing a lot of stress on our neck and shoulders. A good stretch to ameliorate this stress is a “chin tuck.” To perform a chin tuck, sit up straight, and slide your head backwards. Do not look up or down. The top of your head should be level with the floor. You should feel a stretch in your neck and the back of your skull. Hold that for a few seconds and repeat about every 45 minutes that you are working on a laptop or cell phone.

Additionally, with many of us working from home a work-station modification may be in order. When you are seated at your computer your ears should be over your shoulders and your eyes level with the horizon to maintain a neutral cervical curve. This may mean investing in a monitor so that you are not looking down at a laptop screen. If you don’t have space for a monitor, you can also purchase a platform for your laptop to bring the screen up to eye-level. If you choose to purchase a platform, a wireless mouse and keyboard can be placed on the desk below the platform.

Finally, try to maintain good posture throughout the day. While at your desk, take a break, release your shoulders from your ears, and bring your head up over your shoulders. If you are waiting in line, pause and try to keep your weight on the balls of your feet, your knees slightly bent, and feet positioned shoulder width apart. Though it may feel a bit awkward at first, over time good posture will come naturally, and you’ll be taking care of your spinal health!
HSBD Chair Message

By Regina Wilson

The mission of the Homer S. Brown Division (HSBD) is to support its members, law students of African descent, the local African American community and to protect the political and civil rights of people of African descent. In 2019, we celebrated the 50th Anniversary of our founding and in April 2021, the HSBD will celebrate our 10th Anniversary of becoming a division of the Allegheny County Bar Association (ACBA).

Over the last decade of HSBD’s existence, it is more apparent than ever that our members and the African American community are still facing some of the same issues that plagued our organization’s founders in 1969. Social injustices and systemic racism can no longer be ignored, in part due to the increased awareness of such incidents due to the ability to document the same through the use of technology and social media. Additionally, much like during the Civil Rights movement of the sixties, voices of allies from different races have joined those African American voices to amplify calls for justice and equality. In light of the events that have occurred both nationally and locally, it is abundantly clear that working to further the mission of HSBD is more important than ever.

Consistent with the current practices of the ACBA, the HSBD will continue to modify our programming through the end of the year due to COVID-19. The HSBD recognizes that after many months of social distancing, many people are weary of virtual events. However, for the health and safety of our members, the HSBD is planning virtual events for the majority of the 2020-2021 bar association year. The Division hopes to be able to have in-person events at some point, but the well-being of our membership and the community take precedence.

With our mission in mind, the HSBD has decided to focus on community engagement. The HSBD is excited to collaborate with the Allegheny County Bar Foundation’s Pro Bono Center and Neighborhood Legal Services on the Pittsburgh Pardons Project COVID-19 and the Pittsburgh Pardons Project. COVID-19 has had a disproportionate impact on the African American community, not only in terms of health, but also economically. African Americans already face systemic barriers to employment, and with the massive economic downturn and record unemployment rate, many African Americans are suffering to an even greater degree. The Pittsburgh Pardons Project will bring together lawyers and law students from Duquesne Law and Pitt Law to help remove one of those barriers to employment, housing and educational opportunities. The HSBD is also planning several Lunch and Learn events to educate our members regarding community engagement opportunities and we will once again partner with the Pitt Law Black Law Students Association to serve pro se litigants and provide free legal assistance through the Derrick Bell Legal Clinic.

The HSBD’s two largest annual events offer our membership additional opportunities for community outreach and engagement. In January 2021, the HSBD will host the 22nd Annual Martin Luther King, Jr. Prayer Breakfast, where we will award the Drum Major for Justice Award. The Spirit Award and the Young Leader Award will be awarded at the 17th Annual Black History Month Celebration in February 2021. These are HSBD’s signature events and represent our long-standing commitment to engaging the public and recognizing community achievements. We look forward to continuing this tradition in a virtual format in 2021.

The HSBD is currently planning several CLEs for the 2020-2021 association year that address current events and issues facing the African American community. We partnered with the Asian Attorneys Committee on the CLE titled Race and College Admissions. This CLE was held on September 22, and it explored the recent litigation regarding affirmative action in college admissions. HSBD is also planning a CLE that focuses on raced based hair discrimination and the CROWN Act (CROWN stands for Creating a Respectful and Open World for Natural Hair). State and local governments across the nation have been drafting and passing CROWN Acts, which prohibit race based hair discrimination in schools and the workplace. We are looking forward to working with other committees, divisions and sections of the ACBA on additional CLE opportunities.

In addition to holding monthly meetings, the HSBD is planning virtual social, networking and educational events for our members. The HSBD will continue the Straight Talk Lecture Series, which focuses on professional development. We also created a new Law Student Committee this year, with the goal of providing increased support to the local law student members. Law students are facing unprecedented challenges during this pandemic and HSBD wants to ensure that they have the support they need.

Continued on page 6
Statewide partnership focuses on autism awareness and education in the courts

By Stacey Witalec

The Pennsylvania Supreme Court, along with the Pennsylvania Department of Human Services (DHS), has launched a statewide initiative focused on helping judges better understand and communicate with individuals with an autism spectrum disorder (ASD). The initiative is a first-of-its-kind partnership and will provide practical guidance, best practices and resources to judges managing cases involving an individual with autism as well as court information and services for families.

“Education and awareness are the cornerstones of this initiative and a key component in ensuring the courts and our communities are accessible to all users and their families,” said Pennsylvania Supreme Court Justice Kevin Dougherty. “Initiatives such as this bring everyone to the table to learn from each other.”

“We are grateful for the opportunity to be part of the type of positive change that will directly impact our communities and will provide practical guidance, best practices and resources to judges managing cases involving an individual with autism as well as court information and services for families. Autism in the courts is a critical issue that impacts families all across Pennsylvania.”

Pennsylvania Supreme Court Justice Teresa Miller “DHS works tirelessly to ensure that people with autism have a right to an everyday life. We are proud to be partnering with the Pennsylvania Supreme Court to provide Pennsylvania’s justice system with the information and resources it needs to guarantee this right.”

As part of this effort, during the COVID-19 pandemic, the courts have added information and resources for families supporting an individual with autism on the Pennsylvania Courts website. For more information about the joint effort and services and support available to families, visit paautism.org/resource/justice.

The initiative is a first-of-its-kind partnership and will provide practical guidance, best practices and resources to judges managing cases involving an individual with autism as well as court information and services for families. Autism in the courts is a critical issue that impacts families all across Pennsylvania.

The following Ethics Opinion was prepared by the ACBA Professional Ethics Committee to assist members in addressing ethical issues that arise from the practice of law. Other ethics opinions that address frequently asked questions will be shared with ACBA members in the future. Members of the Professional Ethics Committee take monthly shifts as Duty Officers throughout the year, and during these shifts, they are committed to answering calls and addressing ethics questions from any member of the ACBA. For more information, or to obtain the contact information of this month’s Duty Officers, visit ACBA.org/officeassignments.

Ethics Issue Presented: Does inquirer have a conflict of interest in representing multiple clients?

Facts Presented by Inquirer: In two separate lawsuits, inquirer represents two clients who were formerly vendors to the same defendant. Both clients claim they are owed compensation against the same defendant.

In addition to representing these two clients, inquirer provides legal services to other clients in the same industry as these clients.

Clients are aware that inquirer is representing both of them and have executed waivers of any potential conflict of interest. New potential clients that are referred by clients are also advised that inquirer represents clients and both clients and the new potential clients execute waivers.

Counsel for defendant has asserted that inquirer has a disqualifying conflict of interest and is interfering with defendant’s contractual relationships.

Advice Given: Under Rule 1.7(a), inquirer was advised that inquirer does not have a concurrent conflict of interest because (1) the representation of one client is not directly adverse to another client, and (2) inquirer had determined that there is no significant risk that representation of any of the clients would be materially limited by inquirer’s responsibilities to any other client, a former client, a third party, or a personal interest of the lawyer. Furthermore, notwithstanding the absence of a concurrent conflict of interest, inquirer had obtained waivers that satisfied the requirements of Rule 1.7(b) Under Rule 1.8(a), inquirer’s representation of multiple clients in the same industry does not give rise to any ownership or other interest adverse to any of the clients.

There is no basis in the Rules for a claim that representing multiple clients against the same or similar defendant(s) creates any ethical concerns vis-à-vis the defendant.
Risks related to the federal Paycheck Protection Program

By USI Staff

In general, any business that receives money from the federal government has a heightened risk of audit, investigation and/or regulatory charges. These risks may be higher for companies that borrowed from the Federal Paycheck Protection Program (PPP), implemented on March 27, 2020, in response to the COVID-19 pandemic.

A component of the Coronavirus Aid, Relief and Economic Security Act (CARES Act), the PPP is a Small Business Administration (SBA) loan program designed to provide immediate financial support to small businesses to keep workers employed. The SBA will forgive loans if a borrower meets all employee retention criteria and uses the funds for eligible expenses.

The government is examining these loans to ensure legitimacy, appropriateness, and compliance. Their findings may leave some companies facing unanticipated audits and investigations. For this reason, many borrowers are trying to assess the risk to their executives and organizations while reviewing their current insurance programs for protection against PPP-related risks.

The IG, the DOJ and the SEC

The CARES Act established an independent inspector general (IG) who will conduct, supervise, and coordinate audits and investigations related to CARES Act loans. The inspector general is authorized to issue subpoenas and investigate borrowers. The Department of Justice (DOJ) has initiated action against certain individuals and more aggressive regulatory scrutiny is expected.

Further, the Securities & Exchange Commission (SEC) is actively investigating whether certain loan recipients have violated federal securities laws.

Recipients Disclosed

In early July 2020, the U.S. Treasury Department disclosed the names of companies that have taken PPP loans larger than $150,000. This disclosure raises concerns that PPP money is not being used for its intended recipients (i.e., small businesses in need of immediate relief to survive). The names of public companies and private equity/venture capital organizations on the list of PPP recipients raised eyebrows and caught the media’s attention. Not surprisingly, calls for more transparency within the program are getting louder.

Directors & Officers (D&O) Liability: Tips from USI’s D&O Insurance Specialists

As the government continues to audit and investigate borrowers and their executives, D&O liability claims are likely to arise, causing distraction and potential financial loss. USI has extensive experience evaluating D&O liability claims, including regulatory investigations and proceedings. Our professionals can help clients better understand their D&O liability insurance and determine whether their policies will offer any protection. Areas of focus include:

Individuals vs. the Company: When a government agency audits participation in a government program, begins an informal inquiry, or opens a formal investigation, will D&O liability insurance respond? In general, if the inquiry or investigation targets an individual director or officer, D&O coverage will be triggered, but it may not cover costs associated with the organization itself. USI suggests that all companies examine the definition of “Claim” within their D&O policy and determine whether their policies will offer any protection for “pre-claim” inquiries. In addition, public companies should review the breadth of the definition of “Securities Claim,” as this is typically the only type of claim for which the organization itself is covered.

False Claims Act (FCA): The FCA imposes liability for defrauding the government. With the PPP, there is a heightened risk of FCA actions, including those triggered by qui tam complaints. A qui tam complaint is made by a third party (a so-called “whistleblower”). Qui tam claims remain under seal for at least 60 days, which can make it difficult to establish precisely when the claim was first made. USI suggests that borrowers examine reporting requirements in their D&O policies. These policies are “claims (first)-made and reported” forms. It is critical for policyholders to understand the triggers that would obligate them to report a claim. Ideally, the policy will require that qui tam claims be reported only when they become unsealed and served.

Further, borrowers should review any pending and prior litigation exclusion in their policy to ensure coverage is not removed for claims based upon or arising out of any pending or prior litigation/ proceedings/events of which the government has knowledge.

Conduct Exclusions: Complaints brought against D&Os for alleged

Get a scholarship through the Kennedy T. Friend Education Fund

Under the will of Kennedy T. Friend, a distinguished Pittsburgh attorney, the children of Allegheny County attorneys who desire to attend either Yale University or the University of Paris are eligible for scholarships to those universities. The scholarships are available for students pursuing a graduate or undergraduate degree in any field of study at those institutions, not just law.

Don’t delay – scholarship applications should be submitted at the same time as the admission application to the respective institution is submitted.


Komo said the Initiative is focused on ‘‘[think outside the box]’’ to tackle what is a long-standing problem. ‘‘As part of our training, we actually don’t want to acknowledge the problem, and victims don’t necessarily even see themselves as victims.’’

Additionaly, the following K&L Gates representatives can be contacted directly:

- Nicole Stockey, 412-355-8270, nicole.stockey@klgates.com
- Michael Komo, 412-355-7440, michael.komo@klgates.com
- Max Gelernter, 412-355-8930, max.gelernter@klgates.com

USI suggests that borrowers carefully review their D&O policies separately purchased (a Side A-only policy covers only losses not indemnified by the company). In addition, companies should examine their policies for suitable severability language as respects the exclusions so that the acts of one insured do not impute to another insured.

USI suggests that borrowers review their existing D&O coverage and remain attentive to any coverage restrictions proposed during the next renewal process. Doing so can mean the difference between maintaining retransfer and unintended risk retention.

Contingent Liability Insurance: A Compelling Solution Beyond D&O

A small number of insurers in the transaction liability underwriting sector offer (or will consider) Contingent Liability insurance coverage to address certain losses arising in the PPP loan procurement process. These facilities focus primarily on losses arising from errors or inaccuracies in the following areas:

Necesity Certification Process: The borrower must certify that current economic conditions make the loan a necessity to support the applicant’s ongoing operations and that other options were exhausted.

Compliance with the PPP’s Maximum Employee Requirement: The rule factors in an applicant’s affiliates (which may be problematical when, for example, the applicant is a private equity sponsor of portfolio companies). The SBA’s Affiliation guidance is complex and allows for exceptions and exemptions, but it is not yet clear how this guidance will be interpreted and enforced.

Contingent Liability coverage may be a compelling option given the limited clarity of the program’s rules and requirements. In the underwriting process of Contingent Liability coverage, applicants can expect:

- A deep and thorough review of the loan application process.
- An examination of any outside guidance (from law firms, consultants, i.e.) followed by the applicants.

Requests for ample documentation in support of the foregoing.

How USI Can Help

As specialty coverage specialists, USI is uniquely positioned to help borrowers, or potential borrowers, mitigate PPP-related risks. To learn more about how USI can help, contact your USI representative, or visit our website at www.usi.com.

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ACBA’s PAC serves as an advocate for the Pittsburgh legal community

By Shelly Anderson

This being an election year, and one with perhaps a higher temperature than some in the past, TV viewers no doubt have seen or heard, among the bombardment of candidate advertisements, that certain PACs are responsible for the content of some of those ads.

The ACBA has a PAC. It is decidedly not involved in the presidential or other elections.

The ACBA PAC, or Political Action Committee, has been around for about 20 years and serves as an advocate for the county legal community.

"It was set up to enable us to have a voice in Harrisburg on issues that are related to the bar association and our members and their clients on legislative issues impacting them here in Pennsylvania," said David Blaner, ACBA Executive Director.

"We're registered as a Pennsylvania PAC, so we’re focused on legislative issues here in Pennsylvania. We do very little activity at the federal level."

"We collect funds from our members and then we can utilize some of those funds to make contributions to incumbent state legislators. We do not make any type of political contributions to candidates running for office, limited to contributing to incumbents, those office holders, in leadership positions. They are in leadership positions. They are not state, taxpayers."

The committee fields concerns from ACBA committees, sections and divisions related to state legislation. If those concerns are approved by the ACBA board, the PAC gets involved.

"We alert our lobbyists, and we start to send our letters to various legislators, etc." Blaner said.

The ACBA PAC contracts with Buchanan Ingersoll & Rooney for legislative lobbying services, and has Chuck Kolling on retainer to be called upon on an as-need basis.

In addition to issues that might arise from year to year, the ACBA PAC at its core focuses on some specific legislative priorities:

• It supports adequate funding for civil legal services in Pennsylvania.
• It opposes any type of sales tax on legal services.
• It supports the legislation that permits the publication of the daily Pittsburgh Legal Journal and publication of public notices.
• It supports adequate funding of the courts - to have adequate staffing, to have the tools that they need.
• It supports adequate funding of the public defender's office. Pennsylvania is the only state that does not provide any taxpayer funding at the state level to support public defender's offices. Those offices are supported by county, not state, taxpayers.

"I contribute as well," Blaner said. "I feel like if I'm going to do this work, I need to have some skin in the game."

Blaner said ACBA member donations fund the PAC generally reach $6,000 to $7,000 a year, although that is down some this year, presumably because of the COVID-19 pandemic.

Blaner said ACBA board members are asked to donate annually.

"I contribute as well," Blaner said. "I think we've been successful in having a voice." Blaner said.

"Is everything 100 percent in our favor? No. That's not the case, and that's not the expectation. All we're trying to do is to ensure that the bar association has access, a voice. That's all. All we want is the ability to have a conversation with these legislators on pending legislation and (ensure) that we will at least be heard and have an opportunity to explain our position."
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Most workers’ compensation activities able to proceed

By Zandy Dudiak

Though Pennsylvania’s Bureau of Workers’ Compensation is closed for in-person business because of COVID-19 mitigation efforts, most activities have been able to proceed thanks to an innovative online portal system that had been implemented prior to the pandemic.

“As we were getting closer to the inevitable shutdown, people were getting more cautious about having people in their offices,” said Michael Quatrini, who chairs the ACBA Workers’ Compensation Section.

On March 16, the same day Gov. Tom Wolf issued orders that effectively closed down the state, including law offices and the courts, the Bureau of Workers’ Compensation began telephonic Compromise and Release (C&R) approval hearings.

“There was the initial trepidation of the unknown,” Quatrini said. “That initial trepidation turned to relief. I consider us – practitioners and Workers’ Comp (Bureau) – to be very lucky because we have been able to march forward.”

He credits the Bureau of Workers’ Compensation for taking rapid measures to keep the workers’ compensation system operating in Pennsylvania.

He particularly credited Liz Crum, retired Workers’ Compensation Director of Adjudication for the Pennsylvania Department of Labor and Industry, who prior to the pandemic had designed and implemented an online portal system, the Workers’ Compensation Automation and Integration System (WCAIS), that enabled the bureau’s staff and attorneys to access claims management, adjudication and appeals to continue working despite the COVID-19 restrictions.

He also praised Joseph DeRita, the current director of the Workers’ Compensation Office of Adjudication (WCOA), and the Hon. David Cicola, Western District Judge Manager at The Bureau of Labor Law Compliance, for quickly enacting policies to move cases forward.

“WCAIS is not only the envy of many state court systems, but has the capability to move our practice forward,” Quatrini said.

Because the WCAIS system is web-based, many bureau staff members were able to work from home and continue to perform their daily functions. The Workers’ Compensation Appeal Board continues to operate, but services are restricted to essential functions, according to the bureau’s website.

Skype is actually integrated into the WCAIS system, he said, allowing videoconferencing to occur.

“Actually, I consider Workers’ Compensation to be one of the few areas that was successful in transitioning to a remote-based system,” Quatrini said.

“The practice of not taking any testimony by phone has been waived.”

Although most cases that require oral arguments have been put on hold, mediations, settlement hearings and status conferences have been conducted by phone. Exhibits have been submitted electronically, Quatrini said.

“WCAIS is not only the envy of many state court systems, but has the capability to move our practice forward,” Quatrini said.

There was the initial trepidation of the unknown. That initial trepidation turned to relief. I consider us – practitioners and Workers’ Comp (Bureau) – to be very lucky because we have been able to march forward. — Michael Quatrini, ACBA Workers’ Compensation Section chair

In-person hearings are being held on a limited basis, upon request. He explained that watching answers, reactions and emotional components like tears, fear and anger are visuals that can’t be seen over the phone or even on a video call.

“There are just some times that taking testimony live is necessary,” he said.

Not having to travel to places like Meadville, Uniontown or State College to represent injured workers since business is being conducted remotely has resulted in a “humungous time savings,” Quatrini said, since he’s not spending two to four hours commuting to the bureau’s district offices. Because he is able to meet with the client, the attorney representing the insurance company and the judge remotely, Quatrini said he has a lot more time to get his other work done.

One interesting occurrence caused by COVID-19 shutdowns is that there are fewer personal injury cases because people are working from home and there are fewer injuries from car accidents with fewer people on the road, he noted. Through some workers may file COVID-related workers’ comp claims, Quatrini said the burden is proving that work is injury-related.

One interesting occurrence caused by COVID-19 shutdowns is that there are fewer personal injury cases because people are working from home and there are fewer injuries from car accidents with fewer people on the road, he noted. Through some workers may file COVID-related workers’ comp claims, Quatrini said the burden is proving that work is injury-related.

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He said it is presumed that health care workers are infected while at work. But certain other essential workers are also exposed.

The ACBA Workers’ Compensation Section is contemplating offering a CLE program on COVID-related matters perhaps this fall or in early winter.

Quatrini said the workers’ compensation bar already has a “very professional and collegial atmosphere,” but COVID-19 “has extended relationships beyond work. We’re all concerned for each other.”

The ACBA Workers’ Compensation Section had planned to spend Sept. 17 hosting a golf outing to benefit Kids’ Chance of Pennsylvania.

The day of golfing at Shannopin Country Club, earning a CLE credit, launching and networking was interrupted by COVID-19. Instead, Michael Quatrini, ACBA Workers’ Compensation Section chair, said the Workers’ Compensation Section is conducting a coordinated campaign to raise funds from members for Kids’ Chance through the end of September.

Kids’ Chance is a 501(c)(3) organization dedicated to helping kids who need assistance paying for college or vocational education because a parent was injured or killed in a work-related accident. The golf outing raised about $10,000 in 2019, the first time in the history of the event that it hit that milestone mark.

While Quatrini said it is frustrating from a personal standpoint not to beat last year’s goal, he’s hoping that at least some money can be raised through the campaign.

“WCAIS is not only the envy of many state court systems, but has the capability to move our practice forward,” Quatrini said.
How to answer “Why are you looking for a new job”

By Melanie Szlucha

A note from LES Director Jennifer Pulice: It’s the question that everyone wishes an employer wouldn’t ask, but it’s the one everyone is most curious about.

This is one of those job interview questions that will be asked by the savviest of interviewers. Although it’s positively heart-stopping to be on the answering end of this question, if you were the employer, wouldn’t you want to know how this seemingly fabulous person ended up on the job market. So your task is to not give them any ammunition to rule you out of the game.

Never, ever, ever speak ill of your current employer, or any former employers for that matter. Everyone knows that one reason for this is because your interviewer will envision you badmouthing them when you decide to leave, and nobody wants to think about bad rumors about themselves traveling through the industry. Another reason to avoid dissing your past employer is that in this very small world, they could be a friend, relative or even your potential client at this new job. No person works on an island and you must always be conscious of the seemingly invisible threads that connect so many people.

Another never is to speak ill of the tasks you were asked to perform at your past or current job. ANY tasks. You may think that this new job would provide a blissful escape from the tedium of your last one, and so gleefully explain to an interviewer all of the mind-numbing things you were asked to do. However, your interviewer is thinking about the similar (but different) mind-numbing tasks of this position, and decides that you would quit after the first month. There’s no reason to hire you if you’ve already given them a reason for you to quit.

Also, you don’t want to speak ill of your co-workers. Those were or are your teammates, and the same rule holds true as reason #1. This world is too small, and good jobs are too few to take the chance.

So what CAN you say?

You can say that you wanted a new opportunity. That you felt that you had taken your current or past position as far as you could within the company, you had achieved X, Y and Z, and now feel that it’s time for you to learn a different aspect of the business, or to work for a bigger (or smaller) company. The key here is to focus on the future. Focus on the opportunities you see in this new position, how it will help you grow and learn and not what was wrong with the last company you worked for.

If you are applying for a job that touts flexible hours, work from home or excellent benefits in the job posting, you can mention those qualities as a reason to look into this new position. Again you don’t want to speak ill of your current employer, but say that you understand why they need to run their business as they do, but if the working arrangements at this new company are better suited to your lifestyle at the moment then it might be a good fit. You are showing the employer that there is a natural fit between their needs and your needs.

In the cases where you were let go from a position, all of the above rules apply. If it’s the truth, you can say that you were laid off as a result of a company-wide restructuring or budgetary cuts. If it was due to a disciplinary action you can say that at the time you were having some time management issues (if you were fired for being consistently late), but you have learned your lesson, that you take an employer’s requirements a lot more seriously and have taken proactive measures (which you can briefly describe) to prevent yourself from getting in that situation again. Show that you have made your mistake with your past employer and have absolutely no intention of making the same mistake twice. Sincerity, an action plan and great references are necessary to counteract any remaining issues.

Melanie Szlucha has been a hiring manager for 15+ years and a career coach for 6+ years through her company Redinc, LLC.
JLL Pittsburgh provides a commercial real estate market overview

By Zandy Dudiak

The way Dan Adamski sees it, there are two possible societal outcomes when catastrophic events, such as the COVID-19 pandemic, occur. One is long-term, such as how some survivors of the Great Depression stuffed their money under their mattresses because they never again trusted banks to hold their money. A second type of response occurred after the September 11 terrorist attacks.

“We had clients who wouldn’t let us show them space higher than fire ladders could reach,” said Adamski, who is Senior Managing Director of JLL, a commercial real estate services company in Pittsburgh. “It was so fresh in our collective psyche.”

It seemed like the tragedy would result in the death of the high-rise building, Adamski said. Yet 15 of the tallest buildings in the world were built since 2001.

“I’m more in the school that we have short memories,” Adamski said, referring to the coronavirus pandemic. “I really believe we’ll move on.”

Adamski and his JLL associates, Tobias Bilski, Director of Research, and Nick Francic, Managing Director, presented “Pittsburgh Commercial Real Estate Market Overview: COVID-19 Impact on Office” as a CLR program for ACBA members on Aug. 26.

During the first six weeks of the coronavirus pandemic, the major concern seemed to focus on rent relief. Adamski said JLL encouraged landlords to apply for Paycheck Protection Program (PPP) loans to help them ride out the shutdown.

The conversations then turned to the footprint of leased space as companies started to understand the opportunities, challenges and effectiveness of colleagues working from home. Over the last decade, companies began a trend known as “de-densification” to reduce their lease footprints, dropping the square footage per employee from 275 to 150 square feet, Adamski said.

Now, some companies are discussing shifting target density from 150-200 square feet per person to 250 square feet, although 90 percent of pre-pandemic workplace designs are moving forward, according to 100 JLL clients. The JLL presenters noted that space design de-densification will help neutralize the impact of expanded work-from-home initiatives.

JLL reports that sublease space is trending upward as companies affected by COVID-19 attempt to shed space with connectivity capability. “We’ve come to a point in our technology that we’re to have it,” Bilski said, noting that Pittsburgh is one of the top cities with connectivity capability.

The “new normal” is resulting in both short-term and long-term changes.

In the short term, Adamski says, as employees are re-entering the workplace, businesses are focusing on basic mitigation in the workplace with “quick fixes,” such as encouraging social distancing by installing one-way signs to create circular traffic patterns and glass panels between cubicles and/or every other one blocked off.

Now is the time for quarantine if we’re to have it,” Bilski said, noting that Pittsburgh is one of the top cities with connectivity capability. We’ve come to a point in our technology that this is a feasible strategy to mitigate risk.

Long-term, the changes brought by COVID-19 are more technological. For instance, Adamski said, both 1501 Penn Ave. (the former Whitley’s) and FNB Tower on the former Civic Arena site, which are now under construction, have UV lights in the ceiling to bathe the office with disinfecting rays at night. HVAC systems are being improved with greater filtration and velocity.

Over the past 15 years, there has been an urban migration, where tech companies like Philips and Wesco moved to town to attract a younger workforce, Bilski said. But companies are rethinking that in the pandemic era because aversion to using public transit is being cited as the leading impediment for employees returning to work, as are elevators.

Some tech and life science businesses are looking at the hub-and-spoke model, where they maintain a large presence in the urban core, but have satellite offices in the suburbs where employees spend part of their work week. The JLL presenters noted that COVID-19 will give the suburbs an uplift but gateway cities will reaffirm their position as leading hubs of talent and innovation once the pandemic subsides.

While many in the legal community have been working from home through the pandemic, conducting business through phone calls and teleconferencing, the work-at-home trend is unlikely to remain. Law firms are rethinking that in the pandemic era because aversion to using public transit is being cited as the leading impediment for employees returning to work, as are elevators.

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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.

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People on the Move

Whiteford, Taylor & Preston is pleased to announce that Anthony Gestrich has joined the firm’s Pittsburgh office as an Associate in the Bankruptcy Section. He joins Whiteford from a clerkship with the Honorable Peter J. Phipps of the U.S. Court of Appeals for the Third Circuit. He is a graduate of the Duquesne University School of Law, summa cum laude, where he was a member of the law review.

News and Notes

Frederick N. Frank

Frank, Gale, Bails, Murcko & Pocrass, P.C. is pleased to announce that founding shareholder Frederick N. Frank has been appointed by the Pennsylvania Supreme Court as Chair of the Committee on Rules of Evidence commencing October 1, 2020. Frank is in his second term on the Committee. The Committee studies and makes recommendations to the Pennsylvania Supreme Court about matters relating to evidence law in the Commonwealth.

Anthony Gestrich

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