Dietrich to be presented with Carol Los Mansmann Helping Hand Award

By Shelly Anderson

The crossover between the work Danielle Dietrich does in her “day job” and what she has done in her “extracurricular” work with the ACBA and the Women in the Law Division is no accident.

Dietrich is the first Chief Diversity Officer at Strassburger McKenna Gutnick & Gefsky and focuses her practice heavily on women and diverse-owned businesses, health care and elder law.

“The Women in the Law Division was really what got me involved in a lot of those issues, and then the intersectionality with diversity in all...”

Dietrich

Allegheny County Bar Association receives award from Pennsylvania Bar Association

By Kate Sherman and Jeff Gingerich

The Pennsylvania Bar Association (PBA) presented a County Bar Recognition Award to the Allegheny County Bar Association during the 56th Annual Seminar of the Conference of County Bar Leaders on Feb. 25 in Lancaster.

Recognized for its Law Day videos and speaker series project, the Allegheny County Bar Association (ACBA) is one of 23 local bar associations in Pennsylvania honored this year for sponsoring projects that improve the legal profession, justice system or community. The awards are presented annually by the PBA.

“PBA is honored to highlight the numerous local bar association projects and programs aimed at improving communities and the legal profession,” said PBA President Kathleen D. Wilkinson. “We commend the many dedicated volunteers who serve as an inspiration for others to participate in future endeavors that can benefit Pennsylvania residents.”

The Allegheny County Bar Association Law Day Committee developed five online videos about legal topics to share with Pittsburgh high school students. Committee members recruited presenters to speak to classes about equal protection under the law, free speech in school, incarcerated individuals’ rights, LGBTQIA+ students’ rights/protections and voter suppression. The Conference of County Bar Leaders, whose membership includes leaders from county bar associations throughout the state and from the PBA, organizes a yearly educational conference focusing on the exchange of innovative bar association projects and ideas, and on the development of mutually beneficial relationships among bar leaders that improve the legal profession.

Continued on page 11
Gender Bias Duty Officers

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

Kimberly Brown ......................412-394-7995
kabrown@jonesday.com

Jeanine DeBor ........................412-396-5215
deborj@duq.edu

Rhoda Neft ..............................412-606-8387
rhoda.neft@gmail.com

Ethics Hotline

ACBA.org/OfficerAssignments

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

April

Stanley W. Greenfield ............412-261-4466
Lourdes Sanchez Ridge .............412-263-1841

May

Dan Fitzsimmons ..................412-488-0833
Michael M. Lyons ..................412-741-6234

The Allegheny County Bar Foundation wishes to thank our Endowment Committee for helping us reach the finish line!

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Part 3: A look at COVID response in Pittsburgh law firms

By Zandy Dudiak

The COVID-19 pandemic hasn’t been all bad for the legal profession. The Lawyers Journal talked with three representatives from different size firms with offices in downtown Pittsburgh to get a perspective on how the pandemic has changed the way they operate today. While recruiting and pandemic fatigue remain as challenges, the ability of colleagues to work and meet remotely has saved firms, attorneys and clients time and money since Gov. Tom Wolf ordered a shutdown of businesses and courts on March 19, 2020.

Those interviewed are Sandra Fantini, legal administrator, Papernick & Gofsky, a small firm with eight attorneys; Mark Hall, COO, Houston Harbaugh P.C., a medium-sized firm with 37 lawyers; and Kathy Sullivan, CHRO, Clark Hill, a large international commercial law firm, with 27 offices and 1,200 colleagues.

LJ: Looking on the positive side, what was one good thing that changed in your firm because of COVID?

Kathy: I do think the pandemic has presented some opportunities. Lawyers have been doing things the same way for 100 years. We have had to reimagine how we work. Lawyers have adapted very well to technological changes. Those previously resistant have been forced by necessity to be resilient.

Mark: The pandemic forced us to get out of our comfort zone regarding technology and the reliance on paper. We found that we can work remotely and be just as effective and responsive to clients, if not more so. We also found that we can work with digital files as opposed to paper files. While that last part is not true for everyone, we are seeing more paperless files being opened.

Sandra: We found that our flexibility made for efficiently handling client cases remotely. We have been about 80% paperless in our office for the last 10 years, and because of that working remotely was easy and required only technology changes.

LJ: Did the shutdowns or the pandemic itself create any delays in court cases or increases in pandemic-related cases?

Kathy: Our practices have been very busy. Transactions have been at a high volume, and there has been new work because of the pandemic related to the CARES Act, PPP loans and other pandemic-related implications.

Sandra: I don’t think COVID caused any transactions to “blow up.” We have had to delay a closing or have cases delayed because of hospitalizations, client exposure or COVID infection. Litigation in the courts has been postponed or delayed because of a party having COVID. But it hasn’t been crippling. One issue we had was that Philadelphia was behind in recording deed and mortgage transactions. We had postponed some appeals, postponed cases and had some delays in recordings in some areas until things got back on schedule.

LJ: Have recruiting and retention strategies changed in law firms at all?

Kathy: It was a challenging market going into the pandemic. At this point, some people are “rethinking” their lives. Some have opted to retire. It’s a challenge replacing them. We are interviewing remotely to hire new lawyers. We have openings and a lot of opportunities. Legal practice support is also changing and may continue to be remote. Not necessarily from home but maybe not in the same location. Being open to innovative ways of working will be key.

Mark: The biggest work challenge created by the pandemic in my opinion is recruiting. I am not sure where everyone went, but I know there aren’t many people out there looking for legal jobs. We continue to use the traditional recruiting methods to attract talent, but we are also trying to think outside of the box. We have also spent a lot more time creating retention plans. We try to stay up on the latest articles regarding recruiting to better understand what current job seekers find as important must-haves in a potential employer.

Sandra: Employment is the biggest post-COVID challenge. That’s the struggle right now for all of us. I don’t know where everybody went. We’ve been trying to hire someone since August. I think what COVID did for a whole generation of people was open them to examining their quality of life. We have been trying to hire someone since summer of 2021 and have found few candidates in the marketplace. Of those interviewed, about 90 percent have volunteered that they were vaccinated. The vaccination didn’t impact my decision on hiring them or not.

LJ: Do you feel comfortable with where everything is now?

Kathy: It’s a new normal. Pandemic fatigue is a real thing. The pandemic is dragging on and causing people to have fatigue with Zoom meetings and the lack of interpersonal contact. We must find a way past this. The COVID-19 pandemic is very real. We did lose a few employees to COVID. It really has had an impact on everyone’s overall well-being.

Mark: I believe we are as comfortable as we can be. We often ask our staff and attorneys during individual and group meetings via Zoom if they feel safe at the firm and if there is anything we could be doing better regarding our COVID-19 protocols. To date, everyone has said they feel safe and are appreciative of the communication of the firm’s management team.

Sandra: Everyone in the firm was eager to get back. We were always flexible before COVID, but we have fine-tuned remote working so that it’s easier and we are prepared for another shutdown wave, should that happen. We’ve weathered it, adjusted to the new routine and we’re doing well. This was an unknown that hit all of us. It’s required patience and flexibility. It’s brought mental health to the forefront. Unfortunately, people were already worried about different things. This really pushed a lot of people. The pandemic is not going away, but together we will get through it.

Read all three parts of this article and more at ACBA.org/member-center/practice-management-center.
Donetta Ambrose retires as Senior Judge

By Zandy Dudiak

“The charges against Michael Travaglia and John Lesko are not difficult to understand,” the crime with which they are charged is simple — ‘Thou shalt not kill’.”

Those words were from the opening statement made by then-Westmoreland County Assistant District Attorney Donetta Ambrose in the 1981 trial of Travaglia and Lesko, who murdered a rookie Apollo policeman and three others in the eight-day “Kill for Thrill” murder spree. While the case is one of the most notorious crimes in Pennsylvania history, her role in prosecuting the case is not the reason colleagues in the legal realm will remember her.

Although Ambrose officially retired from the federal bench on Nov. 10, 2010, she continued to carry a caseload as a Senior Judge for the U.S. District Court for Western District of Pennsylvania until Feb. 1, when she finally put down the gavel.

“Her legacy will really be focused on her leadership and innovation,” said District Court Chief Judge Mark Hornak. “Her leadership was embodied by her inclusiveness. She was a judge who could administrate effectively and efficiently.”

In her time as Chief Judge in the Western District from 2002 to 2009, Ambrose moved the district court to standardize its electronic case filing. The Federal Judicial Conference compliant with a Neutral who understands the challenges of litigation

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An easier method to reduce your unpaid bills

By Keith Cameron

The Omnipresent Unpaid Bill

Annually, many firms’ unpaid client bills accumulate to the point that their Executive Committee calls for an all-out, concentrated effort to collect those bills. When this happens, wouldn’t you rather be doing something other than contacting all your clients with overdue bills? Having been in the middle of assisting many such efforts over the years, I think most attorneys would prefer to forego the angst of a “bills blitz.” In this article, I will describe a different, simpler method, which firms have adopted to better match their personality.

Every law firm Executive Committee wishes its client bills were all paid within 45 days and at the full amount, but I know of no firm where that occurs. That said, there are always unpaid bills. “Unpaid bills” for this article refers to bills which have not been fully paid within 45 days after the bill is sent to the client. For most firms, about 10-15% of their clients regularly and promptly pay their bills within a month and without questions. Also, a large percentage of firms’ bills (up to 50%) will be a small dollar amount (less than $1,000) and not worth the collection effort other than to send reminder statements. Of the remaining 35% of firms’ bills (unpaid bills) most will eventually be paid in whole or in part, but months, or years, after the legal work was completed, and some will never be paid.

Unpaid bills accumulate quickly if not regularly addressed; they are always there, but you can significantly reduce them by taking strategic actions to collect. This is true no matter the tactic: Contact by the billing attorney, contact by staff, reminder statements, etc. The most effective method for collecting your unpaid bills is to employ a full- or part-time staff person dedicated to that task. Unfortunately, for many firms that is not a viable option. There is an effective alternative, however, which some firms have embraced.

Slow and Steady Wins the Race

Firms have used the following method to reduce their unpaid bills gradually but consistently:

• Add the collection of unpaid bills as a standing agenda item to your regular Executive Committee meetings: Accounts Receivable – Spotlight Report (or similar title you prefer). Refer to the sample report form above.
• Select 2-3 clients that have a large amount of unpaid bills (at least $10,000), at least a portion of which is over 45 days old.
• Include the key information on each client as displayed in the sample report.
• Have a committee member follow up with each billing attorney whose clients are listed to get information on the status of the unpaid bill, including why it is unpaid and the next steps to collect. Have someone revise the report with the updated information prior to the meeting.
• Present the report at every committee meeting and discuss (for approximately 10-15 minutes) each listed client’s collection-related status and the planned next steps for reaching a conclusion (see bottom of the sample report for possible conclusions). Remember to mention the positive developments, not just the issues. Keep the client on the list until one of the conclusions has been decided. Push for conclusions – no client should be on the list longer than three weeks.
• When a client is removed, add another so there are always two to three on the list.
• Monitor to ensure the billing attorneys and their clients comply.

Keith Cameron

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Looking to hire an attorney, paralegal, legal assistant, legal secretary or legal administrator?

Post your employment opportunity on jobs.acba.org.
Commute-worthy or just commodity? Three things your employees want from the office now

By Dan Adamski Sr.

From the onset of the pandemic, the legal industry showed notable agility as many firms and legal departments transitioned to remote work. Yet, since 2016, law firms have dominated new leasing in downtown Pittsburgh, responsible for 580,000 s.f. (36.4%) of total new leasing, signifying an inevitable return.

Today, attorneys want the freedom to work both in the office and remotely depending on what best suits their schedule. As the concept of hybrid work becomes a norm, many law firms see the need to acquiesce to remain competitive for new talent.

While most firms will adopt some form of hybrid work to accommodate their employee’s demand for flexibility, ongoing remote work has been linked to weaker culture, diminished mentorship and collaboration opportunities for junior attorneys, and feelings of burnout.

What does this mean for law firms?

Firms must conduct stronger placemaking; establishing the office as a commute-worthy experience versus a standard commodity where work gets done.

Older generations are retiring, and younger employees are in the driver’s seat when it comes to choosing their workplace. Remote work has added to employee turnover, increasing distance between colleagues, and dissolving the world of commuting.

Due to the increased emphasis on recruitment and retention during this heightened war for talent, having a workplace that is commute-worthy is paramount. The desire for a compelling work environment, combined with tenant favorable market conditions, have motivated Pittsburgh law firms to create dynamic workspaces that will increase their ability to attract talent. And, if there were ever a time to act, that time is now.

So, what do employees want from the office now?

In short, the same lifestyle conveniences as home. As firms re-evaluate their setup and office functionality, consider these three factors.

1. Seamless technology

A technologically smoother environment is going to be a selling point that time is now.

2. Services focused on health, wellness, and convenience

The rising requirement for fast internet, space types with a clear purpose and underlying infrastructure remains the same efficiency and speed as their pre-pandemic.

3. Spaces that inspire and facilitate problem-solving

Taking it a step further, the pandemic uncovered the need for modern conveniences to match the lifestyle conveniences at home and enhance health and safety. Accessibility to touchless technology, operable windows, and onsite services like daycare or clinics can increase feelings of comfort and wellness at work.

Office Depot, OfficeMax discounts

Through the ACBA’s partnership with Office Depot and OfficeMax, individual members and entire firms can enjoy discounts of up to 55 percent on the purchase of office supplies and discounts of up to 70 percent on printing and copying services. Firms that spend $6,000 or more on office supplies annually are eligible for additional discounts. For more information or to enroll, see www.ACBA.org/OfficeDepot or contact David Jarvis at David.Jarvis@officedepot.com.

Offices that are kitted with a variety of space types with a clear purpose will win over employees looking to break up the monotony of remote work.

It would be difficult to argue that the office is dead, especially for legal professionals. The profession itself is often driven by mentorship and training, and face time with more senior personnel is key to the growth and development of younger lawyers looking to grow within the industry.

Dan Adamski Sr. is Managing Director, JLL. JLL (NYSE: JLL) is a leading professional services firm that specializes in real estate and investment management. JLL shapes the future of real estate for a better world by using the most advanced technology to create dynamic workspaces that evolve to entice workers back into the office.

Studies show that improved wellness, and convenience environments are going to be a selling point for law firms.

A recent Workforce Barometer report from the American Bar Association shows that improved wellness, and convenience environments are going to be a selling point for law firms.

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Choosing the right time to mediate

By Howie Schulberg

In case you have not heard, there is a proposal circulating to make mediation “mandatory” before commencement of trials in Allegheny County. The purpose of this article is not to go into details about that proposal. The short version is that the proposal requires all cases to be mediated at least 45 days prior to the scheduled trial date. There are exceptions. And that is all I will say about that. You can find more information about this at vimeo.com/667928739/3de45f044d5.

For those practicing in the U.S. District Court for the Western District of Pennsylvania, you know there is, and has been, a mandatory Alternative Dispute Resolution (ADR) program for close to 20 years. It is an early Dispute Resolution (ADR) program with minimal opt-out provisions.

In either case (and in quite a few other jurisdictions), it is not always the parties’ choice about whether they want to voluntarily engage in ADR, and sometimes you don’t have a choice about the timing. In those cases, you want to make the most of it by doing what is necessary to get the case ready for mediation. In Allegheny County, considering the stage at which it is proposed that mediation will occur, it’s likely that most discovery has been completed. But if you need some further information, request that the other party or parties provide that information. Or broach the subject with the mediator to see if they can help get what you need to engage in settlement discussions more effectively.

In federal court, at your initial conference with the mediator, bring up the subject and enlist the mediator in trying to get you some informal discovery responses. As the mediator, we want to help and make sure the parties have the necessary information to have a fruitful dialog.

If the parties have agreed to mediate outside of some mandatory program, then it is likely that information has been exchanged or there is not much of a dispute on some of the issues in the case; liability or damages or some portion of those elements is obvious. However, even in those cases there can be subtleties. Do you have a full understanding of what the other side is looking to accomplish through mediation? Just because someone mentioned mediation does not signify a meeting of the minds on the outlook for the case. You may want to probe the other parties to see what they have in mind. Not to suggest bad motives, but there can be no other resolution which drive the request to mediate. It could be that a party wants to try and get a better handle on the strengths/weaknesses of your case or even their own. Perhaps discovery has left some questions unanswered or at least open to interpretation. Delaying tactics can also be a motivating factor.

I have mediated cases where one party refuses to make a move unless the other side can provide them with some substantive reason for doing so. I normally ask the recalcitrant party what information they think they need that has not already been provided. Depending on the procedural posture it is likely that someone is trying to get a better understanding of their opponent’s case, which is not always a bad thing. Other times one party is not quite ready but offers up mediation as a way to mollify the court. This can be tougher to recognize in advance of a mediation.

So, when is the best time to mediate a case? Is it before suit is filed, once discovery is complete, prior to or after dispositive motions or anytime thereafter? As with most answers in the law, it all depends. There are advantages and disadvantages to whatever time the parties choose to mediate their dispute. The biggest advantage to “early mediation” is that the parties have not expended a significant amount of time, emotional energy or legal expense on the matter. The Western District has chosen an early timeframe with some of those very factors as the basis for early ADR. Twenty years into the federal ADR program in Allegheny County, considering the stage at which it is proposed that mediation will occur, it’s likely that most discovery has been completed. But if you need some further information, request that the other party or parties provide that information. Or broach the subject with the mediator to see if they can help get what you need to engage in settlement discussions more effectively.

Continued on page 11
Maggie Prescott presented with YLD Outstanding Young Lawyer Award

By Zandy Dudiak

Maggie Prescott uses her legal skills to help survivors of domestic violence by day, and volunteers tirelessly with ACBA and ACBF committees and projects after the workday is done.

Her community involvement and philanthropic efforts have not gone unnoticed by her peers.

The ACBA Young Lawyers Division (YLD) presented Prescott with the 2022 Outstanding Young Lawyer Award, given annually to an ACBA member who has been practicing law for ten years or less and has distinguished himself or herself through service to the bar association, involvement in the community and excellence in the profession. Prescott said she was honored – and surprised – when the award was announced at the YLD Annual Meeting.

“Her full-time job is helping one of the most vulnerable populations,” said Lacee Ecker, who met Prescott while volunteering with the YLD Public Service Committee. Ecker nominated Prescott for the award, which she had received in 2021, because Prescott is “involved, dedicated and hardworking.”

A graduate of Carnegie Mellon University, Prescott joined the staff of the Women’s Center & Shelter of Greater Pittsburgh in 2013 after graduating from the University of Pittsburgh School of Law.

“I first began working with domestic violence survivors on their family law cases as a certified legal intern at Neighborhood Legal Services during law school,” she said. “The experience provided me with insight into domestic violence survivors’ many complex challenges and needs, and it motivated me to devote my skills and career to assisting survivors obtain safety, resources and dignity.”

Prescott started as a staff attorney, working specifically with victims of intimate partner violence and sexual violence. She was promoted to senior staff attorney in 2019 and assumed a new role as chief of mission integration this year.

“I received a 2021 PBA Pro Bono Award for my work with low-income victims of intimate partner violence on their family law legal matters,” Prescott said. “Working for the Women’s Center & Shelter of Greater Pittsburgh allows me to connect our clients with the full range of supportive services, such as housing, counseling, legal advocacy, relocation, and more.”

Prescott started her involvement with the ACBA and ACBF by joining the YLD’s Bar Leadership Initiative. In the years since, she has served on many committees, helped with fundraisers, organized events and participated in volunteer programs. At present, Prescott serves on the ACBA Judiciary Committee. She serves on the Family Law Section Council, is co-chair of the Court Relations Committee and a member of the Children’s Issues Committee. A trustee of the ACBF, she co-chairs its Loans and Scholarships Committee.

“The ACBA and YLD provide so many opportunities for lawyers to give back to the community,” she said. “I have served on the YLD’s Ad Hoc Anti-Racism Committee and a member of the Children’s Issues Committee.”

“I co-chaired YLD’s Public Service Committee and organized and participated in many volunteer programs,” Prescott said. “I am a proud alumni/chair of YLD’s Children’s Gift Drive and Holiday Party, and matched generous lawyers and law firms to provide personalized gifts to hundreds of underprivileged children.”

She also co-chaired Strike Out Hunger, an anti-hunger fundraising initiative that benefits ACBF’s Attorneys Against Hunger campaign, and co-facilitated YLD’s “Night with the Author” event featuring Damon Young and his experiences as a Black man in Pittsburgh. She volunteered as a witness for Wills for Heroes, which provides free estate planning drafting and execution to first responders.

“I have also volunteered for the Military and Veteran Project (MVP) by packing supplies for deployed servicepeople,” she said. “I even volunteered for the Children’s Gift Drive and Holiday Party, and matched generous lawyers and law firms to provide personalized gifts to hundreds of underprivileged children.”

Upon hearing of her selection, Prescott said she was honored and surprised. “I am so very grateful for my peers’ recognition of my work and service,” she said. “It is such a privilege to help survivors of domestic violence obtain safety, resources and dignity.”

ACBA President Diane M. DeAngelo said Prescott is a deserving recipient of the award.

“Maggie’s dedication and commitment to helping domestic violence survivors is second to none,” DeAngelo said. “She is an example of what it means to be a leader in the ACBA and the legal profession.”

Prescott was presented with the award by YLD Chair Asra Hashmi at the YLD Annual Meeting on Feb. 22.

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Superior Court reviews discoverability of mental health records

By Brad E. Haas

The Superior Court of Pennsylvania recently reviewed the disclosure of a plaintiff’s mental health records in the context of personal injury litigation. Specifically, the court discussed when and how certain allegations within a complaint or deposition testimony could require such disclosure.

In sum, the Superior Court held that a personal injury lawsuit alleging some emotional or mental harm, in and of itself, is insufficient to waive the statutory psychiatrist/psychologist-patient privilege or the protections of the Pennsylvania Mental Health Procedure Act, which precludes the disclosure of certain mental health records. See Boyle v. Main Line Health, Inc., 2022 Pa. Super. Unpub. LEXIS 71 (Jan. 10, 2022) (non-precedential decision); Tavella Zirilli v. Ratner Companies, L.C., 2021 Pa. Super. 240 (Dec. 8, 2021).

Both the Boyle and Tavella opinions began with a discussion of the 2010 case of Gormley v. Edgar, 995 A.2d 1197 (Pa. Super. 2010). In Gormley, the Superior Court determined that when a plaintiff directly places their mental and emotional health at issue, they waive any statutory privileges. Instead, they argued the allegations were general assertions of emotional and mental pain. The Superior Court agreed with the plaintiffs and reversed the trial court. In doing so, they distinguished Gormley on the basis that the plaintiff in that case specifically alleged she suffered from anxiety, a recognized mental condition, as a result of an accident. As such, the Superior Court appeared to differentiate between a plaintiff alleging to have experienced anxiety during an incident as opposed to a plaintiff specifically claiming an incident factually caused anxiety or some other specific mental health disorder.

The Tavella court dealt with a different situation involving a similar analysis under Gormley. In Tavella, the plaintiff filed a negligence action, claiming personal injuries after receiving a hair color treatment. The defendants waived any privilege related to the mental health records by placing their mental and emotional health at issue. The trial court based its decision on two allegations. The first was from the deposition of Mr. Boyle where he testified to feeling anxious, frightened and confused in the delivery room. On appeal, the defendants argued they did not allege Mr. Boyle suffered any mental injury, severe emotional trauma requiring treatment, or any specific psychiatric/psychological condition, as would be required to waive the mental health records privileges. Instead, they argued the allegations were general assertions of emotional and mental pain. The Superior Court agreed with the plaintiffs and reversed the trial court. In doing so, they distinguished Gormley on the basis that the plaintiff in that case specifically alleged she suffered from anxiety, a recognized mental condition, as a result of an accident. As such, the Superior Court appeared to differentiate between a plaintiff alleging to have experienced anxiety during an incident as opposed to a plaintiff specifically claiming an incident factually caused anxiety or some other specific mental health disorder.

On appeal, the defendants argued that the plaintiff had placed her mental and physical health at issue by filing a personal injury action claiming her skin condition was caused by the hair color treatment. The defendants further argued that evidence of the plaintiff’s mental health diagnoses were directly relevant to the source of the skin and scalp issues and contained potentially exculpatory evidence to suggest the skin color treatment was not a substantial factor in causing her alleged injuries.

The Superior Court held that, while the plaintiff’s general averments in her complaint of loss of life’s pleasures, mental anguish, and emotional distress did not result in a waiver, the nature of the injuries alleged and the investigation thereof did require the disclosure of the mental health records. The court recognized that although the complaint did not raise allegations of mental injuries as a result of the hair color treatment, the potential discoverability of such allegations were further expanded upon in the Boyle and Tavella opinions.

In Boyle, the plaintiffs brought suit on behalf of their minor son for injuries which occurred during his birth. The amended complaint sought damages based on professional negligence for the minor’s injuries, as well as for past and future “emotional pain and suffering” and a loss of consortium claim on behalf of Mr. Boyle. During discovery, the defendants served subpoenas on two of Mr. Boyle’s psychiatrists. The plaintiffs objected, arguing the records contained privileged mental health information. The trial court ruled that Mr. Boyle waived any privilege related to the mental health records by placing his mental and emotional health at issue. While Gormley laid out a general framework of review, the intricacies of mental health allegations and the

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they work their way through it. I think you have a situation like that and how strong. But also, respectful and smart. "grace," Henry-Taylor said. "Very lewd emails that were deemed to be she handled a 2016 situation involving also stands out. That is the case with be likened to a lifetime achievement an important contribution." a past Mansmann Award winner who nominated Dietrich this year. Current WLD Chair Julie Vanneman said. "She’s been a consistent contributor for many years in a number of ways, including as a member of the Bar Association more generally," Vanneman said. "She stays involved. She continues to contribute. She continues to serve as a mentor. She just keeps plugging along." "She is a member of the ACBA Board of Governors. Previously it was not the case that women were the majority of governors on the board, but it is now. She was one of the women who spear- headed that change. I think that’s also an important contribution." Nicola Henry-Taylor. Judge Dietrich said she simply recognized Vanneman pointed out that during that time Dietrich was "passionate and eloquent in the opposition to what was going on, and clearly and boldly behind the scenes and worked to properly express the outrage of women over the content of the emails. Dietrich said she simply recognized the situation and her responsibility. "I feel like that was a pivotal point. I was a bit of a pivot point for the WLD as well as the Bar Association generally," she said. "It was where we really started to take a stance on these things and speak out publicly. It was a pivot point for me. I’ve always been someone who asks the tough questions and says what everybody else is thinking but maybe won’t say it out loud – which is a blessing and a curse." That Award honor would seem to indicate it is the former, that she will continue to be willing to speak out and act is a blessing. The award will be presented at the Wednesday, May 3, 2022, at the Rivers Club. Visit ACBA.org/calendar to register and for additional information about this event. •

BENCH-BAR IS BACK! Members of the Superior Court. I received first-hand insights into the job of the judges from a simple admission of written briefs. Another time, a friend and I teamed up to write a brief for a case whom a particular judge with whom I was trying to make a good impression on those persons’ law firm partners, and I was able to talk with whom this person (now a judge) was going to be. I recall a Bench-Bar moment for those involved (and you know who you are?). Then there were the in-pool chats with judges from other divisions, where we became good friends, and the early Women in the Law vignettes where lifetime relationships were forged. There were always the Thursday night barbecues where we would sit with people whom we had never seen in quite some time, or still others with whom we would find common ground over a libation…or two.

At Bench-Bar, the in-pool chats of serious events, as well, including the annual CLE, the ACBA’s biannual and break-out sessions. On Friday, at lunch, there is the passing Bench-Bar moment for those involved and then the Amram Award ceremony. The annual Bench-Bar Conference and provides outstanding service to the community. It is a highlight in the category of serious moments at Bench-Bar. •

LAW PRACTICE MANAGEMENT continued from page 5 with their commitments to resolve the unpaid bills.

That’s the whole process! A few related observations and suggestions follow:

1. There are two keys to the effectiveness of this method: a) the client is on only a small number of clients at any one time, and you have all the information you need to progress with each situation. With only one client, it’s easier to get a sense of the overall picture and where to start and then to hold that attorney accountable for follow through; and b) you can continually reducing the unpaid bills.

2. Most accounting systems have a standard report on the Accounts Receivable by client, which can help you identify candidates for a Spotlight Report.

3. Don’t list clients which have uncollectible bills that are so distant which have been unapplied longer than a year. You may want to deal with such complicated situations on an individual basis.

4. The discussion should move quickly because there are only two to three clients. Adding the slack in the process should not interfere negatively with any other committee matters or take over the meeting.

5. The accountability which accom- panies this process requires billing attorneys to resolve their unpaid bills to avoid being on the "Spotlight Report.

6. Remember that gradual and steady progress with unpaid bills is superior to no progress.

Conclusion

This simple method to collect more of your unpaid bill balances is easy. If, however, the account is on the Spotlight Report for a year or longer, it has been effective for some firms which previously followed no standard process for communicating it to your current collection process to see if it could benefit your firm. If you use the method, maintain a list of the resulting collections and write-downs. Either way, contact whether your 15 minutes of meeting time is producing satisfactory results. •

MAGGIE PRESCOTT continued from page 9 acted as Mama Bear once in The Three Bears vs. Gold E. Locks in the Fac & Mack Trial for children. Prescott was YLD liaison to the Board of Trustees in 2019-2021. She was a Young Lawyers Fellow, Class of 2013. Prescott calls on her peers to volunteer to help people who cannot afford legal help. "There is a significant need for free civil legal representation in family law cases, protecting families from abuse victims, and I would love to see more attorneys and law students taking time to help vulnerable people navigate complex legal systems," she said. •

MENTAL HEALTH RECORDS continued from page 10 defenses to liability were connected to the plaintiff’s mental condition, an extent that necessitated disclosure.

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1. There are two keys to the effectiveness of this method: a) the client is on only a small number of clients at any one time, and you have all the information you need to progress with each situation. With only one client, it’s easier to get a sense of the overall picture and where to start and then to hold that attorney accountable for follow through; and b) you can continually reducing the unpaid bills.

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RIGHT TIME TO MEDIATE continued from page 8 reasons why you might want to consider mediating at a particular moment in time.

Howard J. Schulberg, Esq. has provided mediation and arbitration services for over 25 years to attorneys who represent parties in negligence, product liability, medical malpractice, civil rights and government contracts. Schulberg has over 40 years of litigation experience that not only gives him a solid base of knowledge but also helps him in litigating the parties in a real world setting. In 2021, Schulberg pivoted his focus to ADR with the launch of Schulberg Mediation.

If you have an idea for a substantive law article or would be interested in authoring one, please email Jennifer Pulice at jpulice@acba.org.
Black History Month Celebration

During the virtual 18th Annual Black History Month Celebration on Feb. 24, the Homer S. Brown Division (HSBD) presented its Spirit Award to Harold Hayes, longtime KDKA-TV personality, and its Young Leader Award to ACBA member Morgan Bonekovic. These awards are presented to those who have exhibited leadership qualities and a commitment to the promotion of equality and the advancement of justice among the African American community.

The event ended with a Q&A moderated by HSBD Chair Morgan Moody with the two award winners that covered topics such as what Hayes and Bonekovic are most proud of in their careers and advice they would give to young lawyers and aspiring journalists today.

Among those in attendance were HSBD Past-Chair Regina Wilson and Cindy Chung – who discussed her role as newly appointed U.S. Attorney and her goals for community partnerships and the importance of fair and justice law.

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In Memoriam

Harry J. Gruener


Titus family home was an open haven of groundhog Punxsutawney Phil who lived in Pennsylvania, and whose antics depended on their imagination and Paul’s clever storytelling. Paul is survived by his wife, Bonnie; his children, Ann, Bill (Marcha), and John; his grandchildren, Emily and Paul, and his sister, Margaret. He was preceded in death by his parents, Bill and Genevieve; and his siblings, Joseph, John and Ann.

He was a lifelong Pittsburgh resident born and raised in West View and a graduate of North Hills High School. He began his legal career as a civil trial lawyer in both state and federal courts but ultimately found his true calling when he returned to his beloved University of Pittsburgh School of Law to teach a new generation of lawyers. He first joined the faculty as an adjunct professor and ultimately as a full-time Clinical Associate Professor of Law. He established the Family Law Legal Clinic and Associate Director of Family Law Curriculum. Harry’s classes were extremely popular, even though he always took attendance at his 8 a.m. lectures. He received the Excellence in Teaching Award from the graduating law school classes in 2005 and 2012, one of the few professors to win this distinguished award in multiple years. In 2009, Harry was awarded the School of Law Distinguished Alumni Award for his outstanding achievements. He was also awarded the Chancellor’s Distinguished Public Service Award in 2013 for the work his Family Law Clinic did with scores of indigent citizens of Allegheny County dealing with varied legal issues in the Family Court. He will be fondly remembered as a dynamic, humorous and motivational teacher who mentored countless young attorneys.

Paul H. Titus

Paul H. Titus, late of Pittsburgh, Pa., passed away on February 19, 2022, in his home.

He was born on October 14, 1934, in Bradford, Pa. Growing up around the Bradford area during the Great Depression, the Titus family home was an open haven for the homeless to stay. This early act of kindness was formative in his lifelong desire to help others. A later high school trip to Florida was where he was first exposed to systemic issues such as racism, another instance that fueled his passion for justice and equality. He graduated from St. Bonaventure University, and went on to have a long and distinguished career practicing law. He was a champion of the underdog and the oppressed, dedicating his life in service of those who needed legal counsel the most. He was known for his pro bono work, something that was incredibly important to him, and was a way he gave back to his local community.

He was a compassionate and gentle man who was well known for his successful career, but also beloved by friends and family for his good humor and gentle spirit. While practicing law, he was professional and stoic, but loved ones knew a well-intentioned prankster. As a high schooler he once called the local newspaper and the Pittsburgh Observatory with friends and did impressions of famous celebrities of the time. Their clever hoax about “red balls of fire in the sky” even got them written up in the local paper. Paul was multifaceted and loved to laugh as much as he loved to advocate for others. His children remember a caring and loving father who entertained them with endless creative stories. A favorite of theirs was about “Rumble Gimble,” a version of groundhog Punxsutawney Phil who lived in Pennsylvania, and whose antics depended on their imagination and Paul’s clever storytelling.

Paul is survived by his wife, Bonnie; his children, Ann, Bill (Marcha), and John; his grandchildren, Emily and Paul, and his sister, Margaret. He was preceded in death by his parents, Bill and Genevieve; and his siblings, Joseph, John and Ann.

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Bar Briefs

News and Notes

Frederick B. Goldsmith, of Goldsmith & Ogorodowksi, LLC, is now offering his services as a trained mediator. He has practiced on both sides of state and federal civil dockets for over 30 years in the areas of personal injury and death, admiralty & maritime, auto and motorcycle, Drum Shop/liquor liability, product liability and insurance coverage/bad faith litigation. He is listed as an approved neutral by the U.S. District Court for the Western District of Pennsylvania and the West Virginia State Bar.

Burns White LLC is pleased to announce that Monica C. Fillmore has been named a member of the 2022 class of Leadership Council on Legal Diversity (LCLD) Fellows. Fillmore will join a select group of attorneys carefully chosen to participate in this landmark, year-long program created by the LCLD to identify, train and advance the next generation of leaders in the legal profession. Burns White is honored to have had seven attorneys over the past 12 years chosen to participate in LCLD programs.

Get a jump-start on Memorial Day weekend by connecting with your fellow ACBA members on the patio overlooking Market Square at the JLL Center at the ACBA’s Members-Only Happy Hour on Thursday, May 26 from 5:30 p.m. Registration is just $5 in advance, $10 at the door and includes food & your first drink thanks to event sponsor Network Deposition Services. Cash bar after that. The event is rain-or-shine, as the happy hour will move to JLL’s inside space in the event of no rain. No CLE. No seminar. Just Happy Hour. Visit ACBA.org/HappyHour/May2022 for more.

The Amram Award Committee is seeking nominations for the 2022 Amram Award, which is presented during the Friday luncheon at the Bench-Bar Conference. Given in the spirit of the conference, the Amram Award recognizes those who personify professional excellence and who have demonstrated substantial commitment to the ideals of the Allegheny County Bar Association and to the betterment of the greater community. Nominees must have been engaged in the active practice of law for at least 12 years, be a member in good standing of the Allegheny County Bar Association, and have been supportive of and active in the ACBA Bench-Bar Conference, have demonstrated professional excellence in the practice of law and have demonstrated outstanding service to the community. The Amram Award Selection Committee will consider the following when determining if a nominee has actively participated in and supported the Bench-Bar Conference: service as a conference presenter, service on committees that support the conference, long-standing conference attendance and a history of encouraging others to attend. Nominees need not have served on the Bench-Bar Committee or as its chair. Award recipients from the last 10 years are: the Hon. Debra Todd, Shelly R. Pagac, Hon. Kim Berkeley Clark, Craig E. Simpson, Mary Sue Ramsden, Vincent J. Grogan, John F. Becker, Hon. Kim D. Eaton, Barry M. Simpson and Hon. Eugene Strassburger. Submit nominations in the form of a detailed letter that outlines the nominee’s achievements to Christina Daub, Director of Membership & CLE, ACBA, 400 Koppers Building, 4th Avenue, Pittsburgh, PA 15219 or email cduba@acba.org. The deadline for nominations is April 30, 2022. This year’s Bench-Bar Conference will be held June 16-18 at Seven Springs Mountain Resort.

People on the Move

Ember K. Holmes and Audra E. Hutter recently joined Babst Calland as associates in the Corporate and Commercial Group. Holmes focuses primarily on corporate and transactional matters, including commercial contracts, corporate structuring, mergers and acquisitions and copyright and trademark issues. Hutter focuses primarily on corporate and contract matters, including commercial contracts, corporate structuring, mergers and acquisitions.

SGK would like to welcome Elizabeth W. Brumins to the firm. Brumins is Of Counsel to the firm and is a member of the Corporate Services and Privacy and Cyber Security practice areas.

Members can get consultation on their legal actions and potential actions through the ACBA Professional Ethics Hotline. See ACBA.org/OfficerAssignments for details.
CONTINUING LEGAL EDUCATION from the ALLEGHENY COUNTY BAR ASSOCIATION

The ACBA has hundreds of previously recorded ONLINE CLEs in dozens of practice areas ready to be viewed 24/7 from anywhere at cle.acba.org.

How to Manage Your Student Loan Debt in 2022
1 Substantive credit
Landlord-Tenant Mediation and Pro Bono Training
4 Substantive credits
Gambling: The Secret Addiction Part II – Internet and Sports Betting
1 Ethics credit
Parental Alienation in Custody Cases
2 Substantive credits
Workers’ Compensation Basics for the Non-Practicing Attorney
1 Substantive credit
Arbitration Practice in Allegheny and Surrounding Counties
1 Substantive, 1 Ethics credits
Mentoring, Training and Advancement of New and Junior Women Attorneys
1 Substantive credit
Effects of Sentencing Law and the Need for Reform
1 Substantive credit
Basics of the Freedom of Information Act and Pa.’s Right-to-Know-Law
1 Substantive credit
Accessing In-Patient Care Under the Medicare System
3 Substantive credits
Understanding Rule 8.4(g) and Navigating Bias in the Profession as an Associate
1 Ethics credit
Medical Evidence in Social Security
1 Substantive, 1 Ethics credits
Tax Updates for the Family Law Practitioner
1.5 Substantive credits
Third Annual Criminal Law Symposium – Vehicle Stops and Searches
2 Substantive credits
Third Annual Criminal Law Symposium – Appellate Update
1 Substantive credit
Third Annual Criminal Law Symposium – Immigration Law
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Third Annual Criminal Law Symposium – Defending the False Confessor
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How to Comply with Rule 8.4(g) and Advance Professionalism
1 Ethics credit
Environmental Law Update: 2021 Year in Review
1 Substantive credit

View the rest of the offerings on our ONLINE CLE CENTER.

Register today at ACBA.org/calendar.

ACBA Bench Bar Conference June 16-18
Visit www.ACBAbenchBar.com for more information and to register today.

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