ACBA Summer Clerkship Program matches 47 law students with summer employment

By Zandy Dudiak

With COVID-19 restrictions finally relaxing, 47 first year (1L) law students who identify as diverse will have the opportunity to experience in person what it is like to be an attorney through the annual ACBA Summer Clerkship Program.

To qualify, students must successfully complete their first year of law school, submit a resume with references, a writing sample and personal statement, and attend a required orientation to learn about the program. Kellie Ware, ACBA Director of Diversity, Equity and Inclusion (DEI), who coordinates the program, said students can attend a panel on networking, which is recommended.

The clerkships are open to students who identify as persons of color, LGBTQ+ and/or disabled as defined by Americans with Disabilities Act. Students are also given the option of not disclosing their diversity, said Ware.

Of the 47 students who accepted offers, 27 attend Pitt, 11 are from Duquesne, 7 are from Penn State, 1 is from WVU and 1 attends California Western School of Law. A total of 85 students applied for the clerkships. The students have a variety of paid placements: 60% with law firms, 26% in government clerkships and 2% in corporate legal departments, 12% in public interest/nonprofit organizations.

The students have been placed with 44 employers following a virtual interview process that took place in February. Ware said 24 discreet interviews took place in the legal community.

The 2022 clerkship program will host a kick-off reception on May 25 at

Annual ACBA Elections open from May 10 to 26

Eligible ACBA members can cast ballots to elect the association’s next President-Elect, Treasurer, division-level leaders and the newest members of the Board of Governors and Judiciary Committee in the annual ACBA Elections. Per the ACBA By-Laws, active and honorary membership classes are eligible to vote in the annual elections.

Voting began at 6 a.m. on Tuesday, May 10 and will close at 6 p.m. on Thursday, May 26.

This election is being conducted electronically by Intelliscan. Eligible voters should have received emails in a staggered fashion throughout the day on May 10 from Intelliscan with a link to the election website.

Please make sure to cast your vote!

The May 6 edition of the Lawyers Journal featured ACBA election candidates. In that issue, ACBA staff inadvertently failed to include the designation, “This candidate was recommended by the ACBA Nominating Committee” after candidate Dan Seibel’s name; Seibel is a candidate for the Judiciary Committee, Elder/Probate and Trust Representative.
The full text and headnotes for the cases below appear in the online, searchable PLJ Opinions located at www.ACBA.org.

Criminal Appeal—Grand Jury
Individual indicted by grand jury not entitled to grand jury materials after case has been notice prossed.

Commonwealth of Pennsylvania v. Lucas Guggenheimer, Mariani, J. Page 62
Criminal Appeal—PCRA—Ineffective Assistance of Counsel—Right to Evidentiary Hearing—Harmless Error—
Misappropriate of Justice—Reopening Testimony.
The petitioner claimed ineffective assistance of counsel where counsel failed to move for mistrial on the charge of Carrying a Firearm Without a License. The trial court agreed that the Commonwealth failed to introduce direct evidence that petitioner did not have a license, but noted it was clear from charging documents that petitioner was under 21 and therefore not legally permitted to carry a concealed firearm. The trial court dismissed pursuant to PA.R.Crim.P. 907 without granting an evidentiary hearing noting that had defense counsel moved for Judgment of Acquittal Pennsylvania law would have permitted the Commonwealth to re-open their case to introduce evidence of petitioner's age. Therefore, the trial court concluded the error was harmless and dismissed without an evidentiary hearing.

By Ron Cichowicz

Despite occurring more than 80 years ago, the Holocaust still haunts the collective memory of the civilized world. How could such evil flourish, especially in a democratic nation? What role did institutions such as the courts play in enabling Nazism to control all aspects of society? Most critically, how can such horror be prevented from ever happening again?

To help answer these questions and more, the ACBA held a live webinar, CLE, Law, Justice and the Holocaust: How the Courts Failed Germany, on March 29. Presented in conjunction with the United States Holocaust Memorial Museum, the program was free for ACBA members, thanks to the Allegheny County Bar Foundation John H. Sorg Fund for Professional Ethics.

In the U.S. Holocaust Memorial Museum's virtual program, participants critically examined the pressures faced by German jurists under the Nazis. Through the use of interactive polling technology, participants responded in real time and used their professional expertise to discuss legal decrees, judicial opinions and case law of the period demonstrating the role of the courts in the destruction of democracy and the establishment of the Nazi German state.

Program speakers were Dr. William F. Meinecke Jr. and Sarah Reza. Meinecke is a historian at the United States Holocaust Memorial Museum. Reza is manager of the Museum's Law and Justice Initiatives. The CLE provided a close scrutiny of the past, providing the framework for a debate on the role of the courts in the United States today, including the responsibility of legal professionals to ensure that their actions lead to just outcomes and to safeguard the rule of law.

The Allegheny County Bar Foundation Board of Trustees approved the program for funding by the Sorg Fund because its subject matter applied directly to the Rules of Professional Conduct set forth by the Disciplinary Board of the Supreme Court of Pennsylvania.

John H. Sorg Fund for Professional Ethics is to be used to maintain and elevate the standard of ethics of the Allegheny County bar.

“We were very excited to present a CLE from such an esteemed institution as the United States Holocaust Memorial Museum,” said Christina Daub, ACBA Director of Membership and CLE. “And having the Sorg Fund cover the cost was wonderful. These are the types of programs that benefit our members on so many levels.”

Registration for the program was limited to 250.

“Unfortunately, we had to turn a lot of people away because the program was at capacity when they attempted to register,” Daub said. “This is a perfect example of why people shouldn’t wait until the last minute to register.”

Daub added that after the program, several ACBA members said it was one of the best CLE programs that they had ever taken.

Holocaust CLE provided historic focus on law, justice

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ATTORNEYS AT LAW

www.lloganglawfirm.net
By Joseph R. Williams

Last month I had the opportunity to attend a fundraiser held by the Young Lawyers Division for Operation MVP. Founded by Past YLD Chair Marla Presley in 2009, MVP stands for Military & Veterans Project and seeks to recognize and serve our current military personnel and veterans. The YLD’s efforts have included a “Books for Troops” project sending over 3,500 books to active military personnel, as well as an annual “Pack a Box” program whereby supplies and items representing home are sent to current service-members. The project is currently co-chaired by YLD members Kelly McGovern and Leah Zawasky.

Hearing more about the YLD’s current efforts to support our troops caused me to reflect on the incredible sacrifice made by those who have served our country. As we approach the Memorial Day holiday, I realized that, like many Americans, I take for granted that my freedoms and liberties have not been guaranteed, but something for which others have fought. Indeed, Memorial Day is more than just a long weekend full of hot dogs and potato salad to kick off the start of summer.

Memorial Day was formerly known as Decoration Day. It originally honored only those lost while fighting in the Civil War. But during World War I the United States found itself embroiled in another major conflict, and the holiday has evolved to commemorate American military personnel who died in all wars, including World War II, The Vietnam War, The Korean War and the wars in Iraq and Afghanistan.

For decades, Memorial Day continued to be observed on May 30, the date selected for the first Decoration Day. But in 1968, Congress passed the Uniform Monday Holiday Act, which established Memorial Day as the last Monday in May in order to create a three-day weekend for federal employees. The change went into effect in 1971. The same law also declared Memorial Day a federal holiday.

Since 1775, over 1.3 million American soldiers have died in wars involving the United States. The vast majority of these fatalities resulted from two wars, with approximately 620,000 deaths of American military during the Civil War and around 415,000 deaths in World War II. In addition to those military personnel who have paid the ultimate sacrifice, millions of others have sacrificed time away from loved ones and other opportunities in order to serve our country. The sacrifices do not stop when they return home. A significant number of wartime veterans – 44% who have served in Iraq and Afghanistan, according to one survey – say that they have experienced problems readjusting after their return.

Some of the most significant issues related to readjustment are health related. A considerable number of veterans who served in Iraq and Afghanistan have suffered traumatic brain injuries. Other common problems include posttraumatic stress disorder, depression, anxiety, problematic alcohol use, and thoughts of suicide. Many veterans suffer from more than one health condition. In addition, many women and men experienced sexual trauma, including harassment and assaults, while in the military. That can have both mental and physical effects.

As lawyers, we pride ourselves in the fight that we do on behalf of our clients. Let us remember and respect those who have fought for us. For starters, this Memorial Day we can follow the intended rituals of the occasion. The American flag should be hung at half-staff until Noon on Memorial Day and then raised to the top of the staff. Also, in 2000 the United States Congress passed legislation encouraging all Americans to pause for a National Moment of Remembrance at 3 p.m. local time.

We can also find ways to support our veterans and active military. If you would like to donate to Operation MVP, reach out to Kelly McGovern at kellynm25@yahoo.com or Leah Zawasky at leah@pghdivorcelaw.com.
Discovered ‘Big Show’ video connects member Ryan Very with late grandfather

By Brian Knavish

Ryan Very never met his grandfather, yet, in many ways, he knew him well. The proprietor of Very Law PLLC, Ryan is an active ACBA member. He is Chair of the Lawyer Referral Committee and a member of the Civil Litigation Section and Young Lawyers Division.

His late grandfather, Don Very, also was an attorney who was very involved in the ACBA. So much so, in fact, that he served a term as ACBA President in 1978.

Don passed away in 1979, some nine years before Ryan was born. While the two never met, Ryan’s heard stories about his grandfather through the years from relatives and other members of the bar. As Ryan explained, many have told him about the similarities that exist between the two.

For one thing, much like his grandfather, Ryan is regarded as a fierce litigator who is passionate about advocating for clients and the legal profession overall. But the similarities don’t stop there, as both are/were known for their abilities to perform not only in court but on stage. Still, Ryan only had stories and photography—nothing to get to know his grandfather until recently when video surfaced, depicting Don Very performing as part of a comedy act at the 1977 Bench-Bar Conference. This allowed Ryan to see his grandfather in “live action” and hear his voice for the very first time.

“It was amazing,” said Ryan. “I’ve heard stories about my grandfather, but to actually see footage of him and hear his voice, that was emotional. I never thought I would get that chance.”

The video, available at ACBABenchBar.com/Very depicts Don performing in “The Big Show,” a Bench-Bar musical comedy show that featured ACBA members as its cast and crew. The Big Show was a staple of the conference from 1974 to 2002. In this particular video, Don is signing a parody of “Give Me That Old Time Religion.”

How did Ryan become aware of the video? It was through fellow ACBA member Michael Louik, who was one of the driving forces behind The Big Show and directed the production each year.

“I have known Michael Louik since 2007 when I became involved with the ACLU of Pennsylvania and he was on the legal committee,” Ryan said. “One day, more recently, I mentioned my name, and Michael put two and two together and said, ‘Oh my God!’”

Louik had photos, programs and other information on Don from past performances of The Big Show, and got that information to Ryan, who was signing a parody of “Give Me That Old Time Religion.”

Louik remembers Don Very well. “I have known Michael Louik since 2007 when I became involved with the ACLU of Pennsylvania and he was on the legal committee. Ryan said. “One day, more recently, I mentioned my name, and Michael put two and two together and said, ‘Oh my God!’”

Louik had photos, programs and other information on Don from past performances of The Big Show, and got that information to Ryan, who was signing a parody of “Give Me That Old Time Religion.”

The discovery of the lost footage also made Ryan dig further still and learn more about the extent of the similarities between him and his grandfather. When he was in law school at Boston University – completely unaware of his grandfather’s showbiz pursuits – Ryan directed the Legal Follies, a sketch comedy group started by Emmy Award Winner David E. Kelly. This meant Ryan was carrying on his family’s lawyer-comedy-performance tradition started by his grandfather … without even knowing it.

Beyond that, as chair of the ACBA Lawyer Referral Committee, Ryan

Continued on page 10

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You missed a deadline? How to avoid that nightmare

By Hope A. Comisky

Introduction

The foundation of the attorney-client relationship is providing competent legal advice. In this era, competent lawyering includes the use of “relevant technology.” See ABA Model Rule of Professional Conduct (“MRPC”) 1.1, comment (7). Most courts now send notices of court actions by email and require attorneys to file documents electronically. What happens if you miss an email or fail to check an electronic docket? The scenarios in a recent case are similar to a bad dream, but the consequences are real and can be quite severe.

A “Cautionary Tale” Leading to Dismissal of a Case – Rollins v. Home Depot USA

Rollins v. Home Depot USA, Inc., 8 F.4th 303 (5th Cir. 2021), presents a “cautionary tale for every attorney who litigates in the era of e-filing.” The facts are simple. The parties agreed on a deadline for dispositive motions in a pending personal injury suit. The defendant filed the motion. The Circuit Court ruled that Rule 59(e) permits parties to “correct manifest errors of law or fact or present newly discovered evidence” or argue that there has been an intervening change in the controlling law. Those reasons apply in this case. The failure to file a response was in counsel’s reasonable control. The Court cited a prior decision which upheld a district court’s grant of an unopposed motion to dismiss where the opposing party explained that its failure to respond was due to “defective antivirus software” that “diverted court emails to a spam folder.” Trevino v. City of Fort Worth, 944 F.3d 567, 570 (5th Cir. 2019).

How Should Lawyers Avoid Errors Such as Those in the Rollins Case?

The Rollins case led to a terrible result for the client. The acts of the attorney essentially ended the case when additional court review otherwise may have been available. Opening and reading all court communications are imperative. Reading the text of all court orders – rather than relying on a description in an electronic notification – is essential. Having the case dismissed on summary judgment may have been completely avoided had the lawyer maintained simple but necessary docketing and monitoring systems.

Have a Reliable Calendar System

Maintaining a reliable calendar system is critical. Of course, you should have appropriate calendar maintenance and install updates as they become available. You also should have a backup calendar, which would activate in the event that the primary system becomes unavailable. In addition, maintaining calendars in a confidential manner on personal data equipment such as cell phones can also serve as a back-up.

Centralize

It is recommended that you maintain a centralized calendar system. In a decentralized system, each attorney would input the information into a spam folder. Then a centralized calendar system creates a risk exposure. For example, if the lawyer inputs the due date incorrectly or misses the filing date reminders, these errors cannot be remedied. A more centralized approach, however, would provide access to the calendar to the entire team, as well as staff members supporting that team. Such redundancy will help you ensure that the dates are accurate and address sudden emergencies or unexpected absences or departures. Larger firms may wish to create a docketing department with personnel specifically trained to support the entire firm. Some lawyer’s professional liability insurers look favorably upon firms using centralized systems when determining premium rates.

Consider the Options

Outlook calendars may provide the answer for solo and small firms but not for mid-size and large law firms. For these larger firms, consider whether use of case management system creates a risk exposure. For example, if the lawyer inputs the due date incorrectly or misses the filing date reminders, these errors cannot be remedied. A more centralized approach, however, would provide access to the calendar to the entire team, as well as staff members supporting that team. Such redundancy will help you ensure that the dates are accurate and address sudden emergencies or unexpected absences or departures. Larger firms may wish to create a docketing department with personnel specifically trained to support the entire firm. Some lawyer’s professional liability insurers look favorably upon firms using centralized systems when determining premium rates.

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

Continued on page 10
Whistleblowers key to recoup massive pandemic-related fraud

By Andrew M. Stone

Unprecedented federal spending begets unprecedented fraud. Two years ago, our country was confronted by widespread business closures, massive lay-offs, and a public health emergency ravaging the country and filling hospital beds. Congress acted quickly and decisively to get badly needed money out the door. Lawmakers passed a series of spending bills to provide pandemic relief and shore up an economy battered by the coronavirus. Congress pumped more than $5 trillion dollars into the economy. Sadly, but inevitably, oversight and fraud controls were sacrificed for speed. According to recent estimates, hundreds of billions of dollars will be lost to fraud. Citizen whistleblowers are in the best position to report this fraud and assist the government in recovering the money.

Last year, Attorney General Merrick Garland announced the formation of the COVID-19 Task Force and appointed a chief prosecutor to fight a tidal wave of fraud that is expected in the wake of massive pandemic relief spending. In the more complex fraud schemes that are hard to uncover, the government will necessarily rely on whistleblowers to lead the way. Citizen whistleblowers are still the government’s most effective tool to police waste fraud and abuse in government programs. They are most often insiders that can provide a road map or guide to “where the bodies are buried.” The federal False Claims Act, originally enacted to address fraud against the union army during the Civil War, rewards and protects informers who uncover and report fraud. It provides financial incentives and protections to insiders who step forward as whistleblowers. The federal False Claims Act allows private citizen whistleblowers to sue contractors and grantees on behalf of the government for defrauding federal programs. If successful, a whistleblower bringing this kind of (“qui tam”) lawsuit can receive a reward of up to 30% of the amount recovered. The False Claims Act was amended in 1986, and again in 2010, to make it easier to bring such cases. Since 1986, whistleblowers have recovered over $60 billion on behalf of taxpayers. While the criminal prosecutions that have surfaced indicate a flood of cases involving fraudulent applications for unemployment benefits, fraudulent SBA loans under the Paycheck Protection Program (PPP) and the Economic Injury Disaster Loan Program (EIDL), the civil cases under the federal False Claims Act are more difficult to assess because they are filed and investigated under seal. Nevertheless, there is every reason to think that more complex schemes involving kickbacks, illegal referrals, billing fraud, grant fraud, unnecessary services, and other schemes, will be revealed as investigations are completed and the cases are unsealed.

In addition, citizen whistleblowers should be on high alert for fraudsters targeting the soon to be disbursed infrastructure spending. This massive spending will flow from the recently passed Infrastructure Investment and Jobs Act. The $1.2 trillion infrastructure bill directs $110 billion to roads and bridges, $66 billion to railroads, and $39 billion to transit. Also, $25 billion will go towards airports, $17 billion to ports and waterways, $11 billion to safety measures, $7.5 billion to electric vehicle chargers, and $7.5 billion to electric buses. As these infrastructure projects get underway, whistleblowers should be on the look out for bid rigging, kickbacks, Disadvantaged Business fraud, Davis-Bacon (prevailing wage) violations and conflicts of interest, materials overcharging, time overcharging, product substitutions, bribery and other fraud schemes that result in losses to federal programs. Anyone with knowledge of fraud in any of the pandemic relief or infrastructure programs should consult an attorney who is knowledgeable and experienced in the federal False Claims Act and qui tam lawsuits. Andrew M. Stone is a lawyer and the founder of Stone Law Firm, LLC, a Pittsburgh based law firm representing whistleblowers nationally in federal False Claims Act (qui tam) litigation and other government whistleblower programs.
Lewis named Chief of Judicial Services Office of the U.S. Courts

By Ron Cichowicz

Joshua Lewis, most recently the Clerk of Court for the United States District Court for the Western District of Pennsylvania, has been selected to become Chief of the Judicial Services Office (JSO), Department of Program Services of the U.S. Courts. He assumed his new duties April 25 at his office in Washington, DC.

In a letter to the Honorable Mark Hornak, Chief United States District Judge for the Western District of Pennsylvania, Lewis credited the “support and friendship” shown to him by Judge Hornak and his colleagues as instrumental in preparing Lewis for his new role.

“I have had the great privilege of supporting each of the Judges during my years in the District,” Lewis wrote, “and I have aspired to provide exceptional service, identify creative solutions and foster a culture of courtesy, accountability and respect.

“In addition to the great honor it has been to serve the Judges and the Court’s constituents, it has been the privilege of my professional life to work with the dedicated and skilled professionals in the Clerk’s Office. Each of them has challenged me to transform my thinking, humbled me to recognize my limits, and inspired me to provide better service to the Court and the community it serves.”

Lewis began his position as Clerk of Court in the summer of 2017. Prior to that, he served Chief Deputy Clerk for the Bankruptcy Court for nearly four years.

The JSO develops and supports programs and services addressing the needs and concerns of federal judges and their staffs, including Article III (court of appeals, district and Court of International Trade), territorial district court, Court of Federal Claims, bankruptcy and magistrate judges. It also serves as liaison, consultant and advocate on matters affecting judges and chamber staff, such as policy recommendations, legislative proposals and administrative and operational matters. JSO is comprised of the Judicial Support Staff Division, Judicial Programs Division and the Judicial Policy Division.

The position of Chief of the JSO requires executive-level knowledge and skills to serve as the subject matter expert and agency’s primary source for providing support and assistance regarding policies and activities that impact all areas of judicial service.

Lewis said his experience in the Western District prepared him well for his new challenge.

“The Western District has seen significant change over the last three years,” Lewis said, “welcoming five new District Judges and one new Magistrate Judge. Additionally, as a result of retirements, over 40 percent of the dedicated professionals in the clerk’s Office have joined the Court.

“Navigating change, whether expected or, in the case of the pandemic, unexpected, has provided the best preparation for service to the JSO team at the Administrative Office. I bring with me countless examples of professionalism and collegiality from the Judges and staff of the Western District, as I have learned how to better serve the court and the public from each of them.”

Judge Hornak praised Lewis’ tenure in the Western District and said he will be missed.

“He’s going to be terrific in his new position,” Hornak said. “The challenge when you have talented people on your team is that others look for that talent. It’s not surprising that someone would have an eye on Josh and understand the contributions he could make to all the courts.”

Hornak said one of Lewis’ key strengths was to remain “laser-focused” on working for the American people.

“Josh never lost sight of that,” he said, adding that a hallmark of Lewis’ career has been his service to others.

“Another of Josh’s strengths is his commitment to collaboration,” Hornak said. “He worked very hard to make sure none of our work was done on an island. We’re going to miss him a lot.”

Hornak also said that Lewis’ position will be advertised nationally and that Chief Deputy Clerk Colleen Willison will be the acting Clerk of Court until a replacement is named.

For Lewis, who was born in Arkansas and earned his law degree from the University of Pittsburgh, the move is bittersweet.

“I hope I can bring my experience here serving the Court and its constituents to my new office. I hope in my new role to be an advocate and promote the role the federal courts play in our democracy.”

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Annual Meeting and Tour of Dollar Bank Heritage Center
Wednesday, June 1 | 5 p.m.
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ACBA Diverse Affinity Group Happy Hour

More than 70 attorneys turned out for the ACBA Diverse Affinity Group Happy Hour last month on April 20 at Scarpino.

Brandon McFarlane, ACBA Director of Diversity, Equity and Inclusion Kellie Ware, Jennifer Somma and Wesley Speary catch up at the event, which immediately followed a CLE on fair housing presented by the ACBA Real Property Section.
ACBA SUMMER CLERKSHIP PROGRAM
Continued from front page

The Riverside Club in downtown Pittsburgh that includes a panel discussion about how to succeed in a first law job.

“It’s challenging, especially as a first year, because you haven’t had the opportunity to really network or test your legal chops,” Ware said.

Now in its 17th year, the Summer Clerkship Program has produced many attorneys who are now peers in the ACBA. Two of this year’s employers are products of the clerkship program.

The ACBA opens applications for the program during January and students select which employers they would like to interview with, and the applications are then forwarded to participating employers. Each employer then selects students they want to interview. This year, there were quite a few qualified students who were not able to be placed, Ware said.

“We’re always open to additional employers for future years,” Ware said. “There are co-sponsorship opportunities as well.”

Ware said her office is working with the ACBF to plan some joint programs/events for the ACBF summer fellows and ACBA summer clerks. Among the activities are lunches with judges, a career sampler panel and supplemental recreational activities.

“Putting together 60 students is a logistical feat, but a great problem to solve,” said Very.

 Ware said her office is working with the ACBF to plan some joint programs/events for the ACBF summer fellows and ACBA summer clerks. Among the activities are lunches with judges, a career sampler panel and supplemental recreational activities.

Socialization on Tap at 2022 Bench-Bar

While “The Big Show” is a thing of the past, the 2022 Bench-Bar Conference – which returns in-person June 16-18 at Seven Springs Mountain Resort for the first time since 2019 – will feature plenty of social events and entertainment.

A beer and wine tasting, barbecue, poolside reception, axe throwing, trivia, karaoke and a Friday night “after party” are among the highlights.

For more information or to view the complete schedule, visit ACBAChelbrich.com.

Synchronize

In addition to the actual due date, a notification prior to that date also should be entered. This procedure is

The Riversid...
includes non-billable events

set expectations

law firm management must emphasize to all attorneys and staff members that compliance with the firm’s calendaring and docketing system is mandatory. A rogue attorney or technologically challenged support staff member may try to circumvent the law firm’s calendaring and docketing procedures. Therefore, law firm leadership should explain the potential adverse consequences to the law firm that may result from non-compliance.

Train the Users

training on these systems is essential to their proper implementation. Both attorneys and staff should be trained on the importance of accurate docketing, as well as proper use of the docketing system. Its mandatory use should also be emphasized. Accurate recording of deadlines and fulfilling those deadlines represents a core competency for all attorneys. See ABA MRPC 1.1 (“Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”). Failure to accurately record and meet deadlines can result in claims against the firm, as well as disciplinary complaints against individual attorneys. Indeed, one study revealed that 19% of legal malpractice claims are due to administrative errors including missed deadlines or calendar errors. See,ABA Standing Committee on lawyers’ Professional Liability. Profile of legal Malpractice Claims, 2016-2019; the administrative error category includes error, such, as procrastination/failure to follow up, failure to calendar properly; clerical error; failure to file document; failure to react to calendar; and lost file/document. More specific requirements should be included in the law firm’s operations manual.

Conclusion

substantial risks exist for law firms that fail to diligently monitor case dockets, read court orders and adhere to filing deadlines. The risk management tools to avoid these mistakes are available and are not difficult to implement. You should review your procedures in this area and emphasize calendaring and monitoring systems that are appropriate to your law firm’s size and areas of practice. You will sleep better at night, avoiding the nightmare of a missed deadline and disgruntled attorney or client. Non-compliance can result in claims against the firm, adverse consequences to the law firm and its leadership. Therefore, law firm management must emphasize to all attorneys and staff the importance of compliance with the firm’s calendaring and docketing systems. Its mandatory use also should be emphasized. Accurate recording of deadlines and fulfilling those deadlines represents a core competency for all attorneys. See ABA MRPC 1.1 (“Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”).
On April 21, participants enjoyed a tour of PPG Paints Arena and a Pittsburgh Penguins vs. Boston Bruins game after the ACBA CLE “Fine Tuning Financial Plans for Attorneys” sponsored by Key Private Bank.

Gender bias still exists. You are not alone.

If you have observed or experienced any form of gender bias in your role as an attorney, you may contact any one of the following members of the Gender Bias Subcommittee of the Women in the Law Division. These 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
Jeannine DeBor 412-396-5215 deborj@duq.edu
Rhoda Neft 412-606-8387 rhoda.neft@gmail.com

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By Corrie Woods and Marco Attisano

In February, the Supreme Court of Pennsylvania issued a per curiam order in Carter v. Chapman, A.3d 737 (Pa. 2012), removing the last of its 2011 Congressional redistricting plan necessitated by population changes over the last decade. The General Assembly would enact a Redistricting Plan that the Governor would sign into law, but, this cycle, efforts to do so reached an impasse, leaving the task to the judiciary. The Court selected a plan, advanced by citizen-activists, focused in part on a "least change" principle which sought to minimize changes to existing districts. In its order, the Court indicated an opinion would follow, and, in March, the Court did not disappoint, issuing its opinion, along with six secondary opinions, explaining its adoption of the plan.

Redistricting has long been a holistic task whereby legislators (or, if legislators failed, courts) attempt to satisfy multiple, competing goals: equality of population, compactness, the avoidance of dividing political subdivisions, joining communities of interest, providing voters with continuity of representation, protecting incumbents, and, yes, even securing a degree of partisan advantage. In many instances of redistricting, the application of this flexible legal standard, combined with political incentives and increasing technological abilities, has led to the adoption of plans that bested the enacted plan with respect to each, ultimately splitting, as demonstrated by citizen-activists, focused in part on a "least change" principle which sought to minimize changes to existing districts. In its order, the Court indicated an opinion would follow, and, in March, the Court did not disappoint, issuing its opinion, along with six secondary opinions, explaining its adoption of the plan.

After League, some hoped to use its analysis to turn redistricting into something of a formula-based exercise, albeit differing on the precise formula. In the recent Congressional redistricting litigation, Republican litigants advocated that League was a mandate to apply the Holt criteria and finding that the plan "also examin[ing]" other considerations, including "least change" as an appealing metric, particularly where courts are in search of objective standards in the subjective and political process of selecting a redistricting plan. Justice Debra Todd, in dissent, championed the optimization of the Holt factors, indicating that she would have adopted a plan proposed by a citizen-group of math and science professionals, primarily directed at achieving that goal. Justice Sallie Mundy advanced a similar approach, albeit performing the math differently and endorsing a map proffered by Republican Congressman Guy Reschenthaler. Justice Kevin Brobson authored a secondary opinion, emphasizing the importance of a hierarchy: a plan may not go "too far" in sacrificing the Holt criteria, appropriately considered subordinate criteria including "least change" as to prior districts and "partisan fairness" (i.e. avoidance of vote dilution), and complied with federal law. Each remaining Justice filed a secondary opinion either emphasizing the importance of the majority's process of selecting a redistricting plan. Justice Christine Donohue, concurring, emphasized League's focus on partisan fairness. Justices Kevin Dougherty and David Wecht authored concurrences lauding the plan.

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ACBA’s account representative with USI Affinity Bob Cagna retires after 28 years

Michael Galardini to succeed him

By Zandy Dudiak

Although he was not an ACBA member, Bob Cagna was a familiar face in the law offices he served and at events like the Bench-Bar Conference as the association account manager representing USI Affinity (My Benefits Advisor), the bar-endorsed insurance broker.

Cagna retired March 31 after a long-standing relationship with the ACBA and its members. His role will now be filled by Michael Galardini, an account executive who began working with ACBA accounts prior to Cagna’s retirement.

“I've always had great pride working with the bar association,” Cagna said. “The ACBA was a wonderful opportunity for me. I enjoyed going to the bar functions.”

“Bob took care of the members,” said Sandy Niespodzianski, Vice President at USI Affinity. “He didn't care if it was a solo or a 50-member firm. He helped everybody with excellent service to the client. He wanted to do what was right for the members, based on their individual needs.”

Though he had been talking about retirement for some time, Niespodzianski said he wanted to make sure all the firms he served were taken care of – and “that was always in his mind.”

Cagna’s role with My Benefits Advisor was to sell benefits and compliance packages and services, including life, health, dental and disability insurance.

From the start 28 years ago, Cagna said his goal was not to make money, but to answer questions and help people get the proper insurance and benefits coverage.

“Relationships – that’s what I tried to build,” he said, adding that’s also what he’ll miss.

He expressed thanks to Niespodzianski for her guidance, confidence, wisdom and trust through the years. He also thanked John Miles, who preceded Niespodzianski in that role, for hiring him nearly three decades ago, and ACBA Executive Director David Blaner, whom he called a “great mentor.”

“I truly want to thank David for the great opportunity he gave me,” Cagna added. “It's like a second family to me. That was a tough thing to walk away from. But it’s time to move on.”

Cagna decided it was time to spend more time with his family, especially his 6-year-old grandson, and travel with his wife. He also plans to spend more time on his hobbies, including his side gig as a musician with The Fantasy’s, a five-piece, Upper Ohio Valley band that performs songs from the 1960s-80s. Retirement has given him the opportunity to practice his music or rehearse two or three hours a day.

ACBA members will find Cagna’s successor, Michael Galardini, a “champion of the members,” said Jessica Galardini, Senior Vice President at My Benefits Advisor, who is also his stepmother. Along with 20 years of professional service in the insurance industry, Galardini will be backed by an account management team that handles client benefits and services.

“Michael’s role will be very visible among the members,” Jessica Galardini said. “He really likes to help people buy the best products for their employees. His approach is to be very consultative first, then go on to find the best solutions and affordability for his clients.”

The father of three with his wife Megan live in Washington County. Michael works with businesses throughout Western Pennsylvania and West Virginia.
The SECURE Act, which was introduced at the beginning of 2020, was signed into law and impacted retirement plan regulation while looking to make retirement savings easier for American workers. And as the world emerges into post-pandemic life, the SECURE Act 2.0 continues to evolve in Washington.

If you or your clients are sponsors of a retirement plan such as a 401(k) or 403(b), now is the time to have the conversation regarding compliance of any potential law changes. It is also a time to evaluate whether your plan design is still appropriate for the company and its ever-changing workforce.

ARE NEW REGULATIONS IMPACTING your retirement plan?

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LET’S TALK …

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Bar Briefs

News and Notes

The International Association of Defense Counsel (IADC) has announced that Jennifer S. Park, a shareholder at Dentons Cohen & Grigsby P.C., in Pittsburgh, Pennsylvania, has accepted an invitation to join the IADC, the preeminent invitation-only global legal organization for attorneys who represent corporate and insurance interests.

Every year the Pittsburgh Legal Administrators Association (PLAA) recognizes a member who demonstrates commitment and exceptional dedication to the mission and goals of the PLAA and the Association of Legal Administrators, their national organization. This year the association recognized Claudine Matthews of Frost Brown Todd. Matthews is the chair of their membership development committee and has done an outstanding job connecting their members during a difficult year.

The Pittsburgh Legal Administrators Association (PABA) recognizes a member who demonstrates commitment and exceptional dedication to the mission and goals of the PABA and the Association of Legal Administrators, their national organization. This year the association recognized Zak Thomas of Frost Brown Todd. Thomas is the chair of their membership development committee and has done an outstanding job connecting their members during a difficult year.

People on the Move

Zak Thomas

Sitko Bruno, LLC, located in the Strip District, is pleased to announce that Zak Thomas has joined the firm as a Partner. Thomas concentrates his practice in all aspects of commercial real estate law, representing developers, lenders, borrowers, landlords, tenants and other parties in commercial real estate, financing and restructuring transactions. Thomas graduated from Carnegie Mellon University with a B.S. in 1998, received his J.D. from the Duke University School of Law in 2001, is a member of Leadership Pittsburgh Class XXXI and holds a Rental Housing Development Finance Professional Certification.

Kenny Steinberg, one of the founding members of Steidl and Steinberg, is retiring from the firm after 37 years. He hasn’t decided on his next act, but he hopes to see everyone at the Bench Bar to reminisce about the past years and look toward the future. Steinberg was instrumental in the development of the Attorneys Against Hunger (AAH) program. AAH has contributed over $2 million dollars to local food banks and hunger service agencies since its inception.

Change in Status

Jeanine Maradei Franciscus, who has been on Inactive Status, has demonstrated that she has the moral qualifications, competency and learning in law required for admission to practice in the Commonwealth, shall be and is, hereby reinstated to active status as a member of the Bar of this Commonwealth.

Patrick O’Hare Regan has been reinstated to the practice of law.

Voting Rights and Voter Suppression

A diverse panel including Allison Genard, Amanda Green-Hawkins, Chris Delacio, Vincent Johnson, Emily Kinkead, Monica Ruiz, Jesse Exilus and Jamaal Craig addressed the current status of voting rights and attempts at suppressing the vote on April 4 during this ACBA CLE.

Lawyers’ Mart

APPRASIALS


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IF YOUR CLIENTS ARE CONSIDERING CHARITABLE GIVING as part of their estate planning. The Pittsburgh Presbytery Foundation can provide a means to support charitable work helping those in need throughout SW Pennsylvania. For more information contact the Foundation at: www.gofundyourministry.org/pghpresby.htm or Rev. Dr. Douglas Partz at 412-923-1400 Ext. 318.

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Navigating Your Career in a Hybrid World

The ACBA Committee for Diversity and Inclusion and the YLD Diversity Committee presented “Navigating Your Career in a Hybrid World” virtually on March 29. Sponsored by Strassburger McKenna Gutnick & Gefsky, participants heard from diverse attorneys on how to navigate challenges that have come up due to the nature of hybrid and remote work. Speakers included attorneys Rebecca Miller, Tricia Martino, Jesse Exilus and Morgan Moody.