

LAWYERS JOURNAL

Modified Summer Clerkship Program returns for 2024

By Ron Cichowicz

Despite some changes necessitated by a Supreme Court ruling in 2023, the ACBA will conduct its 19th Summer Clerkship program this summer.

“The ACBA created the Summer Clerkship program in 2005 as an avenue to provide underrepresented first-year law students employment opportunities with law firms, corporate legal departments, nonprofit organizations government entities and legal service agencies,” said Marla Presley, ACBA President.

“For nearly 20 years, the program successfully helped these law students gain invaluable experience to prepare them for practice after graduation.”

However, on June 29, 2023, the United States Supreme Court ruled in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* that race-conscious admissions practices at Harvard College and the University of North Carolina violated the Fourteenth Amendment’s Equal Protection Clause of the U.S. Constitution and called into question the legality of race-based employment and educational programming.

In the weeks and months that followed, several intern programs – including some sponsored by other bar associations – became the target



of legal challenges across the country. Due to the threat of potential litigation, the ACBA Board of Governors obtained legal guidance to enact revisions to enable the program to continue in the changing legal landscape, while maintaining the commitment to preserving and enhancing the ACBA’s diversity efforts.

Kellie Ware, the former ACBA Director of Diversity, Equity and Inclusion, said the Summer Clerkship Program contacted the University of Pittsburgh and Duquesne University

and invited all first-year students to apply, regardless of race, ethnicity, gender, sexual orientation and other characteristics, who have demonstrated a commitment to diversity and inclusiveness.

The program attracted 78 applicants and 29 employers to participate in the program, including an increase in nonprofit and government organizations. As in prior years, the application provided an opportunity for students to submit written statements about their commitment to diversity and

inclusion. The students ranked the employers via preference and all applications were provided to the employers. Employers and students had access to a portal they could use to explore their options.

The ACBA also held a networking event prior to the selection of law school candidates to interview.

“This was an opportunity,” Ware said, “for students to shine, to meet folks and engage with them.”

Students then interviewed with the employers. Following the mutual match process, students will then embark on a meaningful summer legal-work experience.

In all, 32 students were placed across various sectors of law. Most will start in May, with some beginning in June.

“With the reforms in place, the Board is proud that the Summer Clerkship Program is moving forward for 2024, open to first-year law students who have demonstrated a commitment to diversity and inclusion,” said Presley. “In recognition of the ongoing changes, and in an effort to improve the experience of participants, the Board also authorized the formation of an Ad Hoc Committee to continue to assess the program as legal scrutiny continues, with a focus on promoting the ACBA’s mission of diversity, equity and inclusion.” ■

Get discount on call-answering service through LawyerLine

By Brian Knavish

There was a time when attorneys could work throughout the day, and then gather their messages around quitting time and return calls then.

Similarly, if a client or potential new client called at night, the law

office would give the individual a call back the next morning or, if the call came over the weekend, the call would be returned on Monday.

Those days are gone. In this age of instant gratification, when potential clients are looking for an attorney, they require a much faster response from the firm they’re reaching out to. If not, the individual is likely to quickly move on to the next firm.

But, that’s impossible – particularly for solo practitioners and small firm attorneys who don’t have full-time receptionists – right?

That’s not the case thanks to LawyerLine, a third-party receptionist service focused specifically on the legal sector. Unlike traditional answering services, LawyerLine is staffed by highly trained representatives who can answer calls 24/7 and make the potential client feel like they’re actually talking to someone at the law office, not someone at a call center.

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And now, LawyerLine has come aboard as an ACBA Business Partner, meaning ACBA members can enjoy an exclusive member discount on these services. ACBA members can take advantage of LawyerLine’s “Gold” package for just \$2.25 per minute, compared to the regular price of \$3 per minute, among other deals.

“In today’s legal landscape, it’s important that potential clients can connect with a ‘real person’ when reaching out to a law firm in search of legal assistance,” said ACBA Executive Director David Blaner. “We are thrilled to welcome LawyerLine aboard as an ACBA Partner and to offer a discount to our members on this important service.”

Specific LawyerLine features include:

- **Call Handling** – All LawyerLine packages include call handling, where

live receptionists implement the best call handling practices. They offer warm, personalized greetings and not only answer calls, but immediately transfer the important calls to the attorney.

- **Intake** – With this option, attorneys customize the specific questions they’d like to be asked, and then LawyerLine receptionists ask those questions and share the imperative information with the attorney.
- **Reporting** – Individual call summaries, as well as daily and monthly call reports, will be shared with the attorneys to help better track and analyze the types of calls being received.
- **Website Chat** – In addition to phone receptionist services, LawyerLine offers AI-drive website chat options, providing another way potential clients can connect with law firms 24/7.

For more information or to get started, visit ACBA.org/LawyerLine. ■

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CELEBRATE PRIDE MONTH WITH THE ACBA

Pride Month is right around the corner, and all members are invited to join the ACBA LGBTQ+ Rights Committee in celebrating.

While the ACBA will celebrate in multiple ways throughout the month, the bar association’s biggest two celebrations will be the Pittsburgh Pride Parade and Pride Night at PNC Park.

“Obviously, Pride Month is such an important time for our committee, and we are very excited for these events,” said Andrew Bell, Chair of the ACBA LGBTQ+ Rights Committee. “Pride provides us the opportunity to not only celebrate the incredible community we have cultivated, but to strengthen the relationships we have with allies across Allegheny County. As such we hope that you join us at our upcoming events as they are open to all. One thing I can promise you about Pride is that it is going to be fun, and we would love to celebrate together. Pride is always a great time to celebrate and form community and we hope this year will be no different.”

- **Pride Parade** – Members are invited to march in the annual Pittsburgh Pride Parade – the region’s biggest Pride month celebration – on Friday, June 1 starting at 10 a.m. Visit ACBA.org/PrideParade24 for more.
- **Pride Night at the Ball Park** – Enjoy camaraderie with colleagues, law students, friends and family while cheering on the Pirates as they take on the Minnesota Twins on Friday, June 7. The game begins at 6:40 p.m. and stick around for fireworks after the game. Each ticket comes preloaded with \$10 to spend at PNC concessions. Visit ACBA.org/PrideNight24 for more.

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Gender Bias Duty Officers

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 Brown412-394-7995
kbrown@jonesday.com
Rhoda Neft412-606-8387
rhoda.neft@gmail.com

Professional Ethics Hotline

ACBA.org/OfficerAssignments
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.*

May
Leanne Davis412-255-8882
Michael M. Lyons.....412-741-6234

June
Leanne Davis412-255-8882
Lourdes Sanchez Ridge412-263-1841

THE PITTSBURGH LEGAL JOURNAL OPINIONS

provides ACBA members with timely, precedent-setting, full text opinions, from various divisions of the Court of Common Pleas. The *Opinions* can be viewed online in a fully searchable format at www.ACBA.org/Opinions.

The latest cases loaded into the database involve the issues of:
Criminal Appeal | Pennsylvania Abandoned and Blighted Property Conservatorship Act

Professional Ethics Committee
shares another important ethics
opinion with members

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

Ethics Issues Presented: What are a law firm's obligations with respect to advertising that features former or soon-to-be-former partners or other lawyers. More specifically: Can a blog post authored by a prior lawyer remain on a law firm's blog/website? Can a law firm place public media advertising (billboard, radio, tv) featuring a former or soon-to-be-former lawyer?

Advice Given: The motivating concept and key component of Rules

7.1 and 7.2 is truth in advertising. A lawyer and law firm's advertising will generally be ethically acceptable as long as nothing in the media is misleading or untrue.

Blog posts can remain on a law firm's website. If there is a concern that the website invites potential clients to engage the departed author as their lawyer, the firm can include a disclaimer or note specifying that the author has since left the firm.

The answer is different when it comes to advertising. The Rules create an obligation for lawyers and their firms to **prevent** advertising media they know to be misleading from being presented to the public. Rule 7.2(f) states: "A non-lawyer shall not portray a lawyer or imply that he or she is a lawyer in any advertisement or public communication; nor shall an advertisement or public communication portray a fictitious entity as a law firm, use a fictitious name to refer to lawyers not associated together in a law firm, or otherwise imply that lawyers are associated together in a law firm if that is not the case."

Featuring the name or likeness of a lawyer in law firm advertising

communicates to the public that it is possible to hire that person as your lawyer or at least as part of the legal team if you engaged the sponsoring firm. Once the lawyer departs the firm or the practice of law (whether by retirement, resignation, suspension, or otherwise) that information is no longer true and may be misleading.

Accordingly, because law firms have an obligation to prevent the distribution of untrue and misleading information, a law firm **must not** advertise the name or likeness of formerly associated lawyers. Similarly, law firms should tread particularly carefully to **prevent** placing long-run advertising featuring soon-to-be-former lawyers where the firm reasonably knows the advertising will **become untrue or misleading** during the advertising run.

It may be possible to feature the name or likeness of a former lawyer in law firm advertising if the media is **clear** that the former lawyer is in fact retired or otherwise no longer associated with the firm. As long as the disclaimer was prominent and accurate, there would not seem to be anything untrue or misleading here. ■

Seeking Nominations for Amram Award to be Presented at Bench-Bar

One of the highlights of the annual ACBA Bench-Bar Conference is the presentation of the Amram Award, which is given to an ACBA member who personifies excellence and who has demonstrated substantial commitment to the ideals of the ACBA and to the betterment of the greater community. The award is given without the recipient knowing in advance, often leading to an emotional, heartwarming surprise acceptance.

Now is the time to submit nominations for the 2024 Amram Award. For more on requirements and the nomination process, or for a list of recent Amram recipients, visit www.ACBA.BenchBar.com. Nominations should be sent to Mary Ann Fiorilli at mfiorilli@acba.org; deadline for nominations is Friday, May 24.

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The interplay between workers' compensation and personal injury

By Eve Elsen

Understanding the interplay between workers' compensation and personal injury is critical in obtaining a successful resolution for your clients. In personal injury lawsuits, the focus is on identifying the negligent act and the responsible party. When a worker is injured, the analysis is different. In order to obtain workers' compensation benefits, an injured worker only needs to prove that the injury occurred in the course and scope of their employment. But if the injury occurs due to the conduct of a third party, negligence principles will still apply in the third-party case. Therefore, if you are litigating a case where the injury is work-related, here are a few things to consider.

Be mindful that the first time your client may be testifying is in the workers' compensation case. This means that although negligence principles do not apply in the workers' compensation case, he or she may be asked about their own comparative negligence. For instance, if the injury was a slip and fall on ice and snow, which is maintained by a third-party snow and ice removal company, your client's testimony will be critical (and admissible) in the third-party case. Therefore, if you are not handling both the workers' compensation and third-party case, communication with the lawyer who is handling the workers' compensation case is advisable.

In contrast to personal injury lawsuits, workers' compensation cases move quickly. Often, the initiation of the case and the resolution will occur within a year. Workers' compensation cases are also very settlement driven cases. Mediations are mandatory and are typically scheduled after the



Eve Elsen

initial hearing. Both parties are motivated to resolve their claims early and many cases resolve at mediations. This can have a significant effect on your ability to resolve the third-party case.

Section 319 of the Pennsylvania Workers' Compensation Act provides the statutory authority for the Employer to subrogate a third-party case. In most cases, the Employer's right to subrogation is absolute. Therefore, if the third-party liability limits are not sufficient for repayment of the workers' compensation lien, the client should be informed that the Employer can seek to recover all of its lien, after litigation costs and attorney fees are paid. This could result in a zero recovery for your client in his or her third-party case.

The best way to handle this situation is to bring everyone to the table – the workers' compensation carrier (or its counsel), any other lienholders, and work toward a solution that benefits all parties. Ultimately, an injured

individual is not likely to approve a settlement where he or she is not recovering, so lienholders should be motivated to compromise their liens to ensure they receive a recovery, albeit less than that to which they were entitled. Another tool available in resolving the workers' compensation case is waiving/and or assigning the workers' compensation lien from the Employer to the injured party as part of the settlement.

An employer may "assign" their right to reimbursement to the injured person as an additional incentive to resolve the case. The injured employee then "steps into the shoes" of the lienholder and can assert the lien as part of their damages in the third-party case. This may serve as a benefit to both the injured individual and the Employer.

What if your workers' compensation case does not settle at mediation and instead goes to decision? What can that mean for your third-party case? Pennsylvania courts have consistently held that a decision by a workers' compensation judge can act as collateral estoppel (or issue preclusion) in the third-party case. For example, if you are claiming future wage loss and/or diminished earning capacity in your third-party case, and the workers' compensation judge (WCJ) grants a Termination Petition and decides that your client is fully recovered from his

or her injuries, this may serve as collateral estoppel on your ability to claim these damages in your third-party case. It is important that you follow the workers' compensation case, especially if mediation is unsuccessful and you advise your client of the risks of going to decision in their workers' compensation case and the effect that it may have on their third-party case.

As the lawyer handling the third-party case where your client is currently receiving workers' compensation indemnity (wage loss) benefits, be aware that not only is the workers' compensation carrier subrogated against past benefits paid (indemnity and medical), the carrier also is entitled to a credit for *future* indemnity benefits to be paid for injuries which stem from the work-related injury. This means that a credit may be taken against your client's future indemnity checks which may decrease their weekly benefits.

The interplay between personal injury and workers' compensation is complicated and must be considered and discussed with your client. The best way to represent your client is to communicate with your client and the lawyer who is handling the companion case. Remember, timing and communication are everything! ■

Eve Elsen is a partner with Phillips Froetschel.

Probate and Trust Mentorship Program Available

Attorneys interested in learning more about estates, trusts and related practice areas can be connected with a knowledgeable practitioner via the Probate and Trust Law Section Mentorship Program, which offers members one-on-one mentorship in all areas of practice governed by Title 20 of Pennsylvania's Consolidated Statutes, including estate and trust planning, administration, litigation and related areas as well as inheritance and related tax issues governed by Title 72. Contact Brian Knavish at bknavish@acba.org for more.

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YLD CHAIR’S MESSAGE

Lawyering IS easier than parting the Red Sea(se): Ten Com(wo)mandments for young lawyers

By Tara M. Sease

As a young attorney (or an experienced attorney, for that matter), no, we may not have the power to part the red sea, turn water into wine, or build an arc to ensure the future of all living things. However, as attorneys, we really do have special powers within ourselves. So, by following some simple affirmations, minor legal-world miracles are within reach.

1. Thou Shall Be Prepared. To properly advocate for your client, which is your duty as an attorney, the work behind the scenes is really where the magic happens. Yes, the legal work in the office may be less glamorous than inside the courtroom, but it will pay off. Before a meeting or court appearance, you need to set aside the proper time to be vetted on the facts and law in a particular case.

2. Thou Shall Be (Semi) Organized. Presentation is a large part of daily lawyering. Whether you are meeting with opposing counsel, preparing your client for a court proceeding, or appearing before the judiciary, being organized shows effort and provides for efficiency. Often, organizational skills also demonstrate to the client and the trier of fact that the case is being taken seriously.

3. Thou Shall Not Be Perfect. As the author of this article, I will be the first one to admit that this was a very



Tara Sease
YLD Chair

difficult, but necessary, lesson to learn. You have heard it here first – you are never going to win every argument or every case, so you might as well accept that now. There is good news – despite not being perfect, everything will work out perfectly.

4. Thou Shall Follow Judge’s Standard Operating Procedures. When appearing before a Judge – no matter the level, county and/or judiciary – look up that Judge’s Standard Operating Procedures. Then, read them, read them again, and follow the Court’s procedures.

5. Thou Shall Set Boundaries. The uniqueness of this career is that there is never a clear ending. Your work is

never finished. I swear I could check everything off my daily to-do list. Then, I blink my eyes, and my list is full again. In order to be a successful attorney, avoid burnout, and ensure a healthy work-life balance, boundaries must be set and followed. Without it, this career will eat you alive.

6. Thou Shall Be Ethical. In my youth, I remember hearing lawyer jokes and watching television shows mocking the legal practice. As practitioners, we have taken an oath to solemnly promise to adhere to and uphold the moral and ethical standards of our profession, and it is critical to remember that day in and day out.

7. Thou Shall Listen. To have productive and meaningful communication, you must be able to listen to others. Active listening is a skill that helps build trusting relationships, understand someone else’s position, and resolve conflicts. “The loudest person in the room, is the weakest person in the room.” I’m not sure if that quote is exactly true, but Denzel Washington does have a point.

8. Thou Shall Serve the Greater Good. “Serving the Greater Good” likely means something different to every attorney. Luckily, being a member of the ACBA, there are many ways to find your purpose and accomplish the same. Many legal careers focus on public service, but if not, there are always pro bono opportunities to

assist in providing equal access to justice for all.

9. Thou Shall Ask. Throughout my tenure as Chair of the YLD, I have found that young lawyers are very interested in mentorship from experienced colleagues. Additionally, I believe that having a mentor is key to practicing law. On MANY occasions, I have asked a more-experienced attorney for a morning coffee to pick their brain. My point is – if you are struggling and want advice or maybe you just want to network – if you never ask, the answer is always no. So, ask.

10. Thou Shall Not Doubt Oneself. Some of you may have heard of a singer named Taylor Swift and her recent album drop, but if not, in one of her songs, she sings, and I quote, “They said, ‘Babe, you gotta fake it ‘til you make it’ and I did.” Despite being a catchy tune, she’s right (of course, she’s right). If you have done the work, be confident. ■

Tara M. Sease is an attorney at Adamczyk Law Offices, LLP, and can be reached at tsease@adamczykloffice.com.

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LAW PRACTICE MANAGEMENT

Four strategies to create a referral-worthy client experience

By Mary Elizabeth Hammond

Every law firm needs clients – without them, the well of revenue will inevitably run dry. However, generating new business is easier said than done. More than half of surveyed lawyers say acquiring new clients is their biggest challenge. Retaining them can also be difficult in today’s fast-paced legal landscape.

Fortunately, there are simple ways to provide an exceptional client experience, appeal to more prospects, and increase referrals. In this article, we’ll discuss what recent research reveals about client expectations and the four strategies your firm can pursue to exceed those expectations for greater success. Let’s dive in.

Strategy 1: Provide online payment options

People love convenience. In a world of retail tap-to-pay and one-click e-commerce checkouts, cash and checks are becoming outdated payment methods.

The Legal Industry Report from LawPay and MyCase (our sister company specializing in legal practice management software) found that 84% of surveyed legal professionals now accept credit cards and ACH payments from clients via online payment tools. Even if you still have some clients who

want to pay the old-fashioned way, simply offering the option to pay online can improve client relations. According to Fiserv’s Billing House Survey, 71% of respondents say being offered multiple ways to pay increases satisfaction. In fact, 79% expect local service providers to offer the same payment options as larger national companies.

The benefits of accepting online payments surpass meeting client expectations. Online payments often lead to significantly faster payment cycles and higher collection rates.

- Our Legal Industry Report found that collection rates for customers who accepted online payments were nearly 10% higher than those who didn’t.

- Additionally, 61% of legal professionals surveyed for the report claimed their firms collect more money because of online payment processing software.

- Finally, our *Benchmark Report* found that LawPay and MyCase customers collected 33% more from clients who paid using LawPay for online payments versus checks and cash.

Strategy 2: Build a strong web presence

Consumers today can retrieve information on just about any subject imaginable nearly as fast as they can

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](https://www.acba.org/PracticeManagement).

type. As such, when the need arises for legal advice or representation, most will turn to the internet. It should go without saying that as a legal professional, you must have a website or, at the very least, a web presence of some kind to represent your practice. Failing to do so is essentially telling would-be clients that your practice is not technology savvy.

Your website and online presence need to sell your practice. Below are a few tips to help you make a positive impression that can prompt potential clients to contact you.

1. Make sure that your website is simple to navigate.
2. Alongside your expertise, take some time to discuss your legal process.
3. Showcase your accomplishments, wins, and why people should pick your practice.
4. Remember that a personal touch goes a long way. Your website should include a professional picture of yourself or your team – or, even better, a video.

Strategy 3: Ensure timely and consistent communication

Your potential clients are shopping around. If they don’t like what they see up front, they have plenty of other options at their fingertips. So, what can you do to truly impress would-be clients? Respond. Communicate. Show them you are reliable.

Rule 1.3 of the American Bar Association Model Rules of Professional Conduct states, “A lawyer shall act with reasonable diligence and promptness in representing a client.” This may sound like a no-brainer, but a lack of a timely response is one of the most common complaints among clients. In fact, our Legal Industry Report found that almost 70% of lawyers see client communication as a challenge.

Failing to respond within a certain window (typically within 24 hours) may lose you a client. Bear in mind that most clients are reaching out to you at a critical or stressful time. They need legal help as soon as they can get it – if you don’t respond to them, another firm will.

Strategy 4: Set clear expectations

Though the phrase “client experience” has become a bit of a buzzword, it’s a crucial element for any business to get

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Environment and Energy Scholarship fundraiser is May 22



ACBA

GREEN EVENT

*To support the Environment and
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Wednesday, May 22 | 5 p.m. | Thelma Lovette YMCA

Enjoy food, beverages and networking on the rooftop greenspace at the Pittsburgh region's most environmentally friendly YMCA facility, as a check is presented to this year's scholarship winner.

- Presentation on YMCA housing and renovations
- Check presentation to 2024 scholarship winner
- Election of new Section council and officers

▶ For more, visit ACBA.org/2024GreenEvent.



By Brian Knavish

It's one of the more unique annual events on the ACBA calendar, and this year it has a whole new twist.

The ACBA Environment and Energy Law Section's annual "Green Event" – a fundraiser for the Section's scholarship fund – will be held on Wednesday, May 22 from 5 to 7 p.m. at the Thelma Lovette YMCA in Pittsburgh's Hill District, which is the greenest YMCA facility in Western Pennsylvania, having earned LEED Silver accreditation.

During the event – which is open to all ACBA members, their guests and the general public – representatives from the YMCA of Greater Pittsburgh will discuss various YMCA initiatives, including the organization’s housing program and current renovations at the Allegheny YMCA, another local facility on Pittsburgh’s North Side.

The presentation will be followed by food, beverages and networking on the facility’s rooftop patio and garden. In the “main event” of the evening,

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CLE to look at 'Life Cycle of Real Estate Transaction'



LIFE CYCLE
of a Real Estate Transaction

Wednesday, June 5 | 3 p.m.
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Learn the nuts and bolts of a real estate transaction – both commercial and residential – from start to finish.

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By Brian Knavish

Whether you are a young attorney curious about the real estate practice area, a seasoned practitioner looking for a refresher on real estate transactions, or a lawyer whose practice only tangentially touches on real property and you're looking for an overview, the ACBA's June 5 CLE is for you.

The ACBA Young Lawyers Division and Real Property Section are teaming up to present, "Life Cycle of a Real Estate Transaction" – a two-hour, substantive credit CLE – that will be held from 3 to 5 p.m. at Kingfly Spirits in the Strip.

members who don't attend the CLE – are welcome to stick around for a networking, food and beverages, thanks to event sponsor Fort Pitt Capital.

“The idea of this event was for knowledgeable panelists to share some of that knowledge with YLD members who might have an interest in the practice area,” said Real Property Section Chair Eric Weinheimer.

“The networking reception after the CLE, which doubles as our Section Annual Meeting, is designed for members of both the Real Property Section and the YLD, whether or not they attend the CLE. The hope is that younger attorneys looking for more

Continued on page 10



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Insights in forensic economics: The application, and misapplication, of the total-offset mandate of Pa.’s 1980 landmark ruling in Kaczkowski v. Bolubasz

By R. Matthew Hanak II

In some economic circles, Pennsylvania is known as the state that “does not believe in economics.” This is referring, of course, to the holding in the 1980 landmark Supreme Court of Pennsylvania case, *Kaczkowski v. Bolubasz* (491 Pa. 561; 421 A.2d 1027; 1980 Pa.), where it was decreed that Pennsylvania shall no longer incorporate a reduction to present value ... or was it? A closer look at the *Kaczkowski* holding reveals that a wholesale ouster of present value reductions is not consistent with the ruling, and certain circumstances may apply where reductions to present value and/or growth of future values, even in the state that “does not believe in economics,” are warranted.

The *Kaczkowski* ruling was predicated on the concept of “total offset.” As the Court described:

“The total offset method assumes that in the long run, future inflation and the discount rate will offset each other ... future inflation rates and future interest rates do not exist in a vacuum, but co-vary significantly.”

“Since over the long run interest rates, and therefore discount rates, will rise and fall with inflation, we shall exploit this natural adjustment by offsetting the two factors in computing lost future earning capacity.”

The Court concluded:

“Upon proper foundation, the Court shall consider the victim’s lost future productivity. Moreover, we find as a matter of law that future inflation shall be presumed equal to future interest rates with these factors offsetting. Thus, the courts of this Commonwealth are instructed to abandon the practice of discounting lost future earnings.”

A technical interpretation of the foregoing mandate does not necessarily eliminate the need for a present value reduction, nor does it consider its very concept flawed. The Court in *Kaczkowski* simply equated all future projections of inflation and interest rates. The ruling is predicated on the concept of “total offset,” i.e., the choice of the discount rate in a present value calculation being deemed equal to, or offset by, the choice of the inflation rate. This begs a fundamental and not-too-uncommon question: what about factual circumstances where there is no inflation rate to apply (i.e., pension benefits), or where there is an objective future growth rate for an income stream that exceeds inflation (i.e., union wage scales)? The answer, at least to this observer, is clear, such circumstances require a present value calculation that can, in principle, remain consistent with *Kaczkowski*’s “total offset.”

In the practice of forensic economics, there are frequent situations that present a *Kaczkowski* dilemma. The most common situation entails a fixed income stream in the form of either lost future pension benefits or a lost single-life annuity. Although there are exceptions, some of which can be hard to find, most defined benefit retirement plans, pensions, entail fixed benefits that do not incorporate cost-of-living adjustments.

In other words, absent a future inflation rate, one of the pillars upon which *Kaczkowski*’s “total offset” relies is non-existent. In such circumstances, a logical conclusion would be the need for a present value calculation using a projected rate of inflation as the discount rate. Such an approach would still pay homage to the *Kaczkowski* ruling by equating the rates of inflation and interest but doing so without totally offsetting such measures (because one is factually not present). One could also argue that absent a future inflation rate, the entire concept of “total offset” is inapplicable, thus giving broader discretion for the choice of the discount rate.

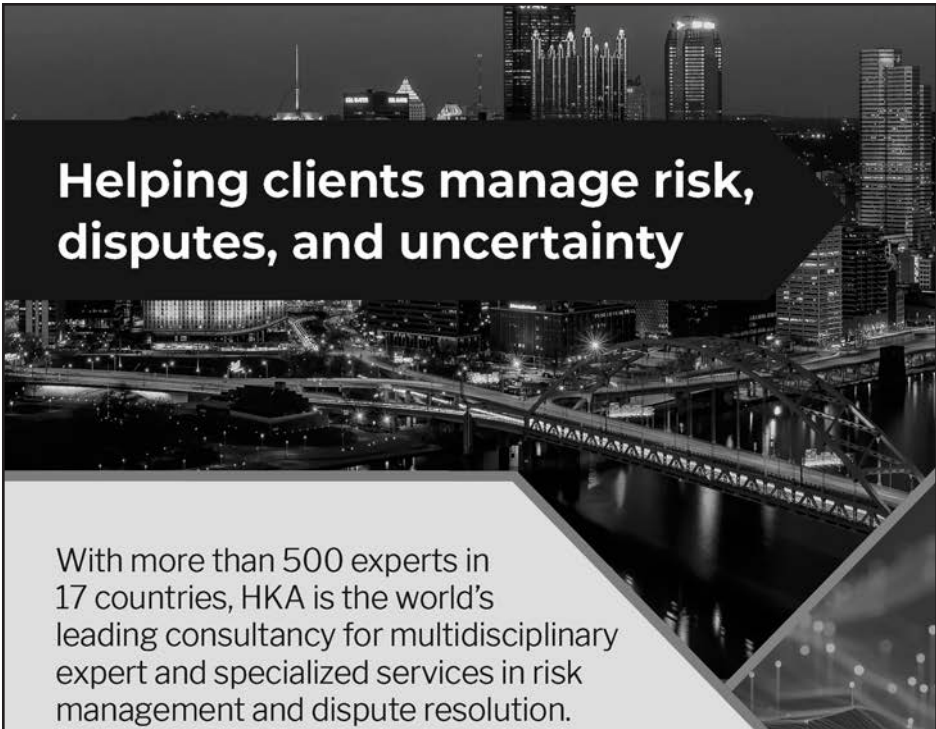
In either approach, the effects of such an application, or misapplication, of *Kaczkowski* can be significant. A simple numerical example illustrates the significance. Assume a future fixed income stream of \$20,000 per

year for 20 years. An application, or perhaps misapplication, of *Kaczkowski* would return a present value of \$400,000. However, if that same future income stream is discounted at 2.5%, a current average projected inflation rate, the present value would be reduced to approximately \$320,000. And if a more traditional discount rate is used, such as a current Treasury Bond rate of 4.5% (i.e., no homage paid to *Kaczkowski*), the present value would reduce even further to approximately \$270,000.

Misapplications of *Kaczkowski* do, however, work both ways. A consistent application of “total offset” in the setting of future lost earnings can result in understated results as well, especially when a younger wage-earner is involved, or a union member whose future wage increases are pre-determined (and often times much greater than inflation). Applying “total offset” does indeed account for future wage increases, but it does so only at inflationary rates – so no increases are allotted for merit, tenure, and/or advancement.

This can be a rather restrictive and overly conservative approach in the presence of a young professional or an apprentice and/or union member whose early years in the workforce traditionally evolve into wage increases

Continued on page 10



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CLE update: How to get credits through the ACBA

By ACBA Staff

The ACBA launched a new membership software platform – MemberCentral – in April, which is designed to enhance the overall ACBA member experience. This more modern system will improve – in a positive way – nearly every aspect of ACBA membership, including how attorneys can earn Continuing Legal Education credits from the bar association.

The ACBA offers an abundance of CLE courses on a wide variety of topics – everything from ethics programs on the Pa. Rules of Professional Conduct to law practice management programs to focused, practice-area specific programs.

The CLEs are presented in four formats: in-person, via live webinar, previously recorded (watched remotely) and via live video replay (watched in the ACBA offices).

“We’ve learned that lawyers have different preferences, when it comes to CLEs,” said Holly Bedford, the ACBA’s CLE and Program Manager. “Some attorneys very much prefer coming to an in-person course, while others prefer CLEs that are offered remotely. That’s why we offer our courses in four different ways, offering members a choice when it comes to CLEs.”

The ACBA’s four CLE products are:

- **In-person CLEs:** After nothing was held in-person for more than a year, in-person CLEs returned to the ACBA in late 2021, and the schedule of in-person programs has continued to grow since then. Most are held in the Koppers Building Conference Center, with occasional programs

being held offsite, such as at the Bench-Bar Conference. The schedule of in-person CLEs is also available at [ACBA.org/CLE](https://www.acba.org/CLE) or on the ACBA master calendar at [ACBA.org/Calendar](https://www.acba.org/Calendar).

- **Live Webinar CLEs:** When the pandemic hit, the ACBA aggressively began offering real-time Live Webinar CLEs out of necessity, and those are here to stay. Typically, the ACBA offers more than a dozen such Live Webinar CLEs every month, and they can be viewed from any device. Check out the full schedule at [ACBA.org/CLE](https://www.acba.org/CLE) or on the ACBA master calendar at [ACBA.org/Calendar](https://www.acba.org/Calendar).

- **Previously Recorded CLEs:** The ACBA also has a robust library of previously recorded CLEs available to be viewed at any time from any device. These programs are considered distance learning programs, and Pa. attorneys can earn up to six credits per year this way. There are currently more than 60 such programs available at [ACBA.org/PreviouslyRecordedCLE](https://www.acba.org/PreviouslyRecordedCLE).

- **Live Video Replays:** These programs blend the concepts of Live Webinar CLEs and Previously Recorded CLEs. Through the Live Video Replay service, attorneys can schedule a time to come to the ACBA offices and watch one or more Previously Recorded CLEs. Because they’re held at the ACBA offices, they “count” as live CLEs, making this a very attractive option for procrastinators up against a compliance period deadline. To schedule a Live Video Replay session, email Holly Bedford at hbedford@acba.org.

What’s coming up?
Few things are more annoying than hearing about a great CLE just after

it’s complete. That’s why the ACBA markets its CLEs through a variety of platforms.

ACBA.org: All of the currently scheduled ACBA CLEs – as well as all other ACBA events and meetings – are compiled and listed at [ACBA.org/CLE](https://www.acba.org/CLE). If you want to see upcoming CLEs – as well as other ACBA events and meetings – check out [ACBA.org/calendar](https://www.acba.org/calendar).

CLE-Blast: All ACBA members are sent the “CLE-Blast” via email every Sunday night. This contains a comprehensive list of all ACBA CLEs currently scheduled.

Targeted Emails: The ACBA also sends targeted emails about specific CLEs to Committees, Divisions and Sections most likely to be interested in those programs.

Lawyers Journal: The ACBA publishes a listing of upcoming CLEs in most issues of the *Lawyers Journal*. Additionally, the ACBA authors preview stories on specific key CLEs with broad appeal in various editions of the paper.

Social Media: The ACBA markets CLE courses on its LinkedIn, Facebook and X (formerly known as Twitter) accounts.

“Just like how attorneys have different preferences regarding how they consume CLEs, we are well-aware that different attorneys get their bar association news differently,” said Brian Knavish, the ACBA’s Director of Marketing, Media Relations and Strategic Partnerships. “That’s why we use every marketing tool at our disposal to spread the word about our upcoming CLEs. Keep an eye on your email, log-in to your favorite social

media channel, grab the *Lawyers Journal*, or check out our online calendar.” ■

Current Pa. CLE rules

The COVID 19 pandemic changed how attorneys can obtain Continuing Legal Education credits, allowing for options for attorneys to earn credits remotely. The rules changed several times throughout the pandemic, but what are Pa.’s *current* CLE rules?

Before the pandemic, Pennsylvania’s CLE rules were simple. To maintain a license to practice law, attorneys had to earn 12 credits per year, including at least two ethics credits. Six of those credits had to be earned in-person – actually sitting in a classroom – and the other six could be distance learning credits, meaning they could be earned by viewing them online.

When the pandemic hit, that changed since in-person CLEs were no more. At that time, the Pa. CLE Board ruled that all 12 credits could be earned online, but in 2021 the board modified that and ruled that at least six of those online credits had to be earned via live, real-time webinars (not previously recorded programs); the remaining six could be earned by watching pre-recorded CLEs.

Currently, the rule is that Pa. attorneys must earn at least six of their CLE credits via in-person or live webinar (real time) CLEs, and six credits may be earned by watching previously recorded programs.

Continued on page 10

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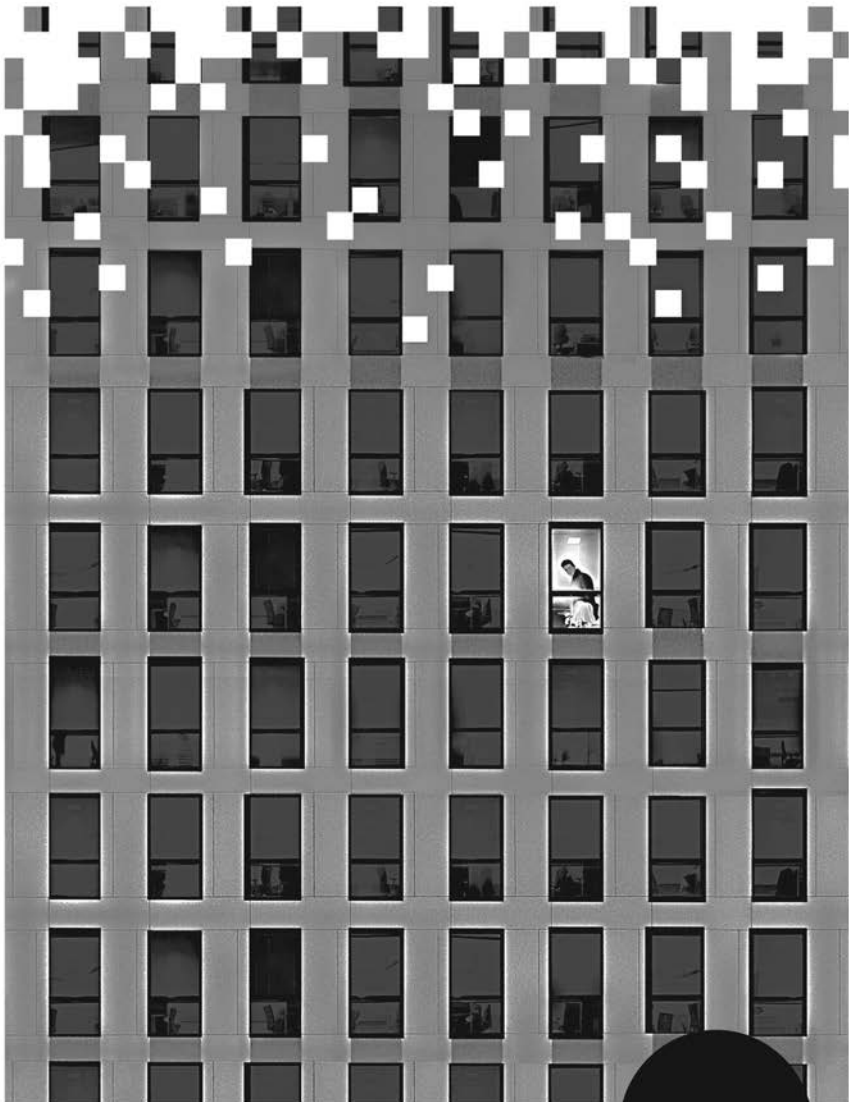
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PHOTOS BY JAMES PIAGGIO

During the Access to Justice Committee meeting on April 22 at the ACBA headquarters, Ryan Brunsink received the Pennsylvania Bar Association (PBA) Civil Legal Aid Attorney Award for his work with the Pennsylvania Immigration Resource Center, where he represents people facing deportations throughout the Commonwealth. Pictured: David Trevaskis, PBA Director of Pro Bono and Laura Perkins from Casa San Jose, who nominated Brunsink, present him with the PBA Civil Legal Aid Attorney Award.



Those in attendance paused for a photo during the Access to Justice Committee meeting.



The Landlord/Tenant Advice Project received the Pro Bono Award from the PBA. This project of the Pittsburgh Pro Bono Partnership mobilizes attorneys and paralegals from five participating organizations who staff a hotline through which they provide advice to individuals concerning landlord tenant issues. Pictured: Access to Justice Committee Chair Amy Berecek, PBA Director of Pro Bono David Trevaskis and Access to Justice Committee Vice-Chair Megan Lovett present Judy Hale, Antoinette Oliver and Chase Ayers with the PBA Pro Bono Award.



Laura Perkins, who nominated Ryan Brunsink, accepts the award on his behalf in person from Access to Justice Committee Chair Amy Berecek, PBA Director of Pro Bono David Trevaskis and Access to Justice Committee Vice-Chair Megan Lovett.

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“How Women Shaped the Pennsylvania Judiciary” event is May 23

By ACBA Staff

The Allegheny County Bar Association School and Municipal Law Section will present an in-person CLE, Leading by Example: How Women Shaped the Pennsylvania Judiciary, on Thursday, May 23. The CLE will be held in the Heinz History Center – Mueller Center, 5th Floor.

As part of a special session of the Commonwealth Court, celebrating the life and career of the Hon. Rochelle S. Friedman, and, in conjunction with the current exhibit at the Heinz History Center “A Woman’s Place: How Women Shaped Pittsburgh,” this program will examine the growth of the number of women in the Pennsylvania judiciary.

For the first time in Pennsylvania history, the Pennsylvania Chief Justice is a woman, Chief Justice Debra Todd. Also, in 2024, the three appellate courts in Pennsylvania are all led by women jurists. Through the experiences of Judge Friedman, as well as the panelists and others, this CLE will examine the resilience, grit and determination of the women trailblazers, and the role of their mentors and colleagues. The first panel will discuss Judge Friedman’s path to the Commonwealth Court. The second panel of jurists will address issues such as women’s impact on judicial collegiality, conflict resolution and effective disagreement and dissents, touching on the ethical and professional responsibilities associated with being members of

LEADING BY EXAMPLE

HOW WOMEN SHAPED THE PENNSYLVANIA JUDICIARY

Thursday, May 23 at the Heinz History Center

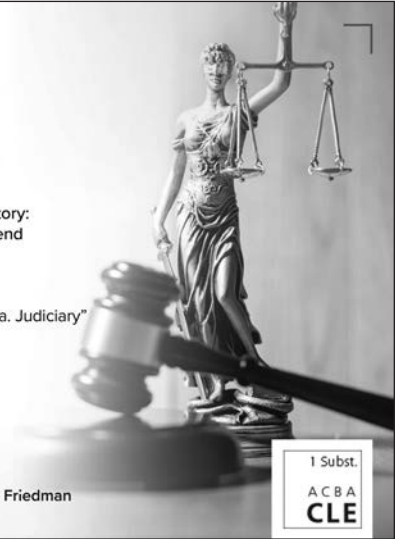
Attorneys are invited to attend the current exhibit at the Heinz History: “A Woman’s Place: How Women Shaped Pittsburgh” as well as attend any of the below programs:

- 1 p.m. – Commonwealth Court Special Session Oral Arguments
- 4:30 p.m. – CLE: “Leading by Example: How Women Shaped the Pa. Judiciary”
- 6 p.m. – Reception with the Hon. Rochelle S. Friedman

This program will examine the resilience, grit and determination of women trailblazers, and the role of their mentors and colleagues, in shaping the Pittsburgh Legal Community.



Hon. Rochelle S. Friedman



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the bench and bar. Additionally, panelists will examine what we can learn from the past that is relevant to the future.

A reception with Judge Friedman and other jurists, sponsored by the Commonwealth Court Historical Society, will immediately follow the CLE program. Light hors d’oeuvres and a cash bar will be offered, and the Heinz History Center exhibits will be open for viewing, including an exhibit of Judge Friedman’s papers and memorabilia from her legal and judicial careers.

Prior to the CLE program, a three-judge panel of the Commonwealth Court, sitting in special session at the Heinz History Center, will hear oral arguments in a number of cases that

will demonstrate the Court’s varied and unique jurisdiction.

The program planner is Michael F. Krimmel, and the program will begin at 4:30 p.m. This program has been approved for one hour of substantive CLE credit and also qualifies for one hour of credit under the West Virginia Rules for Mandatory Continuing Legal Education.

The speakers will be Hon. David N. Wecht, Supreme Court of Pennsylvania; Hon. Renee Cohn Jubelirer, Commonwealth Court of Pennsylvania; Hon. Kim Berkeley Clark (Ret.), Allegheny County Court of Common Pleas; Hon. Bonnie Brigance Leadbetter, Commonwealth Court of Pennsylvania; Hon. Dan Pellegrini, Commonwealth Court of Pennsylvania; Robert N.

Peirce, Robert Peirce & Associates; Tina Mazaheri, Mazaheri Law, LLC; and Bonnie V. DiCarlo, Election Strategist. Moderators will be Hon. Michael H. Wojcik, Commonwealth Court of Pennsylvania, and Hon. Maureen Lally-Green, Superior Court of Pennsylvania.

Members can register at [ACBA.org/calendar](https://www.acba.org/calendar). ■

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LAW PRACTICE MANAGEMENT continued from page 5

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Mary Elizabeth Hammond is a Senior Content Writer at LawPay.

ENVIRONMENT AND ENERGY continued from page 6

representatives from Civil and Environmental Consultants, the event’s title sponsor, will join the Section in presenting a check to this year’s scholarship winner, Pitt Law’s Emily Cumpston.

“The annual ‘Green Event’ is the biggest event of the year for our Section, but we also work to make sure it’s an event of interest to all ACBA members and their guests,” said Gary Steinbauer, chair of the Environment and Energy Law Section.

“The Thelma Lovette YMCA is a state-of-the-art facility in the historic Hill District and fantastic gathering place. The YMCA’s mission to foster a sense of community is something the Section wholeheartedly supports. This will be a great event, learning about all the important YMCA initiatives and enjoying the views from the green rooftop.”

The goal of the Environment and Energy Law Section Scholarship Fund is to provide scholarships to second- and third-year law students who plan to study environmental and/or energy law in Allegheny County after graduation.

The Green Event is the biggest fundraiser of the year for the fund, but donations are welcome any time at www.acbf.org/donate.

Admission to this year’s event is \$25 for ACBA members and \$30 for nonmembers. Sponsorships are available as well; for more information on sponsoring the fundraiser, email Ron Slavonic at rslavonic@acba.org. ■

LIFE CYCLE OF REAL ESTATE continued from page 6

information on real estate law can interact with experienced real property practitioners in what is one of the coolest spots in the city, Kingfly Spirits.”

The CLE was organized by attorneys Matthew McClelland and Kelly McGovern, members of both the YLD and Real Property Section.

They recruited an experienced panel including Steven Chadwick, Brad Dornish, Gregory Gerlach and

Kimberly Tague who will cover the nuts and bolts of a real estate transaction, both commercial and residential, from start to finish.

Specifics to be covered include the pre-contract period, agreement of sale, the due diligence period and financing. Additionally, the CLE will cover closing preparation, the closing itself and post-closing period, including litigation.

For more information or to register, visit [ACBA.org/RealEstateLifeCycle](https://www.acba.org/RealEstateLifeCycle). ■

INSIGHTS IN FORENSIC ECONOMICS continued from page 7

much greater than just cost-of-living adjustments. An example of such a scenario, and a rather frequent one at that, is a public school teacher who is subject to wage rate “ladders” providing for pre-determined annual increases in excess of inflation. The union or school district contracts typically provide for annual cost-of-living increases, while the “steps” in the “ladder” provide for tenure increases. An application of Kaczkowski in such settings, with provisions only for cost-of-living adjustments, would severely understate the future damages to the Plaintiff. In fact, the Kaczkowski conclusion speaks directly to this issue of considering future productivity increases in addition to inflationary increases:

“Since we believe there is a reasonable basis in fact to consider the impact of inflation and productivity on lost future earnings we conclude that the evidentiary concept is the most valid method to compute lost future earnings.”

“Upon proper foundation, this court shall consider the victim’s lost future productivity.”

The “total offset” mandate in Kaczkowski v. Bolubasz has been nothing shy of landmark, with broad applications effecting the vast majority of damage calculations across the Commonwealth since 1980. The 2002 MCARE Act exempted medical professional liability cases from Kaczkowski’s reach, but all other damage calculations remain subject to its “total offset” requirement. However, a closer look at the Kaczkowski ruling

indicates that it did not usurp the entire concept of reducing future damages to present value – it merely simplified the process by mandating equal rates for both the inflationary and discount factors. Thus, factual situations exist that still require present value discounting in manners that are consistent with Kaczkowski. This report discusses two examples of common Kaczkowski misapplications: future fixed income streams and pre-determined wage increases – many others exist. ■

R. Matthew Hanak, II, JD, MBA is a Forensic Economist/Managing Partner at Forensic Human Resources, LLC.

CLE UPDATE continued from page 8

Also, only those credits earned in-person or via real time webinar carry forward, and the requirement of earning at least two ethics credits per year remains.

Compliance period deadlines remain the same: April 30, Aug. 31 and Dec. 31. Also, note that all ACBA CLEs (except Live Video Replay CLEs) are approved for West Virginia credit as well, and members can obtain Ohio CLE credit upon request for an additional fee, excluding those presented at the Bench-Bar Conference. ■

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

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- Nonprofit Political Activity: Practical Tips for Nonprofits and Boards in an Election Year
Wednesday, May 22 | Noon | Live Webinar
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- Delta 8 THC, the Second Amendment and More
Thursday, May 23 | Noon | Live Webinar
1 Substantive credit
- Leading by Example:
How Women Shaped the Pennsylvania Judiciary
Thursday, May 23 | 4:30 p.m. | Heinz History Center
1 Substantive credit
- Allegheny County Veterans Treatment Court: What is it and When Can Your Clients Use it?
Tuesday, May 28 | Noon | Koppers Building
1 Substantive credit
- Transgender Name Changes, Policy and Reform
Wednesday, May 29 | 4 p.m. | Koppers Building
1 Substantive credit
- A Look at Utility-Scale Solar
Thursday, May 30 | Noon | Live Webinar
1 Substantive credit
- Law for Cocktail Parties:
Lemon Law, Dealership Fraud and Personal Injury
Monday, June 3 | Noon | Live Webinar
1 Substantive credit
- An Overview of Special Education Law and Student Discipline
Tuesday, June 4 | Noon | Live Webinar
2 Substantive credits

- Life Cycle of a Real Estate Transaction
Wednesday, June 5 | 3 p.m. | Kingfly Spirits
2 Substantive credits
**Reception to immediately follow CLE courtesy of Fort Pitt Capital Group*
- Protection from Abuse and the Domestic Violence Cycle
Thursday, June 6 | Noon | Koppers Building
1 Substantive credit
- Savvy Social Security Planning: What Attorneys and Other Professionals Need to Know About Social Security Claiming Strategies
Tuesday, June 25 | Noon | Koppers Building
1 Substantive credit
- An Introduction to the Regulation of Olympic Sports
Thursday, June 27 | Noon | Koppers Building
1 Substantive credit
- Handling Pennsylvania Guardianships
Thursday, June 27 | 4 p.m. | Engineers' Society of Western Pennsylvania | 1 Substantive credit
**Reception to immediately follow CLE courtesy of Shorebridge Wealth Management*
- Bridge the Gap
Tuesday, July 9 | 9 a.m. | Live Webinar
4 Ethics credits
- Effective Communications: Resonating Your Message Across Different Generations
Thursday, August 8 | Noon | Live Webinar
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Wednesday, September 18 | Noon | Live Webinar
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In Memoriam – Tribute

Jason T. Shipp



Jason T. Shipp

With profound sorrow, the shareholders of Goldberg, Persky, and White, P.C. announce the passing of our partner, Jason T. Shipp, on March 30, 2024, after complications following heart surgery. Those of you who met Jason experienced his brilliant intellect, his kind and gracious nature, and his infectious laugh, which turned heads and immediately made you smile. Aside from his surviving son, Julian, his greatest pride was his work as an attorney representing people wronged by corporate greed and misconduct. His razor-sharp grasp of law and procedure, deft legal writing, and gifted oral advocacy have been invaluable in the representation of clients of Goldberg, Persky, and White, P.C. for 25 years.

Jason was born in Akron, Ohio on October 26, 1968. Soon after his mother's untimely death when he was 12 years old, he moved with his father to Key Largo, Florida, where he graduated from Coral Shores High School in 1987. As an undergraduate student of philosophy at the Florida State University, Jason was diagnosed with Hodgkin's lymphoma, suffering a recurrence a few years after his initial

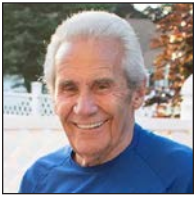
treatment but eventually beating cancer. After finishing his bachelor's degree he began graduate work in philosophy, but ultimately moved to Pittsburgh to attend the University of Pittsburgh School of Law and fulfill his dream of becoming a lawyer. He earned his J.D. in 2001, serving as Research Editor for the University of Pittsburgh Law Review. He was selected as a member of the Order of the Coif, and was chosen by his classmates as "Most Likely to Argue Before the U.S. Supreme Court."

Jason overcame great pain and life-threatening health struggles as a young person. He lived his life with joy, enthusiasm and sensitivity. In his words, he felt everything "fiercely." He loved a good Bordeaux and 30-year-old port; he had an encyclopedic knowledge of history; he loved Florida State football and the Pittsburgh Steelers. He was our great friend, and he will be missed immeasurably.

Goldberg, Persky, and White, P.C. will host a memorial reception for Jason in the Garden Room at the Duquesne Club on Wednesday, May 29 from 4:30 to 6:30 p.m. Our firm is also working with the University of Pittsburgh School of Law to create a student prize for oral advocacy in Jason's memory. If you are interested in making a donation, please contact Diana Jacobs at 412-471-3980 or djacobs@gpwlaw.com.

In Memoriam

J. Alan (Jerry) Johnson



J. Alan (Jerry) Johnson

J. Alan (Jerry) Johnson, 79, passed away peacefully on April 22, 2024, surrounded by friends and family at his home in Pittsburgh after battling dementia. Jerry is survived by his devoted wife of 52 years, Kristen; cherished sons, Jason (Elizabeth) and Christopher (Mimi); and adored grandchildren, Nick, Liv, and Kai.

After graduating from North Hills High School, he attended Valley Forge Military Academy and later earned his bachelor's degree from Kent State University in 1968. In 1971, he received his juris doctorate from the Duquesne Klein School of Law. His legal career began in the Allegheny County District Attorney's Office, where he was an Assistant District Attorney. Upon leaving the District Attorney's office, he joined the U.S.

Federal Strike Force and later became an Assistant U.S. Attorney for the Western District of Pennsylvania where he was subsequently appointed by President Ronald Reagan to become U.S. Attorney. He led successful prosecutions in several high-profile cases, most notably the 1985 Pittsburgh drug trials, which gained national attention for exposing the prevalence of cocaine in Major League Baseball. He also chaired the U.S. Attorney General's Advisory Committee and was an adjunct professor of law at Duquesne Klein School of Law.

He was a passionate car enthusiast, an amateur pilot, and a fan of the Rat Pack, especially Dean Martin. His work ethic, intellect, and love of storytelling left a lasting impression on all who knew him.

After his dementia diagnosis, Jerry joined BRiTE (BRiTE Wellness Center, a program designed for seniors with mild cognitive issues), a life-changing organization where he spent long hours and made many lasting friendships.



Credit and the Bankruptcy Court

SUBMITTED PHOTO

On April 5 the U.S. District Court for the Western District of Pennsylvania invited district students to "Credit and the Bankruptcy Court: Avoiding the Pitfalls of Student Finances." This special event offered students up-close access to the Bankruptcy Court and the opportunity to learn about financial issues students face as they transition beyond graduation. The students participated in a question-and-answer session with federal judges, a mock bankruptcy trial and a trivia session involving personal finance.

Bar Briefs

News and Notes

Earlier this month, the ACBA launched a new bar association software platform, MemberCentral. As part of this new system, the ACBA began sending its e-newsletters – such as the *Sidebar*, *CLE-Blast* and obituary notices – via the new system. These newsletters are ending up in some members' spam folders. To ensure you are receiving these important communications emails from the ACBA, members should add @communications.acba.org as a trusted domain in their email settings and/or ask their IT staffs to add the domain to the firm's firewall.

The Pennsylvania Bar Association (PBA) Alternative Dispute Resolution Committee presented its Sir Francis Bacon Alternative Dispute Resolution Award to **Bernhard Behrend**, owner, Behrend Mediation Services at an awards ceremony on May 9 during the PBA Annual Meeting in Hershey. The Sir Francis Bacon Award recognizes an individual who has made a significant impact in bringing mediation and other forms of dispute resolution to Pennsylvania. Sir Francis Bacon (1561-1626) was a Renaissance writer who served British monarchs in a legal capacity as knight, attorney general and solicitor.

People on the Move



Danielle Dietrich

Danielle Dietrich has joined Potomac Law Group as Partner. She has nearly 20 years of law firm experience and her practice focuses on the needs of small and diverse owned businesses and health care providers, including long term care. With specialized

expertise in the representation of Small, Disadvantaged, Disabled, Minority, Women, Veteran and LGBT-owned businesses, Dietrich serves as outside general counsel for these businesses in a variety of areas and helps them resolve legal needs, such as contract matters, intellectual property issues, collections, employment issues and corporate governance and growth.



Reganne M. McMichael



Andrew T. Bell

Anderson & Labovitz, LLC is pleased to announce that attorneys **Reganne M. McMichael** and **Andrew T. Bell** have joined their firm as associates. McMichael focuses her practice in the areas of Estate Planning and Estate Administration, and Bell focuses his practice in the areas of Litigation, Business Law, HOA Law and Real Estate Law.



Kristen L. Petrina

Kristen L. Petrina recently joined Babst Calland as an associate in the Corporate and Commercial and Emerging Technologies groups. Petrina represents domestic and international clients on a broad range of general corporate and commercial law matters, including recapitalizations, restructuring, mergers and acquisitions, commercial lending, commercial contracts, entity formation, corporate governance, and corporate exit and success planning.

Lawyers' Mart

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