

LAWYERS JOURNAL

Board of Governors adopts \$4 million budget for 2019-2020

Budget includes dues increase, new dues structure

By David A. Blaner, Executive Director

The Allegheny County Bar Association Board of Governors adopted a \$4 million spending plan for the 2019-2020 fiscal year during its May 21, 2019 board meeting. The budget is balanced with the addition of a membership dues increase for the top membership categories except law students.

The dues increase is necessary in order to help offset a reduction of annual income from reduced legal advertisements in the daily *Pittsburgh Legal Journal*, reduced income from our insurance program, increases in staff health insurance premiums, and modest declines in membership. The last dues increase was in 2017. At that time, the dues were increased by \$10 for all membership categories.

Additionally, the dues have been restructured and simplified. We have reduced the number of membership categories and increased the length of time it takes to pay the top dues rate by 4 years. Active Members who have been practicing for 11 years or more will see a \$25 dues increase (\$225 annual dues). Likewise, Active Government and Civil Legal Service Attorneys who have been practicing for 11 years will see a \$20 dues increase (\$150 annual dues). All other Active and Government/Legal Service dues paying members will experience a dues decrease. See the related article below.

The ACBA's membership dues represent 27 percent of our annual income. The ACBA's dues are the



David Blaner
ACBA Executive Director

second lowest in the country among metropolitan bar associations with memberships of 4,000-8,499. I have included a comparison chart of similarly-sized metropolitan bar associations' budgets, membership size and staffing levels. Membership in the ACBA has decreased by 6 percent over the past five years and is currently at 5,698 members.

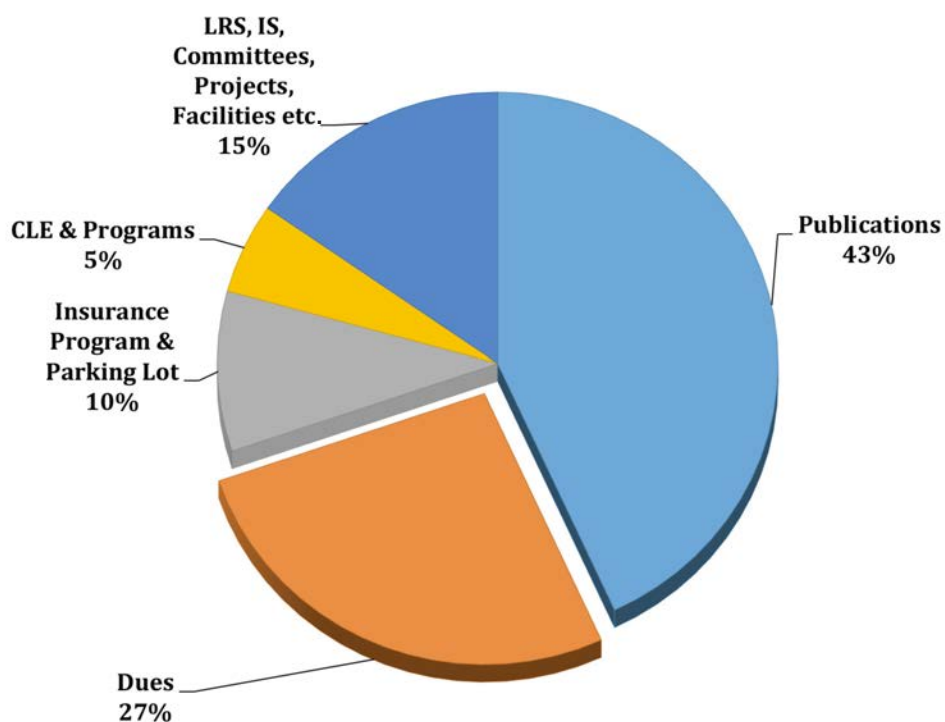
Seventy-three percent of the Allegheny County Bar Association's revenues come from non-dues sources. This is a significant amount of non-dues income. Most bar associations generate 40-50 percent of their income from non-dues sources. The *Pittsburgh Legal Journal* and related publications generate the largest amount of non-dues income.

The *PLJ* produces \$1.7 million of annual revenue from legal ads and commercial ad sales. The ACBA is the only major metropolitan bar association

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Name	Dues	Members	Budget	Staff
Orange County Bar Association (CA)	\$195	8,000	\$2.6 million	22
Allegheny County Bar Association	\$225	5,698	\$4 million	26
Mecklenburg County Bar Association	\$225	5,400	\$2.4 million	18
Hennepin County Bar Association	\$240	7,150	\$2 million	14
Atlanta Bar Association	\$245	5,700	\$2.2 million	14
Columbus Bar Association	\$260	4,443	\$4 million	18
King County Bar Association	\$260	5,500	\$3.9 million	36
Austin Bar Association	\$265	4,599	\$1.2 million	8
Indianapolis Bar Association	\$275	4,213	\$2 million	11
Kansas City Metro Bar Association	\$295	5,000	\$1.8 million	12
St. Louis Metro Bar Association	\$295	6,000	\$2 million	12
Cleveland Metro Bar Association	\$315	5,900	\$3.1 million	21
Cincinnati Bar Association	\$325	4,038	\$3.1 million	21

2019-2020 Proposed Budget Revenue (\$4M)



ACBA dues have been restructured and simplified

By Jim Spezialetti

Membership dues for the Allegheny County Bar Association have been restructured and simplified.

The Board of Governors made the changes, along with a dues increase for all top tier membership categories. The increase was necessary to help balance the \$4 million budget for the 2019-20 fiscal year.

The ACBA Membership Committee and Finance Committee reduced and revised the new dues structure for board approval.

David Blaner, executive director of the ACBA, said the association received feedback from a number of members and prospective members who were not sure which category was correct for them.

"The fee structure has been in place for well over 40 years. It made sense to give it a look and consolidate," Blaner said. "We're a local bar associ-

ation, not a national association, so we shouldn't need a lot of categories."

The ACBA membership committee reviewed dues categories, membership size and budgets for other bar associations throughout the country.

"The project has been ongoing for at least a year," said Lauren Melfa Catanzarite, chair of the ACBA Membership Committee. "We wanted to streamline and simplify the overall structure for all of our members."

The new dues structure reduces the number of dues step rates from six to three. Members will not pay dues in their first year. Active members in their second through fifth year will pay annual dues of \$115. Active members in years six through 10 will pay annual dues of \$165.

"We wanted to grow and serve our members," Catanzarite said. "There was a concern that we need to be more accessible to younger attorneys and government attorneys."

The old dues structure required six years of practice before a member paid the full rate. The new dues structure requires members to have at least 11 years of practice to obtain the top dues rate of \$225. Newer members of the Bar Association will see a reduction in their annual dues as a result of the new structure.

The dues rates for government and legal service attorneys have been combined into one category.

The same type of dues structure applies to government attorneys. The top tier rate will increase while attorneys with fewer years will pay less. First-year government and legal service members will not pay dues. Members in their second through fifth year will pay \$75. Members in years six through ten will pay \$110 and members who have at least 11 years of practice will pay the top rate of \$150.

Continued on page 6

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Gender Bias Duty Officers

If you (attorneys or law students) 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
Jeanine DeBor412-396-5215
Rhoda Neft412-406-5434

Ethics Hotline

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

June

Robert J. Donahoe412-833-0800
Russell D. Giancola412-563-2500

July

Nick S. Fisfis412-396-6289
Bruce Herschlag412-442-4262
Gregory Monaco412-747-8443

THE FULL TEXT AND/OR HEADNOTES FOR THE CASES BELOW APPEAR IN THE ONLINE, SEARCHABLE PLJ OPINIONS LOCATED AT WWW.ACBA.ORG.

Commonwealth of Pennsylvania v. Zachary Francis Chicko, Flaherty, J.Page 131
Criminal Appeal—Sufficiency—Suppression—Miranda—Constitutional Challenge to Statute—Strict Liability—Warrantless Search

Court concedes that provision in Accident Involving Death or SBI, regarding mandatory minimum sentence, is unconstitutional under Alleyne, yet considers improper language in statute severable from the offense.

Commonwealth of Pennsylvania v. Michael Tyrone Dixon, Jr., Borkowski, J.Page 135
Criminal Appeal—Sufficiency—Fleeing and Eluding—Resisting Arrest—Mischief

Appellant challenges the sufficiency of evidence to support convictions which were based upon an incident that occurred after he failed to stop his car for police.

In Re: Sean Logue & Associates, Manning, P.J.Page 137
Criminal Appeal—Petition for Review—Private Criminal Complaint—Failure to Pay Attorney Fees

The Commonwealth's decision not to pursue a private criminal complaint should be upheld because the complaint fails to establish a prima facie case.

Benjamin D. Friedman v. Mary Anne Murphy, Walko, Jr., J.Page 139
Publish—Ejectment—Adverse Possession—Easement Appurtenant—Abandonment

Court ruled that an easement appurtenant had been abandoned and/or extinguished by virtue of adverse possession and that a portion of Plaintiff's property was acquired by adverse possession. Easement not used for at least 30 years and a tree had been planted and grew for 35 years impeding use of Plaintiff's easement. Fence and deck encroachment for more than 21 years created interest by adverse possession.

ACBA welcomes new members

The following were approved as new ACBA members at the May 21 meeting of the Board of Governors.

Active members

Thomas A. Babinsack, Esq.
Ryan D. Balbierz, Esq.
Brian P. Bozzo, Esq.
Amanda M. Cook, Esq.
Myah A. Cummings, Esq.
Jamie M. Drennen, Esq.
Robyn B. Eisen, Esq.
Jennifer Evashavik, Esq.
Max Feldman, Esq.
Nicholas M. Feldman, Esq.

Ryan W. French, Esq.
Danielle R. Grunden, Esq.
Kara L. Hunter, Esq.
Madalyn L. Jester, Esq.
Kristen E. Kuron, Esq.
Katherine E. Leonard, Esq.
Carly A. Loomis-Gustafson, Esq.
Emily Mahler, Esq.
George Morris, Esq.
Julie Mueller, Esq.
Monte J. Rabner, Esq.
Robert J. Sovesky, Esq.
Kasey C. Tuttle, Esq.
Sara J. Watkins, Esq.

Active government members

Nancy D. Fabi, Esq.
Sherry Golebiewski, Esq.

Associate members

Kenneth J. Hager, Esq.
Benjamin Levine, Esq.

Law student members

Sarah C. Machinak
Jordan Ross
Luciana R. Sena
Sarah Tobias
Benjamin Webb
Dominique Wiggins

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PRESIDENT'S MESSAGE

ACBA President Bryan Neft offers members his parting thoughts

By Bryan Neft

This is my last full president's message before the Bench-Bar Conference and I must say that I struggled with an idea for this one. I considered writing about the Gender Bias Subcommittee, or the Finance Committee, both of which work under the radar to achieve spectacular results for our members; but decided I'll let them stay under the radar. I also considered writing about work-life balance but came to the conclusion that it's an oxymoron, a myth or both.

I feel that as President of the ACBA, I should say something prophetic about the practice of law, but don't necessarily consider myself an expert. The practice of law has changed immensely since I began my practice; but in Pittsburgh many things have stayed the same. I began my career in Pittsburgh in 1990 during a recession and then, war. The profession locally was oversaturated with lawyers of which I was one. I didn't secure a position in private practice until 1995. Things began moving up from there.

Even in the first decade of the 21st century, there were still more lawyers than available positions, and although economically the profession held its



Bryan Neft
ACBA President

own, the bottom dropped here around 2010-11 after the great recession of 2008. The recession caused a huge disruption in the profession. To talk about things that kept me up at night, I recall reading countless stories in the *New York Times* about law school graduates whose first-year associate offers were rescinded, and they were struggling to pay student loans in the tens, if not hundreds, of thousands of

dollars. I believed at the time that we would have one, two, maybe three "lost" classes of law school graduates who wouldn't be able to secure jobs.

It was also at that time that firms slowed their hiring of first-year associates. Clients no longer wished to bear the brunt of training attorneys. They wanted attorneys that could solve their problems efficiently. Some hourly rates dropped and litigation budgets were cut. Corporations started taking on larger in-house counsel staff. To this day, we still see the fallout from the recession. The number of ACBA members retiring is much larger than the number entering. We are working our way to a supply and demand equilibrium of attorneys in the profession; but it will ultimately be a smaller one.

And, yet here we are. Many of us are reading this article from our desks during a workday. And then we will get back to the job of remaining relevant to our clients in an ever-changing profession. So I will offer a couple of parting thoughts.

This is still a profession despite all of the economic and competitive pressures we face. Although there are a few individuals and judges who refuse to act professionally, the overwhelming majority of them are a pleasure to work with day-in and

day-out. We have a Code of Professionalism. You can find it here: www.acba.org/Portals/0/Professionalism-Code.pdf. It sets forth everything we believe our profession is and ought to be. Even though the Code is nearly 10-years old, it really is timeless.

Treat your clients well. The key to this is good communication. I have heard that a great number of disciplinary issues arise because of a failure to communicate. Clients want to be kept informed and want to know the good and the bad. I personally contact my clients a lot with the latest developments or reminders; whether it's through emails or telephone calls. I have one client who I frequently call in the evening on the way home from work, and we may talk for a half-hour or more to get caught up on how the business is doing and if there is anything I can assist with. Sometimes I wonder if I am being a noodge (is there a Pittsburgh-ese equivalent?); but I think my clients recognize that my persistence shows how important they are to me.

It's just as important to give younger attorneys exposure with clients. I firmly believe that if they do a good job, their performance will

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Kaplan Lecture

PHOTOS BY MARK HIGGS

Sukhsimranjit Singh, managing director of Straus Institute for Dispute Resolution at Pepperdine University School of Law (left), and event sponsor Constance Lee of Constance Lee & Company Court Reporters, appear together during the 16th Annual Lawrence W. Kaplan Lecture on Conflict Resolution on May 9 in the Frick Building Mezzanine in downtown Pittsburgh.



Mark and Mary McKinney Flaherty were among those who came to witness Singh's lecture.



This Kaplan Lecture featured a tribute to Judge Kaplan himself, who died this year in February.



During his lecture, Singh touched on many topics, including how to mediate with compassion.

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LAW PRACTICE MANAGEMENT

A.I.-assisted legal research is here (and it's probably cheaper than what you're paying now)

By Matthew Oas

Legal research can be a complex and expensive decision for solos and small firms, and also for larger firms that are looking to reduce overhead costs. Fortunately, the legal research industry has seen its share of disruption as new players and new technologies are making research cheaper and more efficient. By offering new services with monthly subscriptions as opposed to lengthy contracts, companies like Casetext and Ross Intelligence are worth considering.

Artificial Intelligence (or A.I.) is perhaps one of the most exciting changes to legal research over the past few years. Today's A.I. is, in a very basic term, a computer program that can recognize patterns and find connections between similar ideas. The "intelligence" part of an artificial intelligence comes from the way that these programs can also learn to improve the quality of their pattern recognition over time. Often such programs rely on a curated database of examples and need to be taught to understand the jargon-heavy language of legalese and the legal concepts for each area of practice. Once an A.I. has sufficient experience it can find



Matthew Oas

patterns and connections that go far beyond what a traditional keyword or subject matter search might return and in just a fraction of the time that would be spent on similarly in-depth research.

In 2016 Casetext introduced an A.I.-assisted search alongside its general legal research platform. Known as CARA, Casetext's A.I.

allows you to submit a legal document such as a complaint or brief and it will quickly find cases and other authorities that share similar facts, legal issues, and conclusions – no boolean logic required. CARA's search goes beyond simply matching keywords and instead seeks out relevant caselaw on a much deeper and more accurate level. Ross Intelligence and Casemine both offer similar products, but both are newer and relatively untested. Helpfully, all three companies offer free demos or trials to make deciding between them a bit easier.

Several companies are also working on A.I.-assisted tools to help with the brief-writing process. Uploading your own brief to vLex's Vincent A.I. or Judicata's Clerk A.I. reveals caselaw that you may have missed, incorrect quotations or citations, and even arguments that may be more persuasive to your particular judge. Given an opposing party's brief, the A.I. will quickly determine which cases may be most vulnerable to a challenge. Both programs are currently in their initial testing phases, but they may soon see wider availability as the technology improves.

The cost of legal research is another area that has seen a slow but steady

shift over the past few years. Newer companies are offering services that compete with the traditional legal research providers but without the traditional, multi-year contracts and gatekeeping of materials with different plans. Casetext, Ross Intelligence, Casemine, and Fastcase all offer flexible, no-contract monthly subscriptions. Additionally, these subscriptions include complete access to each company's archive of state and federal cases, as well as extensive lists of statutes, regulations, and other authorities. Gone are the days of out-of-plan pricing and surprise bills for searches in other jurisdictions.

While the goal of these companies and their new technologies isn't to replace lawyers, they may provide a faster and cheaper way to level the playing field between larger firms and their smaller competitors. As A.I.'s improve and new companies enter the market, lawyers should be able to spend less time and money on research and more on building a solid case. ■

Matthew Oas is a public interest advocate and legal technology enthusiast living in Pittsburgh, Pennsylvania. He can be contacted at matt.oas@gmail.com.

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Kimberly Brown	412-394-7995
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ACBA
WOMEN
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BOARD OF GOVERNORS BUDGET
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in the United States to own and publish a daily legal journal.

Other non-dues revenue includes: Continuing Legal Education, \$217,000; administrative fees from sections, \$40,000 in gross revenue; the Lawyer Referral Service produces \$150,300 in gross revenues; royalty fees from insurance programs and rental income from property adds another \$382,000; and finally, special projects – such as the Bench-Bar Conference, admission ceremony, various lunches and receptions – generate another \$274,500 in gross revenue.

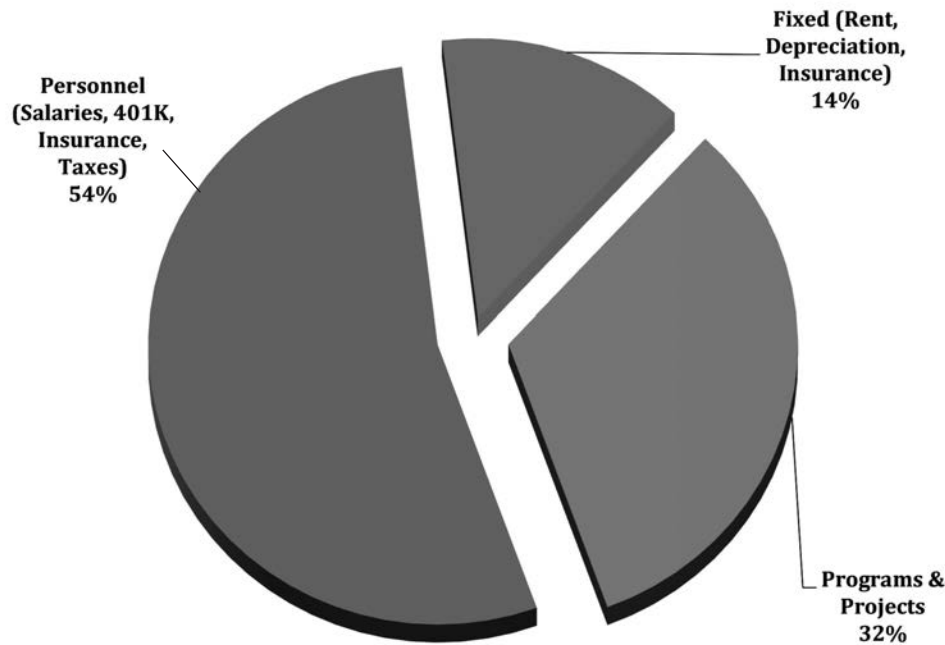
Annual expenses of the ACBA can be divided into three main areas: fixed costs, personnel expenses and programs & projects.

The ACBA's fixed costs for 2019-2020 are projected to be \$559,000. These costs include lease payments, insurance and depreciation. Our largest expense is personnel costs. The ACBA budget provides funding for 26 full-time employees. In 2017, the year of our last dues increase, the ACBA employed 28 full-time employees. We continue to look for opportunities to consolidate job functions and reduce staff where appropriate.

In 2019-20, we anticipate spending \$2,162,223 for payroll, various insurance costs, 401(k)-plan contributions and payroll taxes.

Finally, programs & projects represent the various services and benefits that we offer ACBA members. These include numerous state and federal admission ceremonies, 100 continuing legal education seminars per year, committee/division/section activities, diversity and gender-equality support,

2019-2020 Proposed Budget Expenses (\$4M)



information systems support, Lawyer Referral Service, media relations and marketing efforts, the *Pittsburgh Legal Journal* and related publications, supplies and equipment, meetings such as the Bench-Bar Conference, networking receptions and e-communications. Our budget allocates \$1,313,131 for all of these activities.

Beginning in August 2019, the bar association will be expanding our CLE offerings. Our agreement with the Pennsylvania Bar Institute (PBI) for the delivery of CLE to attorneys in Allegheny County is ending. The agreement provided the ACBA with an annual royalty payment of \$100,000 but limited our ability to partner with

law firms, law schools and other non-profit organizations to deliver continuing education seminars. In addition, the ACBA was restricted from offering seminars of three hours or longer. Our online CLE course offerings will be expanded to 30 courses effective August 1. We are planning to increase our substantive and ethics courses by working with our committees, divisions and sections to provide seminars and symposium style courses that will enable our members to meet their annual CLE requirements and keep abreast of the changes in the laws.

The Allegheny County Bar Association currently maintains \$2.4 million in

reserves. This represents 60.1 percent of the annual operating budget. Recently, the Board of Governors revised the Reserve Policy. The new policy requires the association to maintain a reserve that is equal to between 45 and 65 percent of our annual operating budget. We have no debt, and we have set aside \$173,000 in funds for capital improvements in 2019-2020.

Our financial stability is directly attributed to the diligent efforts of the volunteer members of the Board of Governors, Audit Committee and Finance Committee working with our management team to reduce operating costs and explore new sources of non-dues income. Their leadership and vision for the Allegheny County Bar Association and its related entities has been outstanding.

If you have any questions regarding the Allegheny County Bar Associations' finances, please feel free to call me at 412-402-6601 or email me at dblaner@acba.org. ■

MEMBERSHIP DUES
continued from front page

The board also reduced the dues structure for Associate members from three categories to one. The same rate of \$140 will apply to all Associates.

The rate for Affiliate members will increase from \$95 to \$100. The definition has also been expanded to include non-attorney arbitrators and mediators.

Law students will continue to pay \$30 annually.

For membership types and dues, see www.ACBA.org and click on "Join."

Membership statements are scheduled to be sent to ACBA Members on June 5. ■

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A peek behind the court reporting methods in the technology age

By Constance Lee

The idea that technology spells the end of the court reporting industry is a common sentiment in this day and age.

That sentiment is rooted in misunderstanding. The court reporting profession is evolving, and technology is becoming a bigger part of the industry.

Many attorneys are familiar with the court reporting end product, but not as familiar with the methods, types and processes of court reporting. Here's an overview of the different methods of capturing the record.

Stenographers or Machine Writers

Let's start with the basics.

Stenography students attend at least two years of schooling and must take courses in machine theory, business law, medical terminology, legal terminology, transcription and court procedures. This is all the while building speed and accuracy of processing the spoken word through a 25-key stenographic keyboard.

Computer-aided transcription software holds a basic steno-to-English dictionary to transcribe against and build upon.

To pass and graduate, students must achieve three speed takes each for legal testimony at 225 words per minute, jury charge at 200 and literary (usually legal opinion or congressional

record) at 180 words per minute, each with no less than 96-percent accuracy.

As graduation approaches, schools place students with local reporters for mentorship/internships. This is crucial in learning business etiquette, how to navigate depositions and courtrooms, identifying speakers, marking exhibits, legal and medical terminology research methods, dealing with difficult-to-understand individuals, how and when to properly interrupt a proceeding for the accuracy of the record and other duties.

Stenomask or Voice Writers

Stenomask reporters or voice writers attend courses for as little as 12 weeks or up to nine months whereby they are introduced to the art of capturing every word by repeating all of the questions and answers verbatim while using a special mask called a Sylencer, in conjunction with a foot pedal, and Dragon speech-recognition software.

Voice writers convert the spoken words of many into the single voice of the reporter. Sometimes the voice writer will use those methods of voice capture paired with computer-aided transcription software to format the questions and answers.

Stenomask reporters learn to identify speakers, and they use the software to adapt to special utterances to implement formatting and punctuation markers.

An issue with speech-recognition software is it has a speed limit of sorts and can get bogged down when speakers reach the rate of 180 to 200 words-per-minute.

Some voice writers are highly trained and able to produce a real-time record. Properly used, Dragon can have an accuracy rate of 99 percent, but only at 150 words per minute. Some voice writers prefer to record the proceedings without the use of the transcribing software, and some will opt to type the testimony the old-fashioned way and re-listen to their recording and type it into a program such as Word.

Remote Reporters

While there is no shortage of court reporters in Pittsburgh, there is a shortage in many parts of the country. In these situations, attorneys often use remote reporters.

Court reporters now have the ability to be in a completely different part of the world as we write legal proceedings. Platforms such as Zoom enable attorneys to "attend" depositions from another state, or a prisoner to "be present" at a court hearing without the need to be physically transported.

When using remote reporters, attorneys should confirm, for the sake of privacy, that a secure network is being used. Also, perform due diligence on the court reporter being used on

the other end to confirm he or she is certified and properly trained.

Digital Records

Although not overly common, digital record methods such as For the Record (FTR) are being used in Pittsburgh courts and for depositions.

With this method, a technician will provide all counsel and deponent with microphones. Each person is recorded onto his or her own channel.

As testimony proceeds, the technician makes time-stamped annotations for speakers and places to check for spellings or instances of marking exhibits. The technician monitors the entire proceeding, and if there is cross-talk or noises that cloud the recording of the testimony, the technician will interrupt and request clarification. Some of the systems have the ability to videotape the witness as well.

After the proceedings are completed, the recording is transcribed. It's important to understand that, in some states, a transcript is not considered valid unless it is transcribed by a state-certified court reporter. Also, with software like VoCo and others which can manipulate recordings – and even add words not actually said and add them in the recorded person's own voice – it is important to know

Continued on page 10

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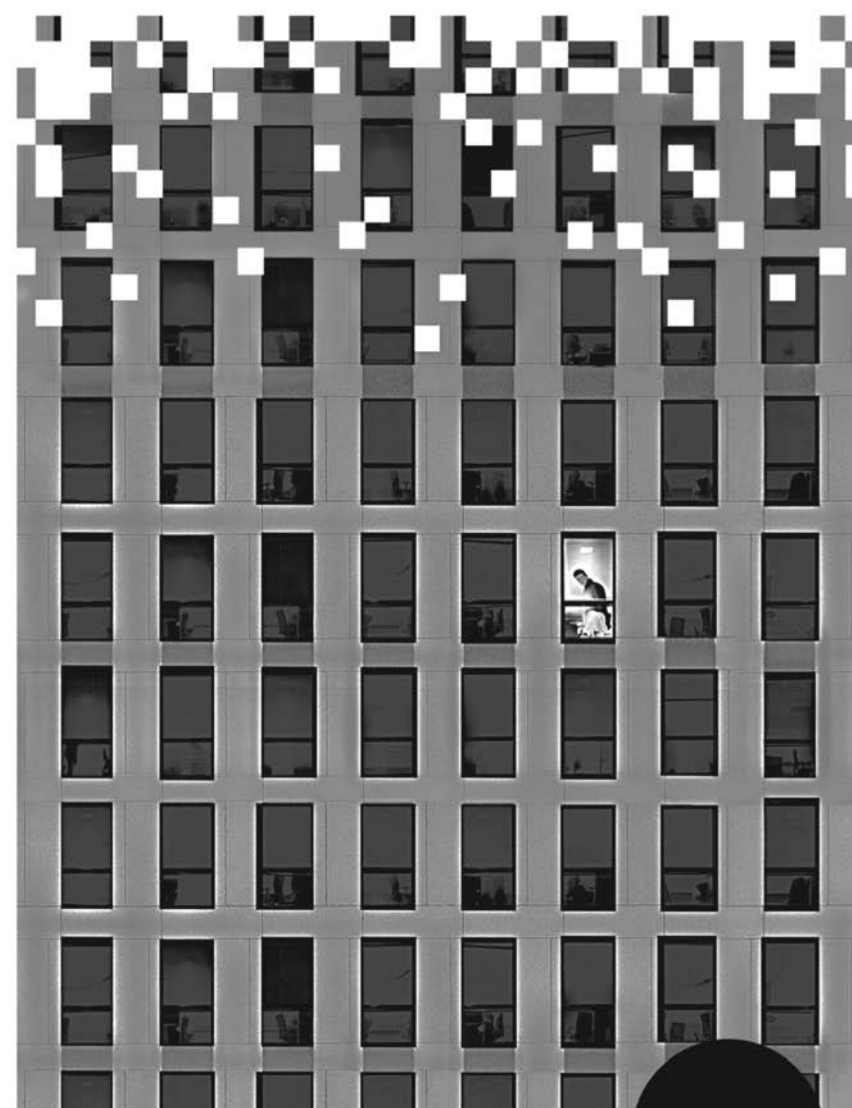


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Ally Award Reception to be held June 25

By Zandy Dudiak

The ACBA Committee for Diversity and Inclusion (CDI) will recognize two individuals, an organization, a law firm and a business at its Ally Award Reception June 25 for demonstrating the spirit of inclusion by supporting diversity efforts that benefit all members of society.

Awardees are chosen for the biennial award because they have stepped outside of their comfort zones and supported diversity and inclusion of groups and organizations to which they are not obvious members or beneficiaries, such as heterosexuals supporting LGBT issues, and faith-based organizations raising funds for people of a different faith.

“For this year, we received more than 10 nominations,” said Sunny Yang, CDI co-chair. “They all have done a very good job of promoting inclusion. We really hope this award will encourage others in the legal community to come out and support the work of our Allies.”

The 2019 honorees are: Dana Yealy, Islamic Center of Pittsburgh, FedEx Ground, Reed Smith LLP and Stefan Dann, Esq.

Yealy, general counsel at FHLBank Pittsburgh and chair of the Pittsburgh Legal Diversity & Inclusion Coalition, will be recognized for his work to advance diversity and inclusion within the bank and the legal community. He played a key role in the formation of the bank’s Office of Diversity and Inclusion, advocates for diversity on the bank’s board of directors and



supports professional development of diverse attorneys in the bank system’s legal departments.

Islamic Center of Pittsburgh will be honored for its support of the victims of the Tree of Life Synagogue shooting in Squirrel Hill, the deadliest anti-Semitic attack in U.S. history. The center raised \$15,000 from members of its community the evening of the attack, \$70,000 two days later and ultimately \$238,000 in support of the Jewish community. ICP members’ support of the broader community is exemplified by them speaking out about the shooting of Antwon Rose Jr., the denigration of immigrants, and advancing legal protections of the LGBTQ+ community.

Sunny said the Islamic Center “was one of the first organizations expressing their sympathy and opposition to the hate crime.” As a member of Dor Hadash, one of the three congregations that worship at Tree of Life Synagogue,

If you’re going

What: ACBA Committee for Diversity and Inclusion Ally Award Reception

Where: Hotel Monaco, downtown Pittsburgh

When: 5:30 to 7:30 p.m. Tuesday, June 25

Cost: Thanks to generous sponsorship, the event will be free to ACBA members and guests.

Registration: Available online at ACBA.org.

CDI co-chair McArdle “Mac” Booker said he is personally grateful to the Islamic Center for stepping up.

Reed Smith, FedEx Ground and Stefan Dann will be honored as Law Firm, Corporate and Individual Allies, respectively, for their work in support of the LGBTQ+ community and particularly the Name Change Project, which provides pro bono legal services to help members of the transgender and non-binary community have their names changed.

“They are all absolutely dedicated to making sure some of the people with the greatest need are represented in the legal system,” Booker said.

Booker noted that since the Name Change Project came to Pittsburgh four years ago, Allegheny County Common Pleas Court Judge Christine Ward has been designated to oversee

name changes to provide a safe place for those worried about discrimination.

Reed Smith was instrumental in bringing the Name Change Project to Pittsburgh. In the five years since, the firm has successfully processed more than 175 name-change petitions and involved more than 10 law firms and corporate law departments as volunteers for the project.

In 2017, FedEx Ground joined other existing law firms and in-house legal departments in providing critical legal services to the Name Change Project. In 2018, FedEx established a fund, administered by the Persad Center, to cover name change costs and assist at-risk LGBTQ+ youth. FedEx has also instituted numerous programs aimed at empowering women-centered leadership and the advancement of underrepresented communities.

Stefan Dann, an associate at Metz Lewis, formerly with Reed Smith, has played an integral part in expanding the reach of the Name Change Project throughout the region. Since he began volunteering with the project in 2014, Dann has personally completed 50 name changes and became the project chair in 2017. He has also lead training and education for several organizations and legal departments on issues of diversity and inclusion, including Name Change Project training at the Bench-Bar Conference in 2018.

Hal Coffey, immediate past president of the ACBA and CDI chair in 2015, said the awards were instituted that

Continued on page 10

ACBA CLE

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PROTECTING OUR PETS: LIBRE’S LAW, PET TRUSTS AND PETS FOR VETS

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TUESDAY, JULY 09, 2019 | 4:00 PM – 6:00 PM

Animal Friends, 562 Camp Horne Rd., Pittsburgh, PA 15237

Reception and tours to follow / ACBA Member with CLE credit \$60

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Speakers

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Register by July 7 on the CLE Events section of the ACBA’s website.

https://www.acba.org/CLE-Events/Event-Info/sessionaltcd/CLE190709_Animal

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PHOTOS BY MARK HIGGS

Attorneys Jerry McDevitt (left) and David Shrager prepare for “In the Squared Circle: 30 Years of Representing WWE”, an ACBA CLE held in the Koppers Building Conference Center on May 1. McDevitt served as chief outside counsel of the WWE for 30 years. McDevitt said that the first time he met Vince McMahon, the WWE chairman said he hated lawyers. McDevitt ended up serving as his personal attorney for three decades.



Shrager introduces McDevitt. The CLE and the networking reception that followed it were sponsored by Shrager Defense Attorneys.



McDevitt discusses going to trial against the federal government and winning. He has successfully represented clients in libel suits, sexual harassment claims, concussion-based lawsuits and more.

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To make a confidential Lawyers’ Fund request, contact ACBA Executive Director David A. Blaner at dblaner@acba.org or 412-402-6601.

For more information visit www.acbf.org/Lawyers-Fund.

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PRESIDENT'S MESSAGE continued from page 3

reflect well on me. I call this the Nora Barry Fischer axiom.

Be flexible and open to new ideas. Over the years, I have heard rumors of the demise of the billable hour, and yet it is still with us. But, we should welcome opportunities to engage new methods of billing, whether based on a flat fee or a fee that takes into account the results achieved. Our best models exist within the plaintiff bar. The members of that bar look to maximize the fee received while minimizing the work necessary to achieve that result.

Don't forget about pro bono. Our practices are busy enough. But, we need to recognize that it is difficult for most individuals to pay legal fees. Someone considered a member of the middle class can easily be wiped out having to pay legal fees to litigate matters. Justice should be available for all despite the ability to pay.

I became involved with the ACBA because it reached out to me first in the form of a no-interest loan to attend law school (thank you, Louis Little). Ever since then I have felt a compelling obligation to give back. As President, I feel that my largest accomplishment has been to position this organization for the long-term so that our sections, committees and divisions have the resources to do their best. Thank you for allowing me the opportunity to serve. ■

To talk about these issues further, please contact ACBA President Bryan Neft at 412-325-3317 or BNeft@spilmanlaw.com.

Correction: Caroselli, Beachler & Coleman, L.L.C. should have been listed as one of the firms representing Plaintiffs in asbestos litigation in Allegheny County in the previous President's Message in the May 10 issue of the Lawyers Journal.

COURT REPORTING METHODS continued from page 7

the chain of custody and control of such recordings.

It is important to ask where and by whom the audio is being transcribed. Attorneys should be specific in their questions and make sure they are satisfied with the answers.

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Many firms offer synchronized videotaped depositions, searchable PDFs (with or without hyperlinked exhibits) and many forms of electronic transcripts to import into litigation-management software.

Although Pennsylvania law does not require the licensing of court reporters, there are state and national organizations that do provide certifications in each of our respective areas. For stenography, there is the National Court Reporters Association. Voice writers have the National Verbatim Reporters Association, which welcomes both machine writers and voice writers. And the American Association of Electronic Reporters and Transcribers offer certification for electronic reporters and electronic transcribers. ■

Constance Lee, RPR, CSR (IL, TN), NCRA Realtime Systems Administrator, has provided court reporting services for Pittsburgh and the nation since 1987. She now owns Constance Lee & Company Court Reporters.

ALLY AWARD continued from page 8

year to give some greater meaning to the ACBA's diversity and inclusion programs. The award program points out good things attorneys can do with their skill sets, he said.

"Primarily our goal was to honor people who support and give a platform to people who aren't like them," Coffey added. "Many times, we're giving out awards and platitudes to people looking just like us."

Booker said ACBA has made a concerted effort to increase diversity in the bar and throughout the legal community.

"It may just be, over time, people become aware of it," Booker said. "There's a value in recognizing people who are willing to step up and take action, put themselves on the line and work hard."

Anyone interested in sponsoring the event as a \$1,000 Champion, \$500 Ally, \$250 Advocate or \$100 Friend can contact Alysia Keating, ACBA director of Diversity and Gender Equality, at akeating@acba.org. ■

Office Depot, OfficeMax discounts

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

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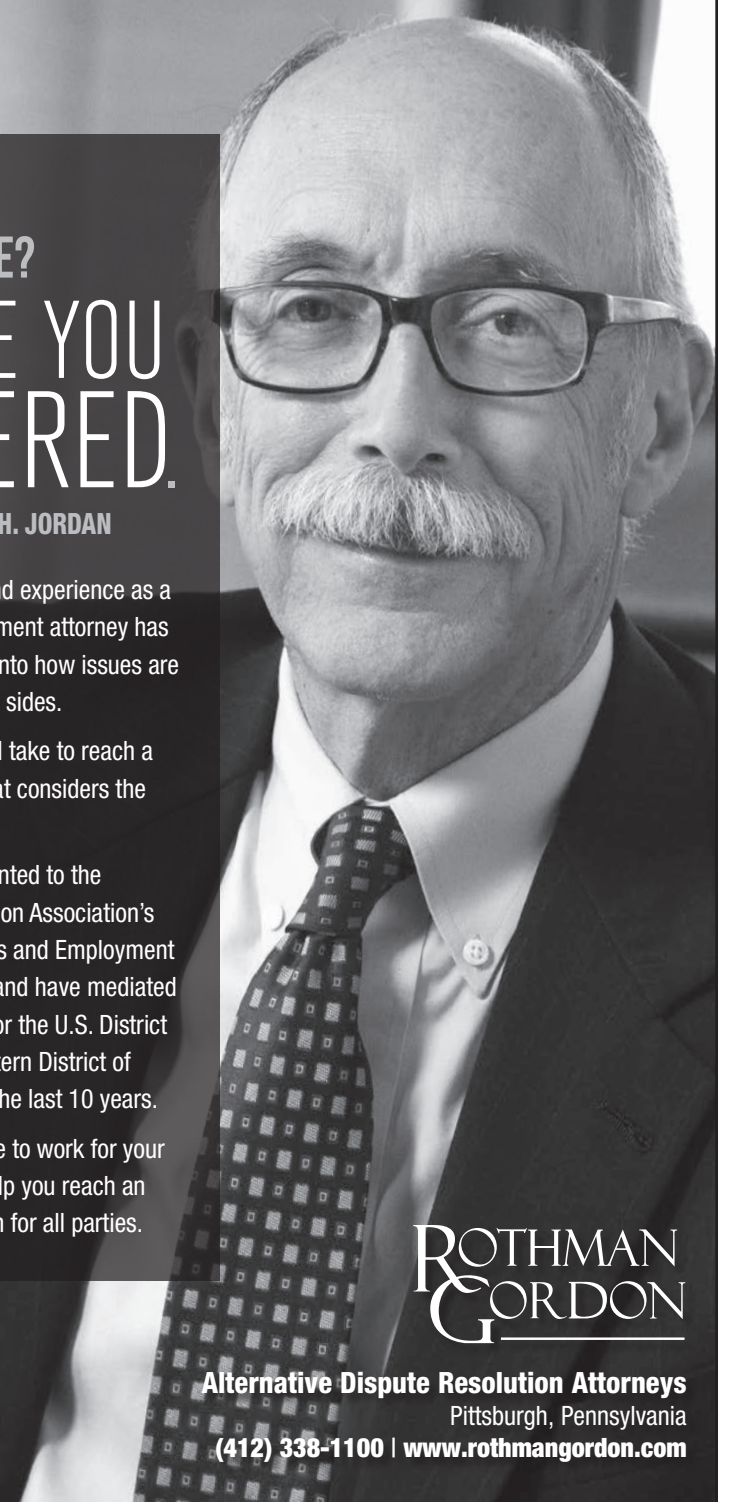
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New Member Benefit

Free trial of third-party receptionist or online web chat service with Smith.ai

By Brian Knavish

Many solo practitioners and small firms don't have the luxury of having a receptionist on staff.

However, it's an age when clients – and potential clients – expect an immediate response. The result is many small firms have frustrated clients or miss out when would-be clients move on to another firm when no one is readily available to field their calls or answer web inquiries.

The ACBA has a new solution: Smith.ai.

“Research shows that if a firm doesn't answer a potential client's call or return the call quickly, that potential client will move on to the next firm almost immediately,” said ACBA Executive Director David Blaner. “The challenge is that not all firms can afford having a full-time receptionist on staff. That creates quite a problem for many firms.

“That's why the ACBA is entering into a partnership with Smith.ai to provide a valuable new member benefit.”

Smith.ai is a virtual receptionist service, offering both a live call service and a website chat service.

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“Smith.ai isn't a ‘call center.’ The individuals fielding calls on behalf of firms are highly trained legal receptionists,” Blaner said. “Your clients and potential clients will not even realize they're talking to a third-party company. It will feel like they're talking to a receptionist right in your firm. The receptionists will capture and qualify leads, book new client meetings and build better relationships with your existing clients. Everyone who reaches out to your firm will get

that immediate interaction that is so important today.”

The individuals fielding calls are skilled receptionists with expertise and experience working with law firms. Additionally, the Smith.ai artificial intelligence software enhances the performance and productivity of the receptionists. The product includes such features as “smart call routing” and automatic integration with more than 30 prominent practice management and billing platforms.

The service is cheaper than you might think. The virtual receptionist service starts at just \$70 per month, and the website chat service starts at just \$60 per month.

And ACBA members can get an even better deal than that:

- ACBA members can try Smith.ai for free with a 10-call or five-chat session no-obligation trial.
- ACBA members get \$50 off of their first month of live calls or web chat.
- ACBA members get a five percent discount when signing up for both live calls and web chat options.
- ACBA members get 15 percent off when signing up for a Smith.ai annual plan.

“Firms look to the ACBA to vet and collect resources they need to run more productive, professional and profitable law practices, and we are excited the ACBA has chosen to work with Smith.ai to do just that,” said Maddy Martin, Head of Growth and Education at Smith.ai. “We are looking forward to directly impacting Pittsburgh attorneys, particularly solos and small firms throughout Western Pennsylvania.”

For more information, visit ACBA.org/smith-ai and enter the code “ACBA50” to take advantage of the deal. ■

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PHOTOS BY ASHLEY RICE
 Amy Wildermuth, Dean of the University of Pittsburgh School of Law, takes the first question from moderator Lori McMaster, ACBA President-Elect, at the WLD Spring Luncheon held on April 23.



Dean Hari Osofsky of Penn State Law and Dean Maureen Lally-Green of Duquesne University School of Law are all smiles as Lally-Green recounts her extended history in both practicing law and her career in politics.



Nearly 250 people came out to support the division's marquee event at the Fairmont Pittsburgh. After the program, WLD officers and organizers of the luncheon gathered for a photo. From left to right: Leslie Dutchcot, Lori McMaster, Amy Wildermuth, Maureen Lally-Green, Hari Osofsky, Erica Laughlin and Jessica Albert.

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EVENTS AT A GLANCE

THURSDAY, JUNE 13

Athletic Events

Donald W. Bebenek Golf Tournament (Seven Springs Golf Course) – <i>Sponsored by Best Records Management</i>	7:45 a.m.
Sporting Clays and 5-Stand Event (Seven Springs Sporting Clays Course) – <i>Sponsored by Kapusta Deihl Schweers</i>	10:00 a.m.
Biking (Adventure Center) – <i>Led by Dennis Kusturiss, Esq.</i>	10:00 a.m.

Programs

Homer S. Brown Division Program (Seasons 1, 2, 3) – 1 Substantive credit.....	2:00 p.m.
Bankruptcy and Commercial Law Section Program (Sunburst) – 1 Ethics credit, 1 CJE credit.....	2:00 p.m.
Skills Training #1: Family Law (Wintergreen) – 1 Substantive credit, 1 CJE credit.....	2:00 p.m.
Young Lawyers Division Program (Seasons 1, 2, 3) – 1 Ethics credit, 1 CJE credit.....	3:15 p.m.
Labor & Employment Law Section Program (Sunburst) – 1 Substantive credit, 1 CJE credit.....	3:15 p.m.
Financial Planning Program (Snowflake) – 1 Substantive credit – <i>Sponsored/Presented by Hefren-Tillotson</i>	3:15 p.m.
Women in the Law Division Program (Seasons 1, 2, 3) – 1 Ethics credit, 1 CJE credit.....	4:30 p.m.
Lawyers Concerned for Lawyers Program (Sunburst) – 1 Ethics credit.....	4:30 p.m.
Skills Training #2: Courtroom Civility by Judge Manning (Wintergreen) – 1 Ethics credit.....	4:30 p.m.

Social Events

Wine Tasting (Timbers) – <i>Sponsored by Plummer Slade</i>	5:30 p.m.
First Time Attendees Reception (Suite 314).....	5:30 p.m.
Women in the Law Division Reception (Seasons 5) – <i>Sponsored by Dr. Shannon Edwards</i>	5:30 p.m.
Young Lawyers Division Meeting/Passing of the Gavel (Suite 314) – <i>Sponsored by MML Investors Services</i>	6:00 p.m.
Reception & Barbecue (Timberstone).....	7:00 p.m.

FRIDAY, JUNE 14

Athletic Events

Introduction to Yoga (Fox Den) – <i>All levels welcome. Instructor: Lisa Standish, Esq., The Law Offices of Lisa Standish</i>	7:00 a.m.
Running (Lodge Hotel Lobby) – <i>Hal Coffey, Esq., ACBA Past-President, to lead the run</i>	7:00 a.m.
Bowling – <i>Sponsored by Bennington Law Firm, LLC</i>	3:45 p.m.

Programs

Wake Up with the Judges Program (Grand Ballroom) – 1 Substantive credit, 1 CJE credit – <i>Sponsored by Shrager Defense Attorneys</i>	9:00 a.m.
Feature Presentation (Grand Ballroom) – 1 Ethics credit, 1 CJE credit.....	10:15 a.m.
Judges Only CJE presented by Hon. Mark Bennett (Seasons 1, 2, 3) – 1.5 Ethics CJE credits.....	11:30 a.m.
In-House/General Counsel Program (Snowflake) – 1 Substantive credit.....	11:30 a.m.
Law Practice Management Program (Sunburst) – 1 Ethics credit.....	11:30 a.m.
Skills Training #3: Probate & Trust (Wintergreen) – 1 Substantive credit.....	11:30 a.m.
Luncheon/Amram Award/Passing of the Gavel ACBA and ACBF (Grand Ballroom) – <i>Sponsored by Plummer Slade</i>	1:00 p.m.
Civil Litigation Section/Civil Division Program (Sunburst) – 1 Substantive credit, 1 CJE credit.....	2:30 p.m.
Probate & Trust Law Section/Orphans' Court Division Program (Snowflake) – 1 Substantive credit.....	2:30 p.m.
Family Law Section/Family Division Program (Seasons 1, 2, 3) – 1 Substantive credit, 1 CJE credit.....	2:30 p.m.
Skills Training #4: Pro Bono Center (Wintergreen) – 1 Ethics credit.....	2:30 p.m.
Criminal Litigation Section/Criminal Division Program (Snowflake) – 1 Substantive credit, 1 CJE credit.....	3:45 p.m.
Federal Court Section/Federal Court Program (Sunburst) – 1 Substantive credit.....	3:45 p.m.
Appellate Practice Committee Program (Seasons 1, 2, 3) – 1 Substantive credit.....	3:45 p.m.
Skills Training #5: Civil Litigation (Wintergreen) – 1 Substantive credit.....	3:45 p.m.

Social Events

Reception (Pool Patio/Matterhorn).....	6:15 p.m.
Dinner (Grand Ballroom) – <i>Sponsored by AmeriServ Trust and Financial Services Company</i>	7:30 p.m.
Monte Carlo Lounge and After Party (Winterberry).....	9:15 p.m.
Karaoke Party (Winterberry).....	10:30 p.m.

SATURDAY, JUNE 15

Country Breakfast Buffet (Grand Ballroom) – <i>Sponsored by Constance Lee & Company</i>	8:30 a.m.
Closing Remarks and Door Prize Drawing – <i>Sponsored by Constance Lee & Company</i>	10:00 a.m.
Adjournment	

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Bar Briefs

News and Notes

Michael A. Cassidy has been honored as one of only seven healthcare lawyers in the nation to be selected in 2019 as a fellow of the American Health Lawyers Association. This honor recognizes the career long achievements, the contributions and tenure with AHLA, and their continuing service and leadership in the legal profession. Fellows include past AHLA presidents, former members of the Board of Directors, former members of practice group and program planning committees and others who have been very active within the association. Cassidy is chair of the business and finance department at Tucker Arensberg, P.C., and focuses his practice on compliance, credentialing and peer review, reimbursement, contracts, HIT, HIPAA and telehealth issues for physicians. He is also the publisher of the Med Law Blog, the firm's health law blog, and has been certified in Healthcare Compliance by the Health Care Compliance Association.



David B. Torrey

Judge David B. Torrey was the Keynote Speaker of the ABA-founded College of Workers' Compensation Lawyers Annual Induction Dinner for New Fellows, Saturday, March 16, 2019, Coral Gables, FL. His speech was entitled,

"Crystal Eastman and Work-Accidents And The Law: Relevance For The Present-Day Workers' Compensation Lawyer."



Laurel Gift

Laurel Gift, partner at Schnader Harrison Segal & Lewis LLP, received the President's and Directors' Commendation, an award from the Pennsylvania Association of Criminal Defense Lawyers at its 2019 Joint Annual Conference held in

Harrisburg on April 26. Gift was also recently elected as vice president (Western District) of PACDL, and she serves as co-chair of PACDL's Advocacy Committee and as the chairperson of the Allegheny County Chapter of PACDL. She chairs Schnader's criminal defense practice group and the internal investigations, ethics and compliance practice group. She concentrates her practice in the area of internal investigations for institutions of high education, municipalities and private businesses and representing corporate and individual clients in a variety of criminal matters.

People on the Move

Francesca Miller has joined Jones-Passodelis, PLLC as an associate. She will focus her practice in the areas of employment, healthcare, asbestos and other commercial litigation.



Robert D. Raver

and drafting prenuptial and postnuptial

Robert D. Raver has joined Goehring, Rutter & Boehm as a member of the firm's family & collaborative law group. His practice spans a broad range of family-related needs, as he is experienced in equitable distribution, custody, tax, support, negotiating



Matthew Santiago

Authority as associate counsel.

agreements, as well as property and marital settlements. Raver is also collaboratively trained, offering the mediation-based approach to family disputes.

Matthew Santiago has joined the Urban Redevelopment Authority as associate counsel.

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