

# LAWYERS JOURNAL

## 25<sup>th</sup> Annual Rev. Dr. Martin Luther King, Jr. Prayer Breakfast to be held on Jan. 15

By Gabrielle Lee

The Homer S. Brown Division (HSBD) of the Allegheny County Bar Association welcomes you to join us at the 25th Annual Rev. Dr. Martin Luther King, Jr. Prayer Breakfast on Jan. 15. This year's program will be held at Bethel A.M.E. Church in Pittsburgh's Hill District neighborhood. After many years of a successful partnership with Ebenezer Baptist Church, the committee decided to explore other local churches and worship spaces, in an effort to reach new members of the community.

Committee member Verdell Dean explained, "This program continues to grow, and this year, the committee decided that we wanted to focus on the breakfast and fellowship prior to the program, as much as the program itself, so we found a larger space that allows the growing number of attendees to sit, eat, mingle, and enjoy each other's company before heading into the sanctuary." The breakfast will be catered by a Pittsburgh, Black owned baking and catering company, Divine Delectables.

Every year, the HSBD "Drum Major for Justice Award" is presented to an individual or organization recognizing his, her, or their contributions in perpetuating the convictions of Dr. King to make justice, equality, and opportunity a reality for all people. The name of the award originates from one of Dr. King's final sermons about a eulogy that might be given in the event of his death. According to Dr. King, "If you want to say that I was a drum major, say that I was a drum major for justice. Say that I was a drum major for peace. I was a drum major for righteousness."



Jerry Dickinson  
2024 Drum Major for  
Justice Awardee

According to Immediate Past-Chair of the HSBD, Jesse Exilus, this year's awardee, Jerry Dickinson, is carrying on the mission of Dr. King by advocating on behalf of members of our community in many ways, but most notably, by fighting to ensure that everyone has access to safe and stable housing. Dickinson currently serves as the Vice Dean of the University of Pittsburgh School of Law. His scholarship and teaching is focused on constitutional law, civil rights, property, and race

and the law. Prior to his career in academia, Dean Dickinson served as a law clerk for the Honorable Theodore A. McKee, former Chief Judge of the United States Court of Appeals for the Third Circuit. He also practiced as a litigator in Reed Smith LLP's Pittsburgh office.

Vice dean, professor, constitutional scholar, and mentor are just some of the roles Dickinson holds, but if anyone was to say Dean Dickinson was a drum major, they would say that he was a drum major for fair housing for all of those in our community. As an associate at Reed Smith, Dean Dickinson founded the Housing Rights Project, a collaboration with Neighborhood Legal Services. The project is a pro bono initiative advocating on behalf of indigent tenants in eviction proceedings in Allegheny County. Prior to joining Pitt Law, he was a Fulbright Scholar in Johannesburg, South Africa. There he studied comparative constitutional law and advocated on behalf of the poor residents facing eviction proceedings in the inner-city slums that were being targeted for gentrification.

Dean Dickinson's scholarship has been cited by the U.S. Court of Appeals for the Third and Sixth Circuits. His

scholarship and commentary have been quoted in articles by The Washington Post, The Atlantic, as well as many local Pittsburgh news channels. During the COVID-19 pandemic, Dean Dickinson was the voice for those facing eviction proceedings or other unfair housing practices due to the financial impact of the pandemic. He didn't settle on being a voice or a scholar during this trying time – Dean Dickinson stood with struggling members of the community and offered the legal representation for tenants facing eviction. He continues to litigate fair housing cases. Dean Dickinson's scholarship and actions clearly demonstrate his commitment to make justice, equality, and opportunity a reality for all.

The Prayer Breakfast will be held in person at Bethel A.M.E. Church on Monday, January 15. Breakfast and fellowship will begin at 7:30 a.m. The program, featuring a full, live choir, will begin at 9 a.m. The program will be streamed live on YouTube and the ACBA's Facebook page. On behalf of the Homer S. Brown Division of the Allegheny County Bar Association, I welcome you all to join us in celebration of our 2024 Drum Major for Justice, Jerry Dickinson. ■

## Be a bar leader!

### ACBA Nominating Committee seeks candidates for 2024-2025 President-Elect, Treasurer, Governors and Judiciary Committee

By ACBA Staff

The Allegheny County Bar Association (ACBA) is gearing up for its upcoming election season, and it's on the lookout for dynamic individuals ready to take on leadership roles. The positions available for candidacy include President-Elect, Treasurer, as well as roles on the Board of Governors and the Judiciary Committee.

In preparation for the elections, the ACBA Nominating Committee is actively seeking candidates for several key roles. These include the President-Elect, Treasurer (with a two-year term), five Governor positions (each with a three-year term), and eleven positions on the Judiciary Committee (each with a three-year term). The term for these positions is set to commence on July 1, 2024, and the deadline for the submission of candidate applications is 4 p.m. on Friday, February 9, 2024.

"The ACBA plays a major role in addressing many issues that impact our bench and bar. Stepping into a leadership position within the organization provides a great opportunity to actively participate in these discussions and decisions. It is important that the leadership of the ACBA reflects the different perspectives and practice areas of our membership. A leadership role within the ACBA is

#### 2024 ELECTIONS CALENDAR

**Wednesday, January 10, 2024** – Nominating Committee Reception that discusses the nuts and bolts of running for office for the ACBA, HSBD, WLD and YLD – 5 p.m., ACBA Headquarters, 4<sup>th</sup> Floor Koppers Building. All members are welcome.

**Friday, February 9, 2024** – Deadline for Nomination Application Forms and resumes.

**Thursday, March 21, 2024** – ACBA Annual Meeting. Report of the ACBA Nominating Committee and selection of ballot positions by candidates.

**Friday, March 29, 2024** – Deadline for all bios and headshots – ACBA, HSBD, WLD and YLD.

**Tuesday, May 7, 2024** – Annual ACBA Elections are open. Members who fall into the active and honorary membership classes on April 1, 2024 will be eligible to vote in the annual elections.

**Thursday, May 23, 2024** – ACBA Elections close and results are tabulated.

**Thursday, June 6, 2024** – Bar Association announces results of the 2024 Elections.

*\*The Homer S. Brown Division (HSBD), Women in the Law Division (WLD) and the Young Lawyers Division (YLD) nominations and elections follow the same elections schedule as the bar association (ACBA).*

bound to be one of the most rewarding experiences that you will encounter in your career," said Regina Wilson, ACBA President-Elect and Chair of the Nominating Committee.

Aspiring leaders are encouraged to consider these esteemed positions

within the ACBA, where they can contribute significantly to the development and direction of the legal community. The deadline for submitting applications is approaching,

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[ACBA.org/member-center/gender-bias-hotline](http://ACBA.org/member-center/gender-bias-hotline)  
 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](mailto:kabrown@jonesday.com)

Rhoda Neft .....412-606-8387  
[rhoda.neft@gmail.com](mailto:rhoda.neft@gmail.com)

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 Wonder if your decisions, legal advice or other professional actions are ethical? Need guidance? The ACBA Professional Ethics Committee “Ethics Hotline” makes available Committee Members to answer ethical questions by telephone on a daily basis. *All calls are confidential.*

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BE A BAR LEADER  
continued from front page

so those interested are urged to act promptly and be part of the impact that leadership within the ACBA can bring. Be a bar leader and shape the future of our legal community!

Qualifications:

**President-Elect.** Candidate must be a member of the Bar Association and a current or former member of the Board of Governors of the Bar Association.

**Treasurer.** Candidate must be a member of the Bar Association and shall, in the year elected as Treasurer, have served as a member of the Audit Committee or Finance Committee for at least the year prior to taking office.

**Governor.** Candidate must be a member of the Bar Association and should have a history of active participation in one or more Committees, Divisions or Sections of the ACBA. Five seats are available for three-year terms.

**Judiciary Committee.** Candidate must be a member of the Bar Association and should be actively practicing and appearing before judges of the

Allegheny County Court of Common Pleas, PA Appellate Courts and/or Federal Courts. Eleven seats will be filled by election to the Judiciary Committee. The following seats will be elected in 2024: Three seats for members who identify as an ethnic or racial minority or other diverse members; Five seats representing diverse practice-areas of the court system, with one seat available for members whose practices focus on each of the following: Appellate, Civil, Criminal, Family and Elder Law/ Probate & Trust; Two at-large seats which shall be available to any member(s) of the Association; and One Young Lawyer seat (0 to 10 years of practice experience).

Anyone desiring to run for the above positions must submit a resume and completed ACBA Nomination Application Form. The Nomination Application Form can be downloaded from the ACBA website at [ACBA.org](http://ACBA.org) or obtained by contacting David Blaner at 412-402-6601 or by emailing [dblaner@acba.org](mailto:dblaner@acba.org). The completed Nomination Application Form and resume are to be emailed to David

Blaner, ACBA Executive Director, at [dblaner@acba.org](mailto:dblaner@acba.org). All applications with resumes must be received by 4 p.m. Friday, February 9, 2024.

The ACBA President, with the approval of the Board of Governors, annually appoints a Nominating Committee consisting of not less than 15 active members to review the completed Nomination Application Forms and resumes. The committee shall place into nomination for election candidates for the President-Elect, the Secretary or Treasurer, Governors and Judiciary Committee members to be filled by vote of the active and honorary membership. The report of this committee shall be included in the notice of the Annual Meeting at which the report is to be presented. Nominations for the above-mentioned offices may be made from the floor at the Annual Meeting. No candidate may nominate himself or herself nor second his or her nomination. All candidates for nominations from the floor must be present to qualify or provide written confirmation of their desire to seek office and authorization to be nominated. ■

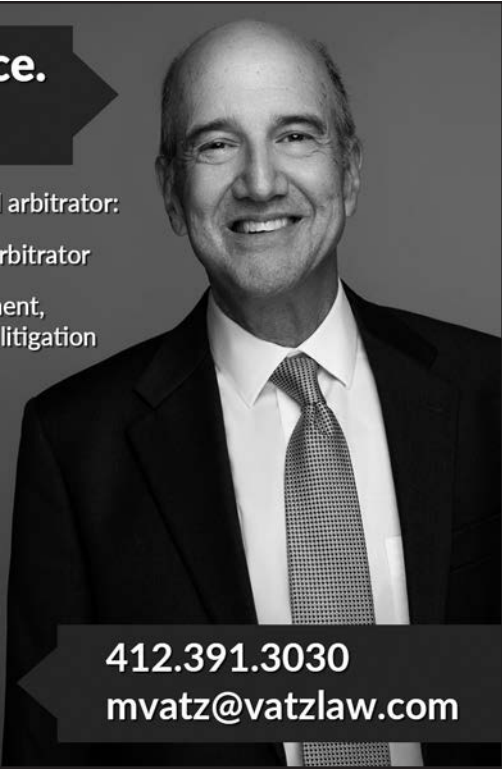
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# Don't sleep on your anesthesiology case

By Maggie Cooney

Quick! Name the medical specialty with the most critical role in patient care. I'm guessing you might have identified cardiology, neurosurgery, maybe emergency medicine? Maybe you thought of obstetrics. How many specialties would you list before you'd reach anesthesiology? There's a common misconception about anesthesiology being a lazy specialty – one that pays well and allows a physician to spend her/his days sitting in operating rooms completing sudoku puzzles or crosswords. And sure, maybe that's part of it.

But consider this: How long can a person survive without a clear airway? Permanent brain damage may begin as soon as three minutes without oxygen and death can occur as soon as four to six minutes. Because airway management is the heart of anesthesiology, it often falls to the anesthesiologist to handle these critical minutes after a patient's airway fails. The anesthesiologist bears the responsibility and challenge of keeping a cool head during these life-or-death moments.

As with any specialty, principles of good anesthesiology practice have evolved with developments in science and technology. The hospital anesthesiologist is expected to keep up with current principles and to follow them in their daily practice. If an anesthesiologist fails to follow the principles of good practice, they may be legally responsible for severe injury or death to a patient. Moral of the story for the plaintiff's attorney: Don't ignore the anesthesiology case that comes

through your door. Take another look at your current case inventory and make sure you haven't overlooked an anesthesiology case.

An anesthesiologist has several primary roles: positioning the patient for surgery, dosing and administering medications during surgery, monitoring vital signs, managing pain and level of consciousness, and managing the airway (such as establishing artificial or surgical airways). I'd like to focus on airway management. I am currently litigating a medical malpractice case for the death of a 30-year-old woman who died following a successful elective surgery because of negligent post-operative airway management. Here are some of the practice pointers I've learned:

- Anesthesiologists are the airway experts. If your patient is in a critical care setting, their care is probably being managed by doctors from a variety of specialties. An anesthesiologist is the most qualified to manage the patient's airway. Other specialists such as critical care medicine, ENT, or otolaryngology will also have training and experience with airway management. But especially for the patient with a difficult airway, anesthesiology should be brought onto the care team and should be quarterbacking any airway management.
- The anesthesiologist must carefully evaluate the patient's airway before surgery or intubation. The consciousness-altering and muscle-paralyzing medications used to induce general anesthesia usually take away a patient's ability to breathe for themselves,

requiring the placement of an endotracheal tube down the patient's "windpipe" so that a mechanical ventilator can do the work of breathing for the patient. For most patients, intubation will hopefully be a fairly straightforward process. But anesthesiologists must stay on the lookout for patients with "difficult airways." A thorough pre-operative evaluation is necessary to catch the indicators that an anesthesiologist will have a difficult time getting the patient intubated. This evaluation should include taking the patient's history, conducting a physical examination, reviewing prior surgery records, and looking at laboratory test results.

- Once a patient has been identified as having a difficult airway, the anesthesiologist must plan and execute an appropriate approach to maintain the airway. There are a wide variety of tools and techniques available to the hospital anesthesiologist to establish an artificial airway. Using these various methods and tools is the bread and butter of an anesthesiologist's training. Not every technique will be right for every patient. The physician must select the best approach considering the patient's unique history, anatomy, and medical condition. Airway management is not one-size-fits-all. Intubation may be accomplished with a traditional "direct" approach, in which the doctor uses equipment that allows them to directly visualize the entrance to the trachea at the vocal cords. Newer technology gives doctors the option to use scopes with camera equipment that allows the doctor to

see the vocal cords on a screen. Scopes can be introduced through the mouth or nose. Intubation can be accomplished with the patient awake or "asleep" under general anesthesia. Awake flexible fiberoptic intubation is generally recognized as the gold standard for patients with predicted difficult airways.

Planning for intubation must also include establishing the Plan B should the first approach fail. When laryngoscopic intubation fails the anesthesiologist's Plan B should be a supraglottic airway, a device that sits above the trachea and assists with delivering oxygen to the lungs. If this approach also fails and the patient is not being adequately ventilated, the team must be ready to transition immediately to a surgical airway. When a patient has a known difficult airway, a physician capable of performing a surgical airway should be on standby. Remember, minutes matter.

The anesthesiologist has a critical role in patient care, and positive outcomes are never guaranteed. As with any specialty, an anesthesiologist can do everything right and a patient can still be injured. But we advance patient safety when we hold anesthesiologists accountable to stay up-to-date, to thoroughly assess, and to thoughtfully plan. On that note, I'll leave you... There's a good crossword puzzle calling my name. ■

*Maggie Cooney is an attorney at the law firm Lupetin & Unatin LLC, a plaintiff's medical malpractice and personal injury firm in Pittsburgh.*

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YLD CHAIR’S MESSAGE

# The most Sease-nal chair message: How Santa and attorneys are alike

By Tara M. Sease

Take a moment and envision Santa Claus...what do you see? A briefcase? A file? A well-tailored blazer?

You don’t see that? Well, why not? Believe it or not, Santa shares a lot of the same personality traits with attorneys.

From the moment that Santa rides his sleigh down 34th Street in New York City in the Macy’s Thanksgiving Day Parade, he dedicates his work to children all over the world. Santa spends most of his days listening to requests and concerns as children come and go during their annual mall photograph. Santa has perfected his listening skills, and as attorneys, we also need to be avid listeners. Think about it...our profession is literally called Counselors at Law. To properly advise clients, the legal profession centers around listening – maybe this means listening to our client’s legal issue; or maybe this means listening to a superior attorney at the firm giving an assignment; or maybe it means listening to the judge’s order. Luckily for us, we do not have a unified deadline of December 25, but in the legal world, we are always working on a deadline, so listening is key.

Another commonality between attorneys and Mr. Claus is the joy of



Tara Sease  
YLD Chair

helping other people in some form or fashion. Yes, Santa’s deliveries may be wrapped in a big red bow; but, in my experience, I have witnessed firsthand that most individuals who engage in the practice of law do it for the purpose of the greater good. Even the Rules of Professional Conduct instruct attorneys to embrace the true meaning of the Holiday Spirit – okay, well not verbatim – but the Rules do tell us to participate in Pro Bono programs and/or cases to help those in need. This holiday season, please

consider giving back to others by participating in a Pro Bono opportunity.

Also, like attorneys, St. Nick is a problem solver. For Santa, his problems may be a little easier to solve than ours (like making reindeer fly, getting on a roof to slide down a chimney, or traveling around the world in one night), but an attorney needs to be able to think outside of the box to find a resolution to an issue. In my experience, the attorneys who work diligently to creatively produce results to problems for his or her clients are often extremely successful.

Lastly, Santa loves his job, but he also loves time off – the man has ten months of vacation. For two solid months, Santa is focused using every opportunity to spread holiday cheer. When returning to the secluded North Pole after December 25 to be with Mrs. Claus and his extended family, Santa is not working because he has mastered the work-life balance. At times, this may be difficult for attorneys (if so, add it to your 2024 New Year’s Resolution list). Take a lesson from Santa – he works very hard and remains focused on his work, but when his work is done, he focuses on relaxing. Unfortunately, most of us are unable to work only a few months out of the year, but if we want to excel

in the legal field, managing work and down time is a must. Like St. Nick, the most successful attorneys have learned the value of separating work and relaxation.

The most wonderful time of the year is upon us, and I hope that everyone becomes a little more like Santa by spreading extra holiday cheer this year. Merry Everything to all! ■

Tara M. Sease is an attorney at Adamczyk Law Offices, LLP, and can be reached at [tsease@adamczyklawoffice.com](mailto:tsease@adamczyklawoffice.com).

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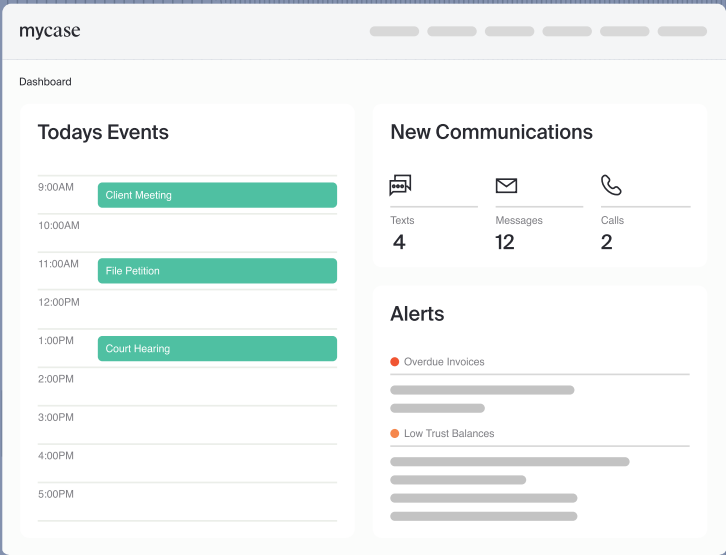
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LAW PRACTICE MANAGEMENT

# Part one: Law firm exit strategies – Begin with the end in mind

By Tamara Philabaum,  
in consultation with  
Robert Dulay

A recent survey of sole and small law firm owners suggested that 40% of attorneys over the age of 50 would like to retire within 10 years. Fifty percent of those surveyed indicated that having an exit plan was extremely important, 30% very important, and 20% somewhat important. Yet, 50% of those attorneys are not satisfied with their own current plan.

Several years ago, the Disciplinary Board added a question about attorney exit strategies on the license renewal application. Although there is no requirement to have a formal succession plan, the disciplinary board wants to encourage attorneys to give careful thought to the continuing ethical duties created by the PA Rules of Professional Conduct. The most basic requirement for an exit plan is to name a successor attorney or firm to assume responsibility for the interest of clients in preparation for an unanticipated death or disability.

Medium and large firms will most likely groom associate attorneys to

take over for departing partners, thus allowing the firm to continue when an owner departs. However, solo practitioners and small partnerships struggle with what to do when an owner is ready to retire. In the survey, one of the top concerns about exiting the practice of law is not knowing how to divest themselves of the business.

This article is the first of a two-part series on exit planning for solo practitioners and small firms:

*Part 1: Begin with the end in mind* will address the actions that these firms should take now in preparation for a smooth transition to a successor in the future.

*Part 2: Taking the exit ramp* will layout a framework for creating and executing an exit plan for those who are near the finish line. It will provide some recommended actions that can be taken to overcome the common obstacles to retirement for small firm owners.

Steven Covey's first two Habits of Highly Effective People are: Be proactive and begin with the end in mind. The way I see it, small or solo firms have two basic options when it comes to proactively managing your

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practice. Your choice will depend on your personal goals and ambitions.

**Option A**

Goal – Create a job for yourself so you can trade your time for money until you save enough to retire. Strategy – Keep overhead low and focus only on practicing law without intent of creating a salable entity.

**Option B**

Goal – Create a business that has the potential to generate a profit beyond your own hourly rate. Strategy – Invest in your business infrastructure with the intent to sell it in whole or in part at some point in time.

If you are leaning more towards Option A, then you can probably skip the rest of this article and focus on


Part 2. But if you are interested in Option B, then I suggest you read on.

According to Robert Dulay of HBK Valuation group, the most applied valuation approach to law firms is the Income Approach. There are two methods under this approach: the Single Period Capitalization Method and the Discounted Cash Flow Method.

a. Single Period Capitalization Method: Assumes a normalized cash flow will grow at a sustainable rate into perpetuity. Value is then determined by dividing the Company's sustainable return by a capitalization rate. *The greater the uncertainty, the higher the discount rate, which will subsequently decrease the value of the Company.*

b. Discounted Cash Flow Method: Projects cash flows over multiple years, typically three or five years for a law firm. As such, this method captures periods of high but unsustainable growth or any other unusual fluctuations in cash flow, after which operations are assumed to stabilize in a terminal year. Value is then determined by discounting the

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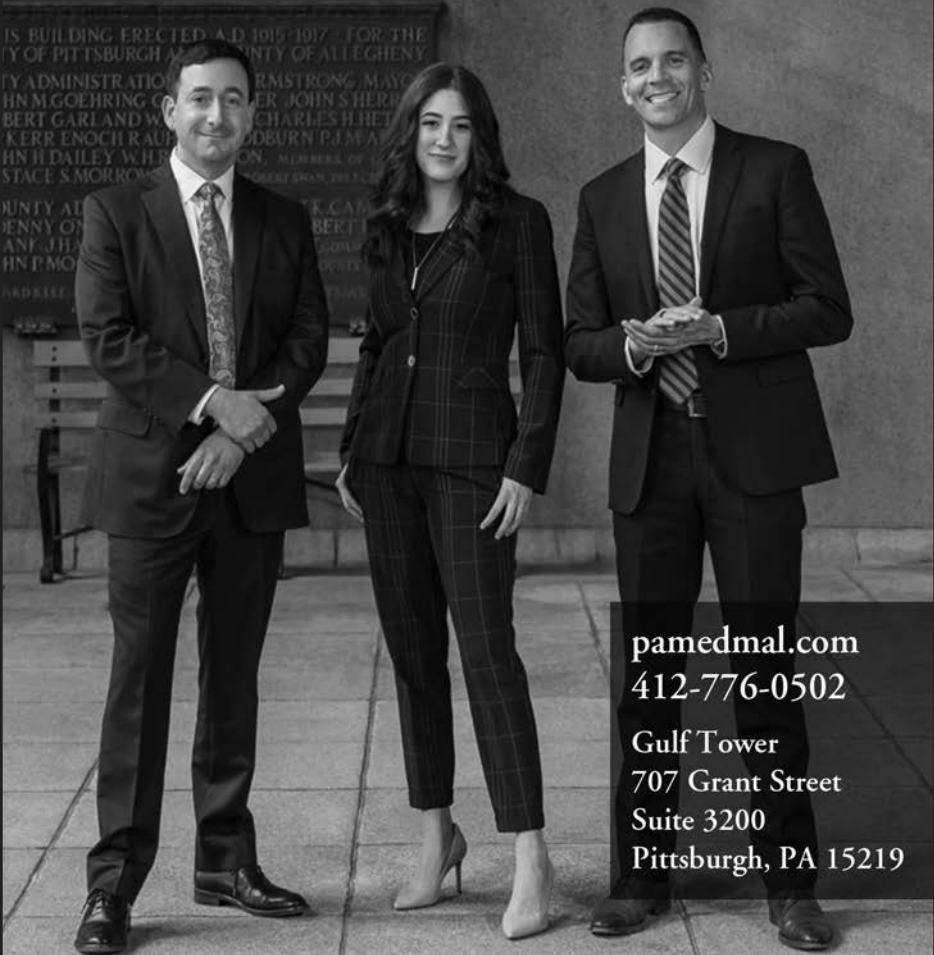


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LAW PRACTICE MANAGEMENT  
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future cash flows by the appropriate required rate of return and summing the values together. *Overall, firm value is positively related to cash flows and negatively related to the discount rate.*

Therefore, I would assert that the key to creating value for a small law firm is to establish sustainable profitability and growth potential that can be transferred to a new owner. To do that, you need to establish a turn-key operation. You can think of it like staging your house for sale – it will be more valuable if the roof doesn’t leak, the electrical, plumbing and gas systems work, the flooring is in good shape, appliances are modernized, and the house is clear of all the junk you have accumulated over time.

*“The entrance strategy is actually more important than the exit strategy.”*  
– Edward Lampert

Establishing a business infrastructure that will have value when you’re ready to exit takes time and effort throughout the life of the firm. To develop a turn-key practice, you’ll need to establish the four cornerstones of a business. These cornerstones are marketing, human resources, financials, and processes.

Marketing Systems

What’s in a name? Well, a lot when it comes to selling a business. I know that the tradition is to name the firm after yourself and your partners. But what value will that have when you are no longer practicing law? Consider naming the firm something on which you can build a brand that does not

rely on your direct involvement. For example, instead of Mary Smith Law for a family law firm, go with something like Family First Law.

Also, your branding, website, lead generators, ROI tracking, client list and referral relationships are valuable. So are investments in the automation of the sales funnel and intake process. Having an effective client relationship management system supports ongoing revenue generation. Think about when you first started out on your own. How valuable would it have been to have effective marketing systems already in place?

Fifty percent of the owners who responded to the exit planning survey indicated that they are likely to consider merging with a larger firm as an exit strategy. In a merger situation, your client and referral source relationships as well as the ability to transfer that goodwill to the larger firm will be key. Thus, establishing and nurturing those relationships should be part of your marketing strategy now.

Human Resources

Associates, paralegals and assistants who are well trained and profitable will also add to the ability for a new owner to generate revenue. Make sure your employees have ongoing contact and established relationships with your clients. Also, track how much they contribute to the firm’s bottom line (their contribution margin) so you can demonstrate value to prospective buyers or partners. Your turn-key operation will depend on your support staff, who should be able to run all administrative aspects of the firm independent of your involvement.

Also, think about the value of your human resource system itself. Be prepared to show a prospective partner or buyer that you have established reliable recruiting, hiring, onboarding and performance management systems. Furthermore, establish competitive wage and benefit plans. It can take years to get these things in place. Investing in your people management processes will pay off now and in the future.

Financials

Any serious prospective buyer for your business will ask to review your financial statements. Keeping accurate financial records throughout the life of the firm will allow you to make a clear representation of its ability to generate profit over the years. Start with establishing the systems that will allow you to track and report on all the key financial metrics including Profit & Loss, Assets, Liabilities, Equity, Accounts Receivable and Payable, and timekeeper statistics. Automating financial procedures and creating meaningful reporting mechanisms will be attractive to buyers or potential partners.

Maintaining clean accounts payable and receivable records will also be key to building the value of your firm by demonstrating liquidity. To keep these under control, establish policies and procedures that govern how expenses are paid and outstanding accounts receivable resolved. Make sure you can prove that your timekeeping, billing, and collection system is effective and that you employ a reliable cash flow projection model.

If you have IOLTA accounts, be sure to establish procedures that will

ensure your records are accurate. Establishing a three-way reconciliation system and keeping up with unclaimed funds will make a firm transition much easier than if you have a plethora of discrepancies and uncashed checks to deal with. If you already have some imbalances, make a cleanup plan and implement better tracking methods.

Finally, consult with a tax advisor on how to minimize taxes while still retaining earnings that result in a growing equity balance. In addition, all firms will need to borrow money now and then for various reasons. Pay attention to your debt-to-equity ratio and to the interest rates you’re paying on any loans, credit cards, lines of credit, etc.

Processes

There are two aspects to establishing processes that create the repeatable revenue generation needed to sustain firm value regardless of the original owner’s time and rate: technology and documentation. Implementing the right technology will streamline workflow and automate tasks. Documentation of processes and procedures will ensure that your systems continue to work as designed even when staff turnover happens. When contemplating the investment of time and money into technology, workflow design and process documentation, keep in mind how it will add perpetual value for your firm.

One particularly important policy to document and implement is an effective file closing and destruction process. It is essential to keep storage costs to a minimum while also meeting

Continued on page 10

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# ACBF awards Fellows GIVE Program Grants for 2023

By Ron Cichowicz

The Allegheny County Bar Foundation (ACBF) awarded Fellows GIVE grants of \$10,000 each to six organizations to assist them in efforts to further their legal aid services and ultimately make the community a better place in which to live.

The organizations receiving grants were: Arise Immigration Services, the Education Law Center, Hugh Lane Wellness Foundation, Neighborhood Legal Services, the Women's Center and Shelter and the Women's Law Project.

The ACBF determined the awardees using a new process for the Fellows GIVE Program introduced last year to increase appeal and engagement by the Fellows themselves.

In the past, organizations asked for specific amounts, but it was not always possible to meet those requests. At the same time, Fellows were not as connected to the program with little understanding of the organizations funded each year.

"That changed last year when we revamped the program," said Lorrie Albert, ACBF Associate Executive Director. "Our desire was to find a way to have a more meaningful impact on the organizations we were able to fund while involving the Fellows more in understanding and supporting those organizations."

Applicants submitted online a Letter of Inquiry, which the Grant Committee reviewed to select ten

agencies to pitch their programs in person to ACBF Fellows at a social event October 25. Each agency presented for five minutes, followed by a vote by the Fellows to determine the awardees. The results were announced the next day.

"It is our hope that the organizations that did not receive a grant also will benefit," said Albert, "since the Pitch Event gives them a platform to provide information on the work they do to the Fellows in attendance and possibly attract more volunteers and supporters for their causes."

Response to the new process continues to be positive, both in recruitment of new Fellows and for those already actively participating in the Fellows GIVE Program who want to be involved in this new effort.

"We are overjoyed with the acceptance and participation in this new program," said Albert. "It really gives the donors a voice in what their dollars are funding."

Any emeritus fellow (no longer actively paying on a pledge) or those who would like to nominate themselves to join the program, should contact Lorrie Albert at [lalbert@acba.org](mailto:lalbert@acba.org) or 412-402-6640. For more information about the Allegheny County Bar Foundation or its Fellows GIVE Program, visit [ACBF.org](http://ACBF.org). ■

Visit the Foundation at [ACBF.org](http://ACBF.org).

# ACBA Softball League hit another home run in 2023

By Ron Cichowicz

The ACBA Softball League enjoyed another successful season this year, one filled with spirited competition on the field and much camaraderie off it. When the dust settled literally and figuratively on the diamond, Blue Slide Law claimed the trophy. But real winners were everywhere.

"The League was very successful this year," said commissioner Sam Grego. "We had nine teams compete – one more than last year – with players from in their early twenties to those in their seventies. They not only enjoyed playing the game but appreciated the opportunity to network and get to know each other outside of work."

This year's teams and their captains included Attractive Nuisance and Ben Pehr; Blue Slide Law and Adam Shorr; The Bomb and Tom Charles; the DA's and Chase Stelzer; Iron City Bar Men (ICBM) and Steve Czajkowski; Leech Tishman and Alex Gase; Public Defenders and Collin Delsite; PwC and Toni Luchini and the Reed Smith Black Knights and Brad Whitecap.

Blue Slide Law defeated Reed Smith in the championship game, while 2022 champions The Bomb took third place over the Iron City Bar Men (ICBM).

Grego said even the weather cooperated this year, enabling the League to play all regular season games and playoffs. The League traditionally begins in May and concludes in September. Games are

played at Marino Field in South Oakland, Wednesday and Thursday evenings.

The League is coed and open to lawyers, paralegals, law students, individuals with law degrees (even if not currently practicing), judges and court personnel. Also eligible are full-time office employees of law firms or legal offices, the District Attorney's office, the U.S. Attorney's office, Pennsylvania Attorney General's office and federal public defenders' offices. While non-lawyers are permitted on rosters, there are limits.

Grego said he hopes more teams and individuals will be interested in joining the League next season.


"We accept complete teams or will place individuals wanting to play on a team," he said. "We welcome all levels of ability and there is no age limit."


"In this post-Covid era, it remains a necessity to motivate oneself to get out of the house and the office, to change your routine, and get more active. There is a value to meeting other attorneys from other firms or other areas of the law."

Anyone interested in more information about the ACBA Softball League can contact Sam Grego at 412-392-5507 or [sgrego@dmclaw.com](mailto:sgrego@dmclaw.com). ■

Our Health Care Power of Attorney and Living Will documents are available on the ACBA website for free at [ACBA.org/LivingWill](http://ACBA.org/LivingWill).

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# Thank you for helping us help retain qualified judges

By Erica Laughlin and Julie Capone

As Election Day came to a close on Nov. 7, the news came out that all six Allegheny County Court of Common Pleas judges who were seeking retention were successful in being retained.

And that's great news. Keeping qualified judges on the bench is crucial to our democracy.

For those unaware of the ACBA's specific role in helping to retain qualified judges, here's how it works. Each spring, during the ACBA elections, all 5,500 members are surveyed and asked if they feel each local judge up for retention should be retained.

Your opinion counts! The survey polls attorneys of all political affiliations who practice before these judges and are in a position to opine whether a judge is doing a good job on the bench. This year, all six retention candidates received recommended ratings for retention by ACBA attorneys.

Once a judge receives a recommended rating, the ACBA Judicial Excellence Committee (PAC) raises money and embarks on an "umbrella" campaign to educate the members of the community, encouraging them to "Vote Yes" and keep these qualified judges on the bench, as has been our custom for the past 50 years.

This year, we purchased television commercials on WPXI-TV and WTAE-TV, banner advertisements at Post-Gazette.com, print advertisements

in the Post-Gazette, New Pittsburgh Courier and the Jewish Chronicle. Additionally, the funds were used to "retarget" digital advertisements toward those who visited the campaign's website at [www.JudicialVote2023.org](http://www.JudicialVote2023.org). This was in addition to media relations efforts, an op-ed piece written by Pitt Law professor Jerry Dickinson and a social media campaign.

In addition to educating the public, the umbrella campaign eliminates the need for the judges to run individual retention campaigns, which not only saves money, but more importantly it allows the judges to remain focused on fulfilling their duties on the bench and continuing to serve our community. This is something that benefits us all.

We wanted to extend our sincere appreciation to the members and law firms who make up the Pittsburgh Legal Community who supported the 2023 Judicial Retention Election Campaign.

As a result of the campaign, the following Allegheny County Court of Common Pleas judges were retained:

- Hon. Eleanor L. Bush – Family Division
- Hon. Paul E. Cozza – Family Division
- Hon. Lawrence J. O'Toole – Orphans' Court
- Hon. Jill E. Rangos – Criminal Division
- Hon. Jennifer A. Satler – Criminal Division
- Hon. Christine A. Ward – Civil Division

Continued on page 10

# Pa. Supreme Court Advisory Council hosts first Guardianship Justice Summit

By Kimberly Bathgate

Hosted by the Office of Elder Justice in the Courts (OEJC) and Advisory Council on Elder Justice in the Courts, the first Pennsylvania Guardianship Justice Summit was held on Sept. 20-22, 2023.

Featured speakers included Supreme Court of Pennsylvania Chief Justice Debra Todd, federal Administration for Community Living's (ACL) Deputy Assistant Secretary for Aging Edwin L. Walker, Pennsylvania Secretary of Aging Jason Kavulich, and Pennsylvania Senators Lisa Baker, Maria Collett and Art Haywood, along with several judges, attorneys and other elder justice experts.

"We were pleased to bring together an interdisciplinary group of speakers and stakeholders from across the Commonwealth to participate in the Summit," said Senior Judge Paula Francisco Ott, chair of the Education Committee for the Summit. "Each attendee was invited based on their professional involvement with guardianship and related topics as well as geographic diversity."

Summit topics included: Improving the fairness, effectiveness and assurance of due process in guardianship proceedings; Advancing improvements in monitoring guardians; Promoting alternatives to guardianship; Increasing the development of collaborations between state and local agencies and

organizations that work on issues affecting older Pennsylvanians.

Attendees worked within regional collaboration groups and will continue to work together to address the needs and challenges their regions face after the Summit concludes.

Portions of the Summit were livestreamed with additional recorded sessions available at the PA Courts website.

The Summit was funded through a grant awarded to the Administrative Office of Pennsylvania Courts by ACL.

The ACL's Elder Justice Innovation Grant program provides financial assistance to states working to assess and improve their handling of adult guardianship cases.

Pennsylvania was one of three states to receive funding through this three-year grant. The OEJC is overseeing the work of the grant, which runs from Sept. 1, 2022, through Aug. 31, 2025.

The Summit was one of several grant projects supporting three overarching goals: (1) Assuring due process for the alleged incapacitated person (2) Improving guardianship monitoring capabilities to prevent abuse and exploitation (3) Promoting alternatives to guardianship.

A second guardianship summit is being planned for 2025. ■

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# President Judge Kim Berkeley Clark begins to wind down career

By Zandy Dudiak

In 16 years as an assistant and deputy district attorney, and then as a jurist since 1999 in the Court of Common Pleas of Allegheny County, President Judge Kim Berkeley Clark has handled many cases that are, in her words, “disturbing, emotional, and distressful.”

In 2018, Clark’s appointment as President Judge of the Fifth Judicial District of Pennsylvania made headlines. Not only was she the first African American female to serve in that position, but she was also the first African American ever. Clark finds that “sort of unsettling” at this point in history.

“In the 21st century, I shouldn’t have been the first African American. Period.”

Her background has given Clark a different viewpoint than some of her colleagues.

“I feel that people don’t necessarily understand that my perspective on things may be a little different, based on my experience,” Clark said. “People have to understand that to understand me.”

Clark’s path to the bench began when she was a French major at Tennessee State University in Nashville. With teaching as her only real opportunity after graduation, she instead decided to pursue a career in law, earning her J.D. from the Duquesne University School of Law in 1983.

“It was certainly something my father wanted me to do,” she said, noting that her grandfather, who was born in 1856 in Virginia, was one of the earliest



Hon. Kim Berkeley Clark

Black lawyers to practice in the Commonwealth of Virginia.

Clark served in the District Attorney’s Office during the early 1990s when Allegheny County experienced its first gang-related, drive-by homicides. She reflected on those crimes that devastated victims’ loved ones and ruined the lives of the young people convicted.

“The ability to prove a case was extremely difficult,” Clark recalled.

Most drive-by shootings took place at night, making it difficult to identify suspects. Since shootings were from moving vehicles, good physical evidence was often lacking. Also, people with information were reluctant to come forward, fearing for their own safety.

Since becoming a judge, Clark has served in the Family Division, where she primarily hears Juvenile Court cases. Prior to her appointment as President Judge, she served as Administrative Judge of the Family

Division as well as Supervising Judge of Juvenile Court.

“While the work there is very grueling, it is also very rewarding,” Clark said.

The reward is seeing juvenile offenders become productive citizens, closing foster care cases or “seeing wonderful people willing to give a child a home through permanent adoption,” she said.

When the National Council of Juvenile and Family Court Judges issued a comprehensive report following a stakeholder survey with recommendations to improve court practices and the physical facility, Clark took it to heart and began to create a trauma-informed court.

She replaced same-time “cattle call scheduling” with individual appointments. Instead of an “all rise,” Clark sits on the bench, greeting those entering the courtroom with a “good morning” to reduce their anxiety. She also makes crayons and snacks available.

Clark said she gives everyone an opportunity to be heard, which has led to a lower rate of appeals, a calmer courtroom and a high rate of compliance. She also states her decisions on the record so that people know she listened.

Among the Family Court’s physical structure changes are separate waiting areas for plaintiffs and defendants in the Domestic Violence Unit and a plexiglass wall that allows parents to see into the children’s waiting room. Clark credits Judge Jennifer McCrady with many of these efforts that include a wellness center staffed by UPMC Children’s Hospital of Pittsburgh medical professionals, a playground

in the family division courtyard, a sensory room in the children’s room, noise-cancelling headphones and fidget toys in each courtroom, and iPads in the juvenile waiting room.

Her efforts to improve Family Court did not go unnoticed. In 2017, Clark was awarded the William H. Rehnquist Award for Judicial Excellence by the National Center for State Courts, one of the highest honors for state court judges, for her innovative work in developing a “trauma-informed” courthouse program that provides supportive services and resources to children and families facing custody issues.

With a year in as President Judge, Clark faced the unprecedented COVID-19 pandemic, which shut down the courts for three months in 2020. Clark had to first determine how to keep essential court functions operational, then transition into two-and-a-half years of functioning differently because of the virus.

Clark credits the support of a great team of administrative judges and especially Chief Deputy Court Administrator Chris Connors in keeping the court grounded during those months.

“I’m blessed to have a great group of judges to do this work,” she said.

Despite the obstacles, work continued on the goals she had set at the beginning of her leadership term.

Making work life better for the court staff was one goal. After decades of “salary compression” in the courts – when union contracts gave workers

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LAW PRACTICE MANAGEMENT  
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retention obligations. Furthermore, maintaining accurate records of past clients and matters will be necessary when checking for conflicts of interest when a new partner joins or you merge with another firm.

Conclusion

If you aim to establish a business that continues to have value when you are ready to exit the practice, you must develop turn-key systems in marketing, human resources, financials, and processes. When making decisions to invest in these systems, keep the long-term goal in mind in addition to the short-term benefits they will provide. I recommend that you keep track of the direct expenses involved in establishing your business infrastructure as well as you and your staff's time. You can do so by creating nonbillable matters in your billing software specific to each administrative system and recording the time spent. Being able to show the value of your time in getting those systems in place will be priceless when it comes time to divest yourself of all or part of your firm. ■

Part two of this article will be published in the Dec. 29, 2023 Lawyers Journal. Tamara Philabaum is the owner of T2 Management Solutions. Robert Dulay is a senior business valuation associate with the HBK Valuation Group.

QUALIFIED JUDGES  
continued from page 8

We congratulate these judges on their retention. We are fortunate to have such qualified members of the

judiciary serving the Pittsburgh Legal Community. ■

Erica L. Laughlin is the Chair of the ACBA Judicial Excellence Committee and Julie Capone is the Treasurer of the ACBA Judicial Excellence Committee.

HON. KIM BERKELEY CLARK  
continued from page 9

more pay than their non-union supervisors earned – Clark made sure the issue was remedied. Other improvements under her leadership included paid parental leave, an upgraded IT system, a new website and adding a court facility dog (comfort dog) under the Sheriff's Department.

As president judge, Clark vowed to visit all divisions, departments, and court facilities in the Fifth Judicial District's more than 90 locations. She expects to visit the last half-dozen prior to leaving her seat on Dec. 22.

ACBA President Marla N. Presley said hundreds of people consider Clark their mentor and they look to her for advice.

"She is a real trailblazer," Presley said. "If you look just at her resume and the number of accolades she's received, it only scratches the surface of what she's done for lawyers of color and female lawyers."

While humble about her influence on others, Clark is quick to point out those who mentored her, such as the late Common Pleas Court Judge Livingstone Johnson, a family friend who like Clark grew up in Wilkinsburg and served as her sounding board when she had hard decisions to make. Clark also is grateful to the late U.S. District Court Judge Maurice Cohill, who encouraged her to get involved in the National Council of Juvenile and

Family Court Judges, and retired Pennsylvania Supreme Court Justice Cynthia Baldwin, who was finishing law school at the time Clark was starting at Duquesne.

Clark has served on the ACBA Board of Governors for a number of years, including as president in 2006-07. Her term as a voting ex officio member expires Dec. 31.

"Not only are we losing an immensely talented jurist, but we will also lose a very active and thoughtful member of our Board," Presley said.

According to Presley, many lawyers and judges wind down their careers by finishing projects or passing them on. Not Clark.

"Even though she is ready to retire, she is working tirelessly with the city to improve Downtown's safety and image," Presley said. "She will work hard until her last day."

Upon retirement, Clark plans to vacation in Ecuador. She has applied to be a senior judge to hear dependency cases three or four days a month or fill in for judges in other nearby counties who are ill or have recused themselves. At the request of Lt. Gov. Austin Davis, she will serve as chair of the state Juvenile Justice and Delinquency Prevention Committee.

Because her seat is not up for election until 2025, the governor is expected to fill the vacancy until a new judge is elected.

As she winds down her career this month, Clark will be leaving that philosophy behind for those carrying on the court's work. Her parting advice is summed up in three words: "Just be kind."

The incivility that she occasionally witnesses from the bench and the attitudes exhibited in society as a whole today – led Clark to develop a

compassionate approach toward those entering her courtroom.

"Some people feel it's okay to hurt people's feelings – crush them to the ground but, it is definitely not okay," said Clark, who has transformed the Family Court into a trauma-informed model recognized nationwide. "The kind words I speak to them might be the only kind words they hear." ■

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# Bar Briefs

## News and Notes



Jon R. Perry

**Jon R. Perry** of Rosen & Perry in Pittsburgh, Pa. became a member of the International Academy of Trial Lawyers (IATL) in October 2023.

**Pittsburgh** divorce lawyer and Pollock Begg Partner **Brian C. Vertz** was named president of the American Academy of Matrimonial Lawyers Foundation for a two-year term.

**ACBA basketball league looking for teams, players** – The ACBA basketball league is currently looking for teams interested in joining the action for the

2024 season. The league tips off on Sunday, Jan. 7 and runs through March. Games will be played on Sunday and Monday evenings at the Jewish Community Center in Squirrel Hill. Teams should be composed primarily of legal professionals (attorneys and staff), though a limited number of law students or non-lawyers is acceptable. Those looking to play but not interested in forming an entire team can reach out to express interest and be placed on a team as space allows. Teams will

compete in two divisions based on their basketball experience and skills. Each team is scheduled to play 10 regular season games and at least one playoff game. Approximately 16-18 teams, made up of ten players each, typically participate. Email Scott Scheinberg, League Commissioner, at [sscheinberg@jonesday.com](mailto:sscheinberg@jonesday.com) to reserve your team's spot or for more information. Registration is first come first served. For more, visit [ACBA.org/sportsleagues](http://ACBA.org/sportsleagues).

**Children of ACBA members can apply for scholarship to Yale** – Looking for something for your kids to do over the holiday break? The children of Allegheny County attorneys are eligible for significant scholarships to Yale and the University of Paris through the Kennedy T. Friend Scholarship Fund. Any child of ACBA members and even non-members who have their principal practice in Allegheny County are eligible to apply for the scholarship; applications should be submitted at the same time as applications to the schools themselves. For more information or to apply, visit [ACBA.org/KTF](http://ACBA.org/KTF) or contact David Gordon at [david.gordon@pnc.com](mailto:david.gordon@pnc.com).

## People on the Move

**Eve M. Elsen** has joined Phillips Froetschel, LLC as a partner. Her practice areas include personal injury, premises liability and medical malpractice. In addition, she will represent clients in workers' compensation matters. She is a member of the Academy of Trial Lawyers of Allegheny County and the Multi-Million Dollar Advocates

Forum. She serves on the Board of Governors for the Pennsylvania Association for Justice and is a Member of the ACBA Civil Litigation Council. She speaks fluent Greek and is highly conversational in Mandarin Chinese which enable her to assist international clients in personal injury matters.

## Articles wanted for the Lawyers Journal

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](mailto:jpulice@acba.org).

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