

LAWYERS JOURNAL

Meehan Citizenship Institute helps immigrants become active citizens

By Mark Higgs

When the John A. Meehan Citizenship Institute launched its inaugural program last month, it continued its namesake’s legacy of welcoming immigrants to America and encouraging them to become active members of society.

Created by a generous donation from ACBA member Attorney Jacqueline Martinez to honor the memory of her late husband, the named fund was established to help low-income immigrants apply for citizenship and to inspire them to become active and knowledgeable participants in the American political process. More than mere preparation for a citizenship exam, the institute empowers new U.S. citizens and those seeking citizenship by exposing them to a comprehensive curriculum that incorporates practical exercises and skills into a civic education.

Martinez, a naturalized U.S. citizen, immigrated to the U.S. from El Salvador when she was 6. She said her parents were lucky in that they were able to find jobs and bring all six of their children here legally. An attorney who practices immigration law, she notes that what her parents accomplished is no longer possible, thanks to current immigration laws.

The reasons why Martinez created the fund go much deeper than her route to citizenship. By establishing the fund, she is fulfilling her late husband’s desire to see more immigrants become U.S. citizens and ensure they stay involved in their communities and government.

“My husband was an advocate of education and felt that it was our



PHOTO BY MARK HIGGS

Anthony Kuzma, ACBF development assistant; Barbara Griffin, ACBF Pro Bono director; and Jacqueline Martinez, owner of JBM Legal; represent the John A. Meehan Citizenship Institute – a program designed to teach immigrants how to be active U.S. citizens. Kuzma developed the program’s curriculum, Griffin handles its legal aspects, while Martinez donated the funds to make it all possible.

responsibility to educate people and keep them engaged in the political process,” Martinez said.

Meehan was a 20-year veteran of the Coast Guard. After he retired, Martinez encouraged him to apply for a position as an immigration officer. She said he loved working for the INS and later the USCIS, and she recalls how he would come home from work

and tell her about new citizens, where they came from and their path to immigration.

“He enjoyed meeting immigrants and talking to immigrants, especially when applying for naturalization,” Martinez said. “We often talked about how many immigrants needed legal counsel but were not able to hire an attorney; how they were often taken advantage of and that to become a fully-engaged, educated new citizen was the catalyst for change.”

“He believed in the ‘American immigrant dream.’ He also believed that people were good, and he treated everyone with respect and dignity.”

Meehan was diagnosed with stage-4 cancer in 2011 and died in August 2015.

“John literally worked until the day he died,” Martinez said. “He was a dedicated man to his family, work and friends. We chose to set up the named fund because we wanted to honor him in a way that the funds could reach the most people and help those in need.”

Anthony Kuzma, Allegheny County Bar Foundation development assistant, developed the institute’s curriculum. Having taught courses on U.S. civics and government for two semesters in Bulgaria last year, Kuzma was able to identify essential lessons for foreign-born students.

The curriculum is so comprehensive it could even benefit native citizens. Some of its practical aspects include teaching people seeking citizenship how to renew their driver’s license, get a flu shot for a child, register to vote, obtain a birth certificate, pay a

Continued on page 4

A LOT TO TALK ABOUT

Zittrain Forums welcomes Frum, Wagner to talk politics

By Brian Estadt

With polls showing historically low favorability ratings for both the Democratic and Republican presidential nominees, it’s no surprise that many Americans worry about the future of the country. But political analysts David Frum and Alex Wagner say it’s the political parties themselves that are in trouble.

Though they come from opposite ends of the political spectrum – Frum was a speechwriter for President George W. Bush and Wagner was a familiar face to MSNBC viewers – the two senior editors for *The Atlantic* agree that this presidential election is unprecedented. They’ll dissect the issues at play when the Zittrain Forums on Law & Public Policy brings them to town to talk politics on Sept. 22.

Organized by the Allegheny County Bar Foundation, the Zittrain Forums on Law & Public Policy is made possible by a \$150,000 bequest by Lester and Ruth Zittrain. The forums

If you’re going

Frum and Wagner will discuss the 2016 election on Thursday, Sept. 22, during a Zittrain Forums event at the Omni William Penn Hotel. Registration and lunch starts at 11:30 a.m., and the program starts at 12:15 p.m. A question-and-answer session will begin at 1:15 p.m. Cost is \$50 for ACBA members and \$65 for nonmembers. To register, see www.acbf.org.

provide educational and topical programs to lead to a better understanding of the complex issues confronting our government and legal systems.

Frum and Wagner spoke to the *Lawyers Journal* on July 26. Although this campaign seemingly has produced a new issue each day, the conversation focused on its overall themes how this election could impact politics in the future.

On the parties’ futures

Frum – who has penned eight books, including “Why Romney Lost”

and his memoir of the Bush administration, “The Right Man” – worries that during this election the world is hearing a message that is different than the one he says America actually is sending. The conservative commentator is disheartened that it’s the Republican candidate misrepresenting American sentiment.

“The message that the world will hear is that there is a large part of American society that wants to resign from American (global) leadership, that wants to turn America into a

Continued on page 12

Non-Profit Org.
U.S. Postage
PAID
Pittsburgh, PA
Permit #130

Allegheny County Bar Association
400 Koppers Building, 436 Seventh Avenue
Pittsburgh, PA 15219-1818
Address Service Requested

LAWYERS
JOURNAL

The *Lawyers Journal* is published fortnightly by the Allegheny County Bar Association

400 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
www.acba.org

Editor: 412-402-6682/bestadt@acba.org
Advertising: 412-402-6686/plewis@acba.org
Address Changes: 412-402-6612
Fax: 412-261-6438
Circulation 6,016

© Allegheny County Bar Association 2016
Editor-in-Chief: *Erin Lucas Hamilton, Esq.*
Editor: *Brian Estadt*
Supervising Editor: *David A. Blaner*
Consulting Editor: *Jennifer A. Pulice, Esq.*
Advertising Coordinator: *Peggy Lewis*
Graphic Artist: *Jessica Wysocki Valesky*
Editor/Graphic Artist: *Mark Higgs*
Proofreader/Opinions: *Sharon Antill*

■ The *LJ* editorial policy can be found online at www.acba.org.

■ Information published in the *LJ* may not be republished, resold, recorded, or used in any manner, in whole or in part, without the permission of the publishers.

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
Rhoda Neft412-406-5434
Jill M. Weimer412-201-7632

Ethics Hotline

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

September

John F. Becker412-921-1605
James G. Gordon412-232-0333
Cathy Martin412-586-6118

October

Nancy L. Heilman412-297-4900
Rommel L. Nicholas412-391-6920
Mark Vuono412-471-1800

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

Cynthia A. Patterson, Robert C. Swartzwelder, and Lynne A. Swartzwelder v. Fidelity National Title Insurance Company and Fidelity National Title Insurance Company of New York
Shariee L. DeCooman v. Lawyers Title Insurance Corporation, Wettick, Jr., J.Page 229
Class Action—Unfair Trade Practices—Title Insurance Rates

Court, at this juncture of the proceedings, granted motion to certify class, based upon failure of Title Insurance Companies to provide “re-issue” discounts when applicable under TIRBOP Manual under UTPCPL issues.

Commonwealth of Pennsylvania v. Rayshawn Williams, Lazzara, J.Page 240
Criminal Appeal—Homicide (1st Degree)—VUFA—Suppression—Weight of the Evidence—Hearsay—Right to Remain Silent—Suggestive Identification—Gang Book—Harmless Error

Suppression is not required when a defendant who had invoked his right to remain silent re-initiates a conversation by asking “What’s this about?”

Commonwealth of Pennsylvania v. Donnell Shields, Jr., McDaniel, J.Page 249
Criminal Appeal—SORNA—Motion to Enforce Plea Agreement—No Proof of Negotiated Term

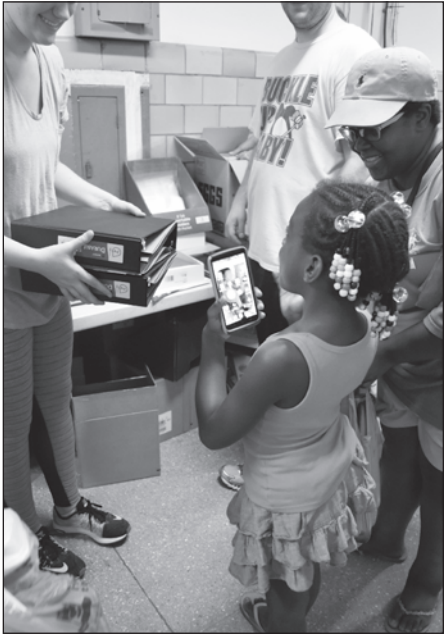
Where the record does not support claim that no Megan’s Law registration was a part of the plea, defendant cannot avoid registration requirements.

Commonwealth of Pennsylvania v. Davon James a/k/a Davon Jones, McDaniel, J.Page 250
Commonwealth Appeal—Suppression—Search of Parolee’s Residence—Reasonable Suspicion

Parolee obtained a traffic citation and reported a day late because of hospitalization; parole officer had no reason to search under couch cushions.



PHOTOS BY JOCELIN HERSTEK
Attorney Ashley Raimondo, above, organizes binders that were paired with backpacks full of school supplies before the Lincoln Park Community Center Food Pantry opened on Aug. 13. The Penn Hills giveaway was part of the ACBA/ACBF Backpack Project.



Joi Lavender of Penn Hills receives her backpack from volunteers. Joi noted she was excited to start school in just a few short weeks.
Raimondo, Megan Sleiba and Josh Sellman listen as Jane Carpenter discusses how previous food banks were organized. Carpenter has attended three of the food banks previous to the Backpack Project.

JOIN THE EVOLUTION

Presents: THE BASICS & MORE

THREE DAY BASIC TRAINING IN INTERDISCIPLINARY COLLABORATIVE PRACTICE

This three-day Interdisciplinary Basic Training includes a complete introduction to the Collaborative Process including skills development, ethics, practice development considerations with an emphasis on team building, and how to work as or with a neutral.

THIS TRAINING MEETS THE NEW INTERIM REQUIREMENTS OF THE IACP FOR BASIC INTERDISCIPLINARY COLLABORATIVE PRACTICE TRAINING

Date: September 22, 23 & 24, 2016

Time: 8:30 AM – 4:00 PM

Location: Sigma Conference Center, 1717 Babcock Blvd, Pittsburgh, PA 15209

Overnight Accommodations only 3 miles from Sigma’s at LaQuinta Inns & Suites, 5849 McKnight Road, Pittsburgh PA 15237. Group rate \$99 + sales/occupancy tax. Call 412-366-5200 by 8/22/16.

Cost: \$675 prior to August 15, 2016, or \$750 on/after August 15, 2016.

Includes: All materials, all day beverages, continental breakfast and lunch buffet each day, daily afternoon snack, and complimentary business center use.

PA CLE Credit Pending Approval: 18 hours of credit – 17 hours substantive & 1 hour ethics. Minimum of 18 hours of CPE Credit for Certified Public Accountants. Pending CE credits for Mental Health Professionals

We cater to law firms

We’ll host your event or we’ll come to you

Custom catering

Breakfast, brunch, lunch and dinner | 7 days a week
View our full catering menu online

Sausalido

The Local Bistro and Full Service Catering Company

4621 Liberty Avenue, Pittsburgh, PA 15224
412.683.4575 | www.sausalido.net

Nicholas Mineo
Owner

ACBF's Lorrie Albert elected to lead NCBF

By Tracy Carbasho

Lorrie Albert's achievements with the Allegheny County Bar Foundation have transcended expectations and now colleagues are anxious to see what she will accomplish as president of the National Conference of Bar Foundations.

"I'm looking forward to working with her in the coming year, and I can't wait to see what great things she has in mind for the NCBF during her year as president," said Leonard Pataki, immediate past president of the NCBF's Board of Trustees. "She has been such a great part of our board and has contributed in so many ways that it's hard to list them all."

Albert, who will continue to serve as associate executive director of the ACBF, has been involved with the Chicago-based conference in various capacities since 2007. She accepted the ceremonial gavel to begin her one-year presidency during the organization's annual meeting in San Francisco on Aug. 6.

Pataki said one of Albert's biggest contributions to the national organization so far was the work she did chairing its programming committee over the past year. He recalls how tirelessly she worked to get some of the best speakers the organization has ever had at its mid-year and annual meetings.

He jokes about her unparalleled ability to dunk a basketball and stresses that her high energy level and tenacity will ensure a productive year as president.



Lorrie Albert

"Lorrie is a great people person, so I'm confident that she'll excel in her role," Pataki said. "And her great sense of humor will guarantee that everyone has a good time getting the necessary work done."

Albert is honored to lead the national organization.

"I want to continue to bring in first-rate speakers for our programs and strengthen our membership and our relationship with our bar associations and communities," she said. "Our programming is a top priority."

She anticipates that the biggest challenge will be securing the best speakers through sponsorships and innovative ideas without relying solely on an increase in dues and program registration fees.

"The rewards of excellent programming are that I will obtain practical information that I can bring back to my staff and implement at our

"Her accomplishments at the ACBF have been astounding. As she takes her knowledge of legal-related charitable pursuits to the national stage, it will reinforce the reputation that the ACBF currently enjoys in no small part as a result of her ongoing efforts here in Pittsburgh."

— Richard Wiedman, ACBF president

foundation," Albert said. "I am proud to represent our local foundation on a national level."

The NCBF furthers the work of bar foundations by promoting their role in advancing law-related philanthropy and by serving as a resource to assist them in carrying out their charitable missions. As president, Albert will help set priorities for the board, identify speakers for programs, be engaged with conference committees and lead the annual retreat where a strategic plan is developed.

ACBF President Richard Wiedman said Albert's election to this national position is a testament to her commitment to the success of the local foundation.

"Her accomplishments at the ACBF have been astounding. As she takes her knowledge of legal-related charitable pursuits to the national stage, it will reinforce the reputation that the ACBF currently enjoys in no small part as a result of her ongoing efforts here in Pittsburgh," Wiedman said. "Everyone involved with the ACBF – our staff, volunteer attorneys, trustees and the individuals we serve – can

take pride in Lorrie's election to this important position."

ACBA Executive Director David A. Blaner has seen Albert's first-rate work at guiding the local foundation and believes she will be an asset at the national level, as well.

"I have the pleasure of watching Lorrie perform her work every day, and she truly has the passion and unique skills necessary to excel in the bar foundation environment," Blaner said. "She has taken our foundation to new heights, and I am confident she will do the same for the NCBF."

Albert joined the ACBF in 2005 as its pro bono coordinator and quickly gained a reputation as a go-getter. She was named foundation director in 2007 and became associate executive director in 2014.

As a direct result of Albert's leadership, the foundation has expanded its programs and attracted significant financial support from law firms and members of the bar association. She has created more than 20 new pro bono programs and fundraising initiatives. Today, the foundation oversees 50 charitable and pro bono programs, along with 16 named charitable funds. She also has worked hard to grow the endowment, which is used to support legal services organizations through grants.

"We are a very busy foundation with great, cutting-edge programs and services," Albert said. "Serving as president will allow me to direct the future of the NCBF and the ACBF in new and innovative ways. This new position gives me the opportunity to become a more resilient leader." ■

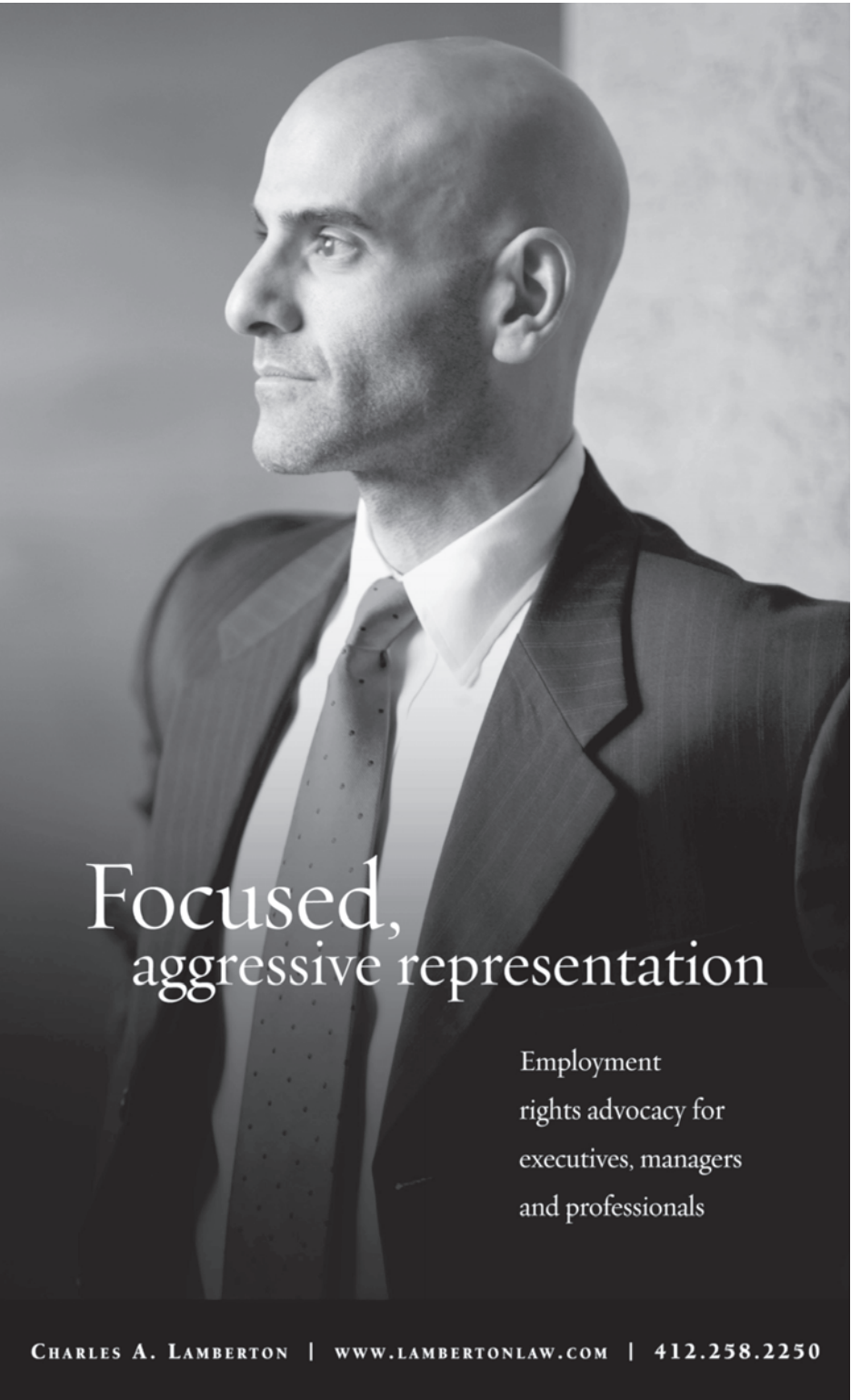
Quality...Experience...Results...
It's what your clients deserve.
Medical Malpractice • Auto Accidents • Personal Injury



GISMONDI
& ASSOCIATES

412-281-2200

www.gislaw.com • 310 Grant St., Ste. 700, Grant Bldg., Pgh., PA 15219



**Focused,
aggressive representation**

Employment
rights advocacy for
executives, managers
and professionals

CHARLES A. LAMBERTON | WWW.LAMBERTONLAW.COM | 412.258.2250

MEEHAN CITIZENSHIP INSTITUTE
continued from front cover

traffic ticket and talk to a police officer. One particular lesson requires students to identify an issue in the local community and an appropriate representative to contact. They then practice writing a brief letter that explains the problem and offers a solution.

“The institute is not only a preparation course to pass the citizenship exam, but also preparation for life as a U.S. citizen,” Kuzma said. “The course is intended to teach an understanding of the United States government through practice rather than memorization of facts. We want new citizens to volunteer in their communities, attend their local school board meetings, engage with local representatives and run for office.”

Sixteen students were invited to attend the first class at the Greater Pittsburgh Literacy Council’s Families for Learning Center in Baldwin Borough. After the pilot program concludes in October, the GPLC could begin offering registration for additional classes beginning in January. During the pilot program, there are two two-hour classes each week.

There are plenty of programs that prepare immigrants for the citizenship test by focusing primarily on English-as-a-second-language skills. What sets the Meehan Citizenship Institute apart is an emphasis on encouraging participants to become active citizens.

“There are no other programs like our program,” Kuzma said. “Ours is suited for immigrants who have developed their English-speaking skills and who are able to comprehend and understand more difficult concepts. The program’s value is largely centered on how to be an active citizen in other ways besides simply voting. We don’t want citizens to



PHOTO BY KRYSTINA WINTERMYER

Students at the John A. Meehan Institute pilot class included — front, from left — Cherry Sung and Kyaw Nyut Tharsein and, in back, Hari Prasad Sharma and Ma Myint. Classes are held twice a week in Baldwin at Greater Pittsburgh Literacy Council’s Families for Learning Center.

blend into their communities or exclusively interact with only those of the same ethnicity.”

Immigrants who want to become American citizens often need help with the naturalization application and may face other legal issues without the ability to afford an attorney. That’s why it’s vital to have attorneys such as ACBF Pro Bono Center Director Barbara Griffin and other ACBA members lending their expertise to the Institute. Griffin will recruit and train volunteer lawyers to represent low-income immigrants and refugees who

are applying to become naturalized U.S. citizens.

With Pittsburgh’s immigrant population increasing, Kuzma said it’s critical to offer such classes to as many people as possible to ensure they are informed on how to become active and engaged citizens. He stresses that the Institute will help people become citizens, but that it will, in turn, benefit the nation as a whole.

“Immigrants have and always will make this country great,” he said. “We want to encourage them to be leaders in the community and take an active

role in showing what it means to be an American, no matter who you are or what you look like or where you came from.”

Martinez brought her idea for the named fund to the bar foundation because of its track record of productive work in the local community, particularly legal assistance for low-income residents. After researching other foundations and organizations, Martinez chose the ACBF to receive her donation. “As an attorney, I believe we all have an obligation to provide pro bono legal services to those who need it.” ■



THE LEGAL COMMUNITY OF ALLEGHENY COUNTY
IS INVITED TO ATTEND

The Inauguration of
Kenneth G. Gormley, J.D.

AS THE 13TH PRESIDENT
OF DUQUESNE UNIVERSITY

ON
**THURSDAY, THE TWENTY-SECOND
OF SEPTEMBER**

TWO THOUSAND AND SIXTEEN
AT FOUR O’CLOCK IN THE AFTERNOON
IN DUQUESNE UNIVERSITY’S A. J. PALUMBO CENTER
1304 Forbes Avenue | Pittsburgh, Pennsylvania

For more information, visit duq.edu/inauguration.

Birchfield ruling disrupts longstanding DUI procedures

By David J. Shrager

On June 3, the Supreme Court decided the case of Birchfield v. North Dakota, and in so doing, the justices held that a blood draw, incident to a DUI arrest, is a constitutionally protected search that is subject to the warrant requirements of the Fourth Amendment. Laws that provide for an increased criminal penalty for refusing to provide a blood sample were similarly held unconstitutional. As a result, Pennsylvania DUI law has been disrupted, and the fallout is being felt throughout the Commonwealth as defense attorneys attempt to exploit newfound loopholes, and individual county prosecutors and police agencies struggle to determine how to properly prosecute the nearly 50,000 annual DUI arrests.

The Birchfield Court determined blood testing to be an invasive procedure that provides law enforcement with much more personal information than merely a blood-alcohol reading. The justices decided the Constitution requires a warrant for blood, partially because a breath test remains available as a less-invasive means of obtaining this evidence. Warrantless breath tests remain permissible as a search accompanying a lawful arrest.

The Pennsylvania DUI statute establishes a tiered system in which the penalties for driving under the influence increase depending on the level of alcohol in the defendant's blood and the number of previous DUI convictions the defendant has received. People who are arrested on suspicion of DUI are required by law



David J. Shrager

to provide either a breath or blood sample to law enforcement. Under Pennsylvania law, which test to request is in the officer's discretion, and refusal to provide the requested sample results in defendants being regarded – for purposes of sentencing – as though their blood-alcohol levels were in the highest tier. Prior to requesting the test, the arresting officers read to the defendant a warning concerning the increased penalty for refusal. Since 2013, the Pennsylvania State Police, as well as many municipal police departments, have relied solely on blood testing because the breath machines they previously used were expensive and their reliability was under scrutiny.

Higher criminal penalties for refusing to participate in a warrantless blood draw now are clearly in violation of Birchfield. Defendants who refused a blood test now have the benefit of being charged and sentenced in the

“ For those accused of a first-time offense, this has the practical effect of eliminating what otherwise would have been a mandatory 72 hours of incarceration. For those facing at least their third DUI offense, this reduces the minimum length of their sentence from a mandatory year of state prison to just 10 days of incarceration. The maximum penalties also would decrease – in some instances, by as much as three years. ”

lowest tier, which indicates general impairment but not a specific blood-alcohol amount. For those accused of a first-time offense, this has the practical effect of eliminating what otherwise would have been a mandatory 72 hours of incarceration. For those facing at least their third DUI offense, this reduces the minimum length of their sentence from a mandatory year of state prison to just 10 days of incarceration. The maximum penalties also would decrease – in some instances, by as much as three years.

Beyond refusals, those defendants who consented to a blood draw are likely also in luck. For a consent search to be valid, it has to be voluntary and free from undue coercion. If consent was given only after being advised that refusal to comply would result in increased penalties, it is likely that a court would find that consent involuntary. The result would be the suppression of the blood evidence. The consequences of this likely would be the same as above – the commonwealth would have to make its case solely on the officer's observation and proceed on the lowest tier, general impairment.

There still are options for police officers attempting to get a blood-alcohol content reading to use as evidence. Municipalities can work together to provide breath-testing sites despite fewer machines.

The warning that local officers read to suspects has been amended so that it does not include the coercive language concerning harsher punishment, but it does warn that a refusal still will result in an additional year-long license suspension. Birchfield does not seem to apply to civil penalties, making the additional license suspension valid. Officers still can seek consent for blood draws by reading the amended warnings, and if a suspect refuses consent, a night court judge could be made available so that an officer could seek a search warrant.

Until the legislature changes the law to comply with Birchfield, lawyers, police and courts will have to continue crafting new arguments and navigate the new landscape. ■

David J. Shrager is the CEO and managing partner at David J. Shrager and Associates, and he serves as a judge on the Court of Judicial Discipline.



YOUR E-DISCOVERY NEEDS ARE ONGOING AND EVER-GROWING.

Get a years' worth of help with our new bit-x-bit-x-plan.™

These days, you could use our expertise on more than a project-by-project basis. We get it. That's why we created **bit-x-bit-x-plan**,™ a subscription program that gives you a generous allotment of our consulting time and other services on a yearly basis. And since it comes with a **fixed monthly fee**, managing the costs of e-discovery and computer forensics is easier than ever.



HARRY M. PARAS

Attorney at Law

428 Boulevard of the Allies
Suite 300
Pittsburgh, PA 15219

Phone: 412-391-8100

Fax: 412-391-9972

Email: hmp@harryparas.com

Website: www.harryparas.com



Mediation and Arbitration/ Civil Litigation

- Resolved over 1,500 cases through Mediation and Arbitration (UM/UIM)
- Practicing Civil Trial Lawyer with over 35 years experience representing plaintiffs and defendants (auto, premises, products liability, medical malpractice, bad faith, workers comp)
- Knowledge of insurance coverage disputes and primary/excess insurance coverages
- Member - Academy of Trial Lawyers of Allegheny County
- Approved Mediator - U.S. District Court, Western District of PA
- Invited Member - The National Academy of Distinguished Neutrals (NADN)

Cooperative Justice: Proportionality and cooperation under the new Rule 26(b)(1)

By Jaclyn Faulds and Rhonda Wasserman

As most of us are well aware, significant amendments to the Federal Rules of Civil Procedure became effective Dec. 1, 2015. So now that the dust has settled, what impact have the changes had on litigating discovery and e-discovery disputes in particular?

When asked that very question, judges in our district have stated that now that proportionality is central to the discovery analysis, cooperation between counsel both inside and outside the courtroom is more important than ever. As recently as April 11, in the case of *Vay v. Huston*, Judge Nora Barry Fischer stated that the court was “chagrined to see the extent to which the parties have litigated their disputes, despite myriad opportunities provided by the Court for the parties to meet and confer and resolve them amicably, inexpensively, and quickly.”¹ Although Fischer ultimately found that the extensive discovery taken in *Vay* was proportional to the needs of the case, her frustration with over-litigated discovery disputes reflected the sincere hope and expectation that lawyers will “wor[k] together to come to a resolution”² before seeking judicial intervention. Fischer’s hope is shared by four district and magistrate judges serving on the U.S. District Court for the Western District of Pennsylvania – Judges Donetta W. Ambrose, Joy Flowers Conti, Cynthia Reed Eddy and Lisa P. Lenihan – who have signed the Sedona Conference’s Cooperation Proclamation. The proclamation calls for a “paradigm shift” in discovery to effectuate Rule 1’s commitment to a “just, speedy, and inexpensive determination of every action.”

Like the cooperation proclamation, the December 2015 amendment to Rule 26, which brings the proportionality analysis front and center, is designed



Jaclyn Faulds

to advance Rule 1’s ultimate objective. As amended, Rule 26(b)(1) states that “[p]arties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claim or defense and proportional to the needs of the case....” Acknowledging that discovery, and particularly e-discovery, can be costly, the revised rule lists a number of factors to consider in gauging the proportionality of discovery, including “the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” Courts have made clear that “no single factor is designed to outweigh the other factors in determining whether the discovery sought is proportional.”³ A recent decision by an Eastern District judge emphasized the “collective responsibility” shared by the parties and the court in considering proportionality in that the party seeking discovery does not have “the burden of addressing all of proportionality considerations.”⁴



Rhonda Wasserman

In addition to the renewed emphasis on proportionality in Rule 26(b)(1), the December 2015 amendments eliminated language that had previously permitted discovery of relevant but inadmissible information that appeared “reasonably calculated to lead to the discovery of admissible evidence.” The advisory committee note accompanying the December 2015 amendments explained that the phrase had been incorrectly used to define the scope of discovery. To prevent its misuse, the “reasonably calculated” language was deleted and replaced with a direct statement that, “[i]nformation within this scope of discovery need not be admissible in evidence to be discoverable.” Yet, despite the deletion of the “reasonably calculated” language, some courts still refer to the phrase. In an opinion issued on Feb. 29, Magistrate Judge Joseph F. Saporito of the Middle District of Pennsylvania stated that “discovery need not be confined to items of admissible evidence but may encompass that which appears reasonably calculated to lead to the discovery of admissible evidence.”⁵

So, with the “reasonably calculated” language hanging around like a houseguest after three days, what can we realistically expect from the recent amendments to the federal rules? In his 2015 year-end report, Chief Justice Roberts of the U.S. Supreme Court stated that he was “motivated to address the subject [of our legal culture] now because the 2015 civil rules amendments provide a concrete opportunity for actually getting something done.” Roberts applauded the changes to Rule 26 because “civil litigation has

become too expensive, time-consuming, and contentious, inhibiting effective access to the courts.” He viewed Rule 26(b)(1) as embodying a fundamental principle “that lawyers must size and shape their discovery requests to the requisites of a case [and] eliminate unnecessary or wasteful discovery.” But the responsibility is not borne solely by parties and their attorneys. In Roberts’s view, “Judges must be willing to take on a stewardship role, managing their cases from the outset rather than allowing parties alone to dictate the scope of discovery and the pace of litigation.” Thus, lawyers and judges alike must “affirmatively search out cooperative solutions, chart a cost-effective course of litigation, and assume shared responsibility...to achieve just results.”

Recent judicial decisions since the amendments were adopted reveal both an expectation that the parties will narrow the scope of their discovery requests and an unwillingness to employ proportionality to deny discovery altogether. The best way for attorneys to engage in Rule-abiding discovery is to meet early, communicate often, and seek to resolve discovery disputes amicably, efficiently, and preferably out of the courtroom. ■

Jaclyn E. Faulds is an active member of the Legal Technology and E-Discovery Committee of the Allegheny County Bar Association and an Associate at Stonecipher Law Firm where she focuses her practice on corporate law, commercial litigation and insolvency matters. Rhonda Wasserman is a Professor of Law at the University of Pittsburgh School of Law, where she teaches Civil Procedure, Transnational Litigation, Conflict of Laws, and a seminar in Electronic Discovery. During the Fall 2016 semester, she will be a Visiting Professor at Harvard Law School.

¹ *Vay v. Huston*, Civil Action No. 14-769, 2016 U.S. Dist. LEXIS 48534 at *16 (W.D. Pa. April 11, 2016).

² *Id.*

³ *Capetillo v. Primecare Med., Inc.*, Civ. Action No. 14-2715, 2016 U.S. Dist. LEXIS 85056, at *4 (E.D. Pa. June 28, 2016) (quoting *Bell v. Reading Hosp.*, Civ. No. 13-5927, 2016 U.S. Dist. LEXIS 4643, 2016 WL 162991, at *2 (E.D. Pa. Jan. 14, 2016)).

⁴ *Id.* (citations omitted).

⁵ *Haines v. Cherian*, Civil No. 1:15-cv-00513, 2016 WL 831946, at *3 (M.D. Pa. Feb. 29, 2016) (quoting *Clemens v. N.Y. Cent. Mut. Fire Ins. Co.*, 300 F.R.D. 225, 226 (M.D. Pa. 2014) (citations omitted)).



customers can now type their own legal advertisements and pay for them by credit card at

www.pittsburghlegaljournal.org



From Conflict to Resolution.

Carole Katz helps businesses and people resolve conflicts in less time, at a lower cost, and through processes that give parties and their lawyers more control over the outcome.

- Approved Panels & Rosters:
 - US District Court for the Western District of PA
 - Mediator, Early Neutral Evaluator, Arbitrator
 - Bankruptcy Court Mediator
 - eDiscovery Special Master, eMediator
 - AAA Mediator and Arbitrator
 - FINRA Mediator and Arbitrator
- Seasoned Former Executive of Fortune 500 Company
- Over 25 Years as Trial Lawyer and Legal Counselor
- Academy of Trial Lawyers, Allegheny County

Carole KATZ
Alternative Dispute Resolution

Employment • Commercial/Business • Professional Liability • Energy

412.916.4874 • carolekatz.com

ALIGNED PARTNERS



“Success is Simple.”

Do what’s right, the right way, at the right time.”
—Arnold Glasow

Put Your Trust in Us

707 Grant Street
2800 Gulf Tower
Pittsburgh, PA 15219

www.alignedpartners.com
412-258-3590

ALIGNED PARTNERS
Trust Company

ACBA's Keating chairs national diversity committee

By Tracy Carbasho

A new position with the National Association of Bar Executives will enable Alysia Keating to gauge the diversity and inclusion efforts of the legal profession throughout the United States.

Keating, who will continue working as the ACBA director of diversity and gender equality, took over as chair of the NABE Diversity Development Committee on July 1 and will serve a one-year term. She expects to bring home new ideas and to help other bar associations promote diversity and inclusion.

"I am honored to have a national platform on which to continue to do this valuable work," she said.

ACBA Executive Director David A. Blaner is confident that Keating will help other bar associations move their diversity agendas forward.

"We are fortunate to have Alysia leading our diversity efforts here at the ACBA," he said. "While there is still much work to be done promoting diversity and inclusion within the Pittsburgh legal community, we have seen significant positive changes on this front, and much of the credit goes to her."

Since joining the NABE in 2013, Keating has heard from executives of many bar associations about how they are addressing the challenges of furthering diversity. She believes legal organizations across the nation face similar challenges but have different ideas about how to address the issues. She hopes to help other associations become as pioneering as the local legal community.



Alysia Keating

"The ACBA continues to be one of the only metropolitan bar associations to have a staff member devoted to diversity and inclusion. The work we do rivals that being done by many state bar associations with far greater resources," Keating said. "That being said, we are always willing to hear about new initiatives and to consider implementing new programs."

Gregory Conyers, who preceded Keating as committee chair, said being part of the national association enables members to share ideas from different geographical regions.

"Hearing from colleagues who do this work around the country about their successes and failures is perhaps the best aspect of participating in the NABE committee work and attending their meetings," said Conyers, director of diversity for the State Bar of Michigan.

"I think she exhibits the leadership skills necessary to move a conversation forward and manage a discussion in a way that values the time of the volunteers who serve on the committee."

— Gregory Conyers, immediate past chair of NABE Diversity Development Committee

"Sharing ideas allows a person to consider alternative approaches."

He said Keating was a tremendous asset as the national association developed its diversity survey over the past year to look at the initiatives being undertaken by bar associations nationwide. She used her insights from working at the ACBA to help develop material for the survey questions and the executive summary.

"Alysia has been a great contributor to the group. She is a good listener with a knack for getting to the heart of a comment with careful questioning," Conyers said. "I think she exhibits the leadership skills necessary to move a conversation forward and manage a discussion in a way that values the time of the volunteers who serve on the committee."

Keating said one of her objectives will be to analyze the survey results and make the information available to the national members. This marks the first time the group has conducted such a survey, which will be a resource for members who want a better understanding of what other bar associations are doing. The survey was completed in its entirety by 68 bar associations and to some extent by another 87.

"We can't move the needle overnight or even in the course of the year that I am chair of this important committee, but we can continue to

move in the right direction by educating members, providing resources and sharing best practices," she said. "The results provided insights into how bar associations define diversity; programs and activities bars conduct to advance diversity and inclusion; whether bars have a formal strategic plan for diversity and inclusion; and whether bars have dedicated staff for diversity and inclusion."

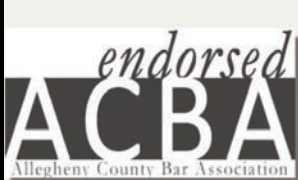
When Keating accepted the job with the ACBA in 2011, she was impressed with the diversity efforts that had already been undertaken by the local bar association and Pittsburgh legal organizations. At that time, she remarked, "The mere fact that a metropolitan bar association hired a full-time director of diversity and gender equality is evidence of the staunch commitment of the ACBA to these efforts."

As part of her job with the local bar association, Keating serves as director of the ACBA Institute for Gender Equality and coordinates the Summer Clerkship Program for first-year minority students. She has been an attorney for more than two decades, working at firms in New York and Florida. She received her juris doctor degree from the Georgetown University Law Center and her bachelor's degree in economics from the Wharton School of Business at the University of Pennsylvania. ■

PLUMMER SLADE, INC.

Computer Networking & IT Solutions

"Your single source for IT solutions"



Exclusively endorsed for IT solutions by the Allegheny County Bar Association (ACBA).

Serving over 100+ law firms in the Pittsburgh and surrounding area.

428 Forbes Avenue, Suite 2450 , Pittsburgh, PA 15219

www.plummerslade.com 412-261-5600

Financial Security means different things to different people.

Let us help define what it means to you.

- Investment Management
- Retirement Planning
- Trust Services
- Estate Planning & Administration
- and more. . .*

Contact our Western Pennsylvania representative for a private consultation.



Harold Migias, JD
Senior Vice President
Trust and Investment Services
Office: (724) 909-7055
Cell: (304) 312-4619



A trusted Wealth Management partner for over 100 years.

WesBanco Bank, Inc. is a Member FDIC. WesBanco Trust and Investment Services may invest in insured deposits or nondeposit investment products. Nondeposit investment products are not insured by the FDIC or any other government agency, are not deposits or other obligations of, or guaranteed by any bank, and are subject to investment risks, including the potential loss of principal. www.wesbanco.com

K&L Gates attorney shoots hole-in-one at 24th Annual ACBA Golf Tournament

By Erin Rhodes

James Angelo will always remember July 25, 2016, as the day he shot his first hole in one. The K&L Gates attorney aced a 180-yard par 3 on Allegheny Country Club’s 13th hole at this year’s ACBA Golf Tournament.

Though he passes it off as “beginner’s luck” – this was his first time attending the annual outing – Angelo is no novice. He has been golfing for nearly 20 years, having taken lessons since the age of 12. Angelo praised Allegheny’s course, calling it “Gorgeous. Challenging, but not overwhelming. The perfect place to host a scramble.”

In honor of this rare feat, American Hole ’n One Insurance awarded Angelo a three-day golf vacation to French Lick Resort in Indiana, including hotel accommodations and golf for two.

An Associate at K&L Gates, Angelo’s practice focuses on oil and gas and class action defense. He recently successfully defended a local broker-dealer in a FINRA arbitration where he served as first chair.

Congratulations, James! Hope to see you on the course next year! ■

Visit our photo gallery to view this year’s event!
www.acba.org/Photo-gallery

Results for 2016 ACBA Golf & Bocce Tournament

Golf Tournament

James I. Smith, III Cup – Overall First Place Team (156) –
Mark Bartholic, Jeff Heeter, Jim Joyce, Max Laun

Robert B. Sommer Award – Scramble Format First Place Team (59) –
Edward Chiodo, Mark Del Duca, Alex Shenderovich, Edward Shenderovich

Robert L. Kirkpatrick Cup

Low Net Female (72) – Sue Arnold • Low Net Male (71) – Jeff Bresch
Low Gross Female (93) – Beth Williams, (94) – Cris Silva • Low Gross Male (77) – Bryan Clark

Skill Events

Hole-in-One #13 – James Angelo
Closest to the Pin #15 – Kurt Mulzet (Men) (No Women winner)
Longest Putt #4 – Bob Cameron
Longest Drive #11 – Pat Horvat (Men) and Stephanie Solomon (Women)

Bocce Tournament

First Place Team

Team Cinque
William Brandstetter, Beth Fischman, Dana Richardson and Beth Tibbott

Creo Competition (Closest to the Pallino)
Dave Gardner

REAL Experience. RECOGNIZED Results.

Difenderfer Rothman Haber & Associates

STAND ALONE

as Pittsburgh’s Premiere Criminal Defense Law Firm



With combined experience of over 75 years, tackling the highest profile cases to the routine, DRH & Associates stand alone as the area’s premiere criminal defense law firm.

Representing over 24,000 clients with hundreds of trials to verdict in every area of criminal defense. Our experience and reputation achieve optimum results for our clients.

WE ARE PLEASED TO ANNOUNCE THAT WE ARE EXPANDING AND ACCEPTING REFERRALS FOR ALL FEDERAL AND STATE CASES INCLUDING:

- Criminal Homicide
- Narcotic Drug Offenses
- Prescription Drug Fraud
- Mortgage and Insurance Fraud
- Internet Related Charges
- White Collar Crimes
- Sex Crimes
- Driving Under the Influence (DUI)
- Underage Drinking and All Juvenile Violations

**DIFENDERFER
ROTHMAN HABER**
& Associates

304 Ross Street, Suite 400
Pittsburgh, PA 15219
412.338.9990

KENNEDY T. FRIEND EDUCATION FUND FOR YALE UNIVERSITY AND UNIVERSITY OF PARIS STUDENTS

Under the will of Kennedy T. Friend, a trust fund known as the **Kennedy T. Friend Education Fund** was established to provide financial assistance to any child of an attorney whose principal place of practice is in Allegheny County and who attends either Yale University or the University of Paris. There are two permanent Trustees of the fund, PNC Bank and Alice B. Mitinger, Esq., and two ex officio Trustees, the President of the Allegheny County Bar Association, and the President of the Yale Club of Pittsburgh.

The Trustees determine the amount of the grants for students attending Yale or the University of Paris in June of each year for the following school year. The amount of the grants varies in accordance with the income of the fund and the number of eligible applicants.

Any attorney whose child may be eligible to receive a grant from the Kennedy T. Friend Education Fund should contact PNC Bank at 412-768-7587. **It is recommended that the application for scholarship be submitted at the same time as the admission application is made to Yale University or the University of Paris.**

The deadline for application to the Kennedy T. Friend Education Fund is May 1st.

For more information please visit
www.acbf.org/Kennedy-Scholarship-Fund.



ACBA Golf Tournament

PHOTOS BY JOCELIN HERSTEN

ACBA Executive Director David Blaner prepares his swing at the 24th Annual ACBA Golf Tournament last month. The Allegheny Country Club's course consisted of various twists, turns and hills.



Tom Crowley of PNC Wealth Management celebrates a great shot with his team. Cris Silva, right, sets to drive the ball to the green.



Not everyone took to the golf course. Others like Mark Vitelli and Kevin McCarthy, top left, decided to try their hand at bocce. ACBA President Melaine Shannon Rothery and Gretchen Shumaker, top right, team up to compete against other teams out on the court. The Bocce Tournament was held near the clubhouse, off the patio.



For two years in a row, Beth Tibbott, Bill Brandstetter, Beth Fischman and Dana Richardson — better known as Team Cinque — dominated the Bocce Tournament.

James W. Carroll, Jr.

Lori R. Miller

Stephen H. Jordan

Louis B. Kushner

Alan C. Blanco

Ernest B. Orsatti

Noah R. Jordan

YOUR TEAM

**ROTHMAN
GORDON**
Just Right

**LABOR & EMPLOYMENT ATTORNEYS
EMPLOYMENT LITIGATION ATTORNEYS**

Pittsburgh, Pennsylvania
(412) 338-1100

www.rothmangordon.com

I'm tired of fighting with my computer - I lose every time.

Eliminate Your IT Pain. Permanently.

If your IT is managed the right way, you won't have to.

SERVING 30+ LAW FIRMS

Apogee IT Services
AIM HIGHER. EXPECT MORE.

BUILDING IT :: SECURING IT :: SUPPORTING IT :: IMPROVING IT

www.apogeeitgh.com 412.928.8670

2016 ACBA Golf and Bocce Tournament Sponsors

Diamond

Eckert Seamans Cherin & Mellott, LLC
Fragasso Financial Advisors
Highmark Blue Cross Blue Shield
PNC Wealth Management
Tucker Arensberg PC
UPMC

Bocce Event Sponsor

USI Affinity

Platinum

Burns White, LLC
Campbell Durrant Beatty Palombo & Miller PC
K&L Gates LLP
LexisNexis
Mock Bosco & Associates PC
S&T Bank

Beverage Sponsor

Plummer Slade, Inc.

Gold

bit-x-bit LLC
Clark Hill PLC
Meyer Unkovic & Scott LLP
Raphael Ramsden & Behers PC

Silver

Dickie McCamey & Chilcote PC
Neighborhood Legal Services Association
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
Robert Peirce & Associates

Bocce Refreshment Sponsor

BPU Investment Management, Inc.
Humphrey, Vollen & Anderson, L.L.C.

Bronze

Bulldog Office Products
Duquesne University School of Law
Grossman Yanak & Ford LLP
University of Pittsburgh School of Law

In-kind Donors

Allegheny Country Club
Allegheny County Bar Association
Board of Governors
Allegheny County Bar Foundation
Board of Trustees
American Eagle Outfitters Foundation
big Burrito Restaurant Group
Big Y Restaurant Group
Kim Bodnar, Esq.
Bill Bresnahan, II, Esq.
The Carlton Restaurant
Carnegie Museums of Pittsburgh
Cioppino
Cool Springs Sports Complex
Costco Wholesale
Ron Crouch, Esq.
Ditto Document Solutions
Fairmont Pittsburgh
Frank B. Fuhrer Wholesale
Glengarry Golf Links
Go Ape! Pittsburgh
William A. Goyette, Esq.
Michele Greenway
Hofbrauhaus Pittsburgh
Hotel Monaco Pittsburgh
iHeartRadio
Jerome Bettis' Grille 36
Larrimor's
Jeff Leech, Esq.
Ligonier Country Club

Diane McMillen
National Aviary
Nine On Nine
Olde Stonewall Golf Club
Olive or Twist
Omni Bedford Springs Resort & Spa
Omni William Penn Hotel
Penn Brewery
Phipps Conservatory and Botanical Gardens
Pittsburgh Opera
Pittsburgh Penguins Foundation
Pittsburgh Public Theater
Pittsburgh Symphony Orchestra
Planet Depos
Jeffrey L. Pollock, Esq.
Primanti Bros.
Bob Racunas, Esq.
River Forest Country Club
Rohrich Lexus
Andrew Rothery, Esq.
Melaine Shannon Rothery, Esq.
Roundabout Brewery
Senator John Heinz History Center
Seven Springs Mountain Resort
Sewickley Heights Golf Club
Shadyside Inn All Suites Hotel
Shannopin Country Club
Treesdale Golf & Country Club
Trinity Jewelry
USI Affinity
Vallozzi's Pittsburgh
Beth Williams, Esq.

Professional's
Mortgage Program

Our in-house Professional's Mortgage Program is designed for use by professionals such as doctors, dentists, attorneys, CPAs and other professionals who demonstrate a likelihood of ongoing influence and service to their communities and provides low-down payment financing.

Program Highlights

- Jumbo financing available
- No Private Mortgage Insurance required
- Competitive pricing on fixed and adjustable rate terms

For complete details, ask
WesBanco Private Banker,

Melissa Tritinger
NMLS # 576744
Office: 412.902.3157
Cell: 412.660.8940

Subject to credit approval.

www.wesbancomortgage.com

By all accounts, better.

I WANYSHYN

ASSOCIATES

FINANCIAL EXPERTISE JOINS FAMILY LAW

Deborah Luteran Iwanyshyn,
JD, CPA, ASA

- Experienced in handling complex marital estates
- Dedicated and competent in finding hidden assets
- Educated regarding valuation of closely-held businesses
- Performs financial forecast to determine need for alimony
- Utilizes 20 year projections for financial planning
- More than 30 years as a Family Lawyer
- More than 40 years as a Forensic Accountant

Fellow of the American Bar Foundation
Chair of Taxation Committee, Family Law Section ABA
Adjunct Professor Carlow University in the Masters of Fraud and Forensics Program
Former Senior Member of the American Society of Appraisers specializing in Business Valuation
Former Mediator for the Allegheny County Child Custody Program and the USPS

412.848.9181 | www.iwanyshyn.com

Read her blog articles at pafamilylaw on www.tumblr.com.

CPA license and ASA Certification currently inactive

Bar Briefs

News and Notes



Jana Volante Walshak

Jana Volante Walshak, a litigator with Fox Rothschild LLP in Pittsburgh, has been elected vice chair of the Young Professionals Board of Junior Achievement of Western Pennsylvania. Junior Achievement provides hands-on experiences to give students from kindergarten through high school knowledge and skills in financial literacy, work readiness and entrepreneurship. Volante Walshak is a litigator with significant experience in commercial litigation and white-collar criminal defense and compliance.

Thomas Smith and Rhett Cherkin – both attorneys at Caroselli, Beachler, McTiernan & Coleman – have been certified as specialists in the practice of workers’ compensation law by the Pennsylvania Bar Association Workers’ Compensation Law Section.

People on the Move

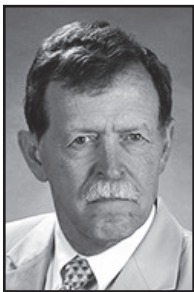


Mallorie McCue

Mallorie McCue has joined FedEx Ground as an employment law staff attorney. She is based out of the company’s Moon Township office.

Lovett Bookman Harmon Marks LLP is pleased to announce that **Elizabeth Ryan**

Uhlen has joined the firm as an associate. Uhler has experience counseling and advising clients on estate planning; estate and trust administration; and probate, trust and fiduciary litigation.



Charles L. Potter Jr.

Tucker Arensberg, P.C., welcomes **Charles L. Potter Jr.** to the firm as a shareholder. Potter focuses his practice on federal, state and local taxation issues, and he advises clients on matters involving energy, natural resources, sports and estates and trusts.



Caleb M. Turner

Meyer, Unkovic & Scott has announced that **Caleb M. Turner** has joined the firm as an associate in the firm’s Litigation and Dispute Resolution Group. Turner has a range of litigation experience, including conducting internal investigations, drafting complaints, drafting dispositive motions, taking and defending depositions, preparing witnesses for testimony and managing the electronic and document discovery process. He has represented both plaintiffs and defendants in civil lawsuits related to fraud, negligent misrepresentation, breach of contract, breach of restrictive covenants, antitrust and other matters. Turner also has significant regulatory defense and white-collar criminal defense experience.



Andrew D. Shannon



Jeffrey M. Stacko

Robb Leonard Mulvihill has announced that attorneys **Andrew D. Shannon** and **Jeffrey M. Stacko** have joined the firm. Shannon’s practice focuses on complex insurance coverage, extra contractual litigation, commercial litigation and general civil litigation. Stacko has experience with a variety of oil and gas transactional matters.

Change in Status

And now, this 10th day of August 2016, upon consideration of the responses to a Notice and Order directing Respondent to provide reasons against the imposition of a disbarment reciprocal to that imposed in the United States Bankruptcy Court and the United States District Court for the Western District of Pennsylvania, **Jason Joseph Mazzei** is disbarred from the practice of law in this Commonwealth, retroactive to November 20, 2014, and he shall comply with all the provisions of Pa.R.D.E. 217.

LABOR & EMPLOYMENT LAW SECTION

Review and Analysis of Recent Supreme Court Labor and Employment Decisions

Few things have a greater impact on the labor and employment legal landscape than United States Supreme Court decisions. This program will review the Supreme Court’s 2015-16 labor and employment law cases and their holdings, including implications for employers, employees and unions. Additionally, panelists will discuss trends and preview the cases on the docket for 2016-17.

Credits: 1 hour of Substantive CLE credit • **When:** Thursday, Sept. 15 • **Registration:** 11:30 a.m. • **Time:** noon - 1 p.m. • **Where:** Koppers Building Conference Center, Grant Room, 9th floor, 436 Seventh Ave. • **Cost:** \$45 for Labor & Employment Law Section members, \$55 for ACBA members, \$75 for all others • **Last date to pre-register:** Tuesday, Sept. 13, 11:59 p.m

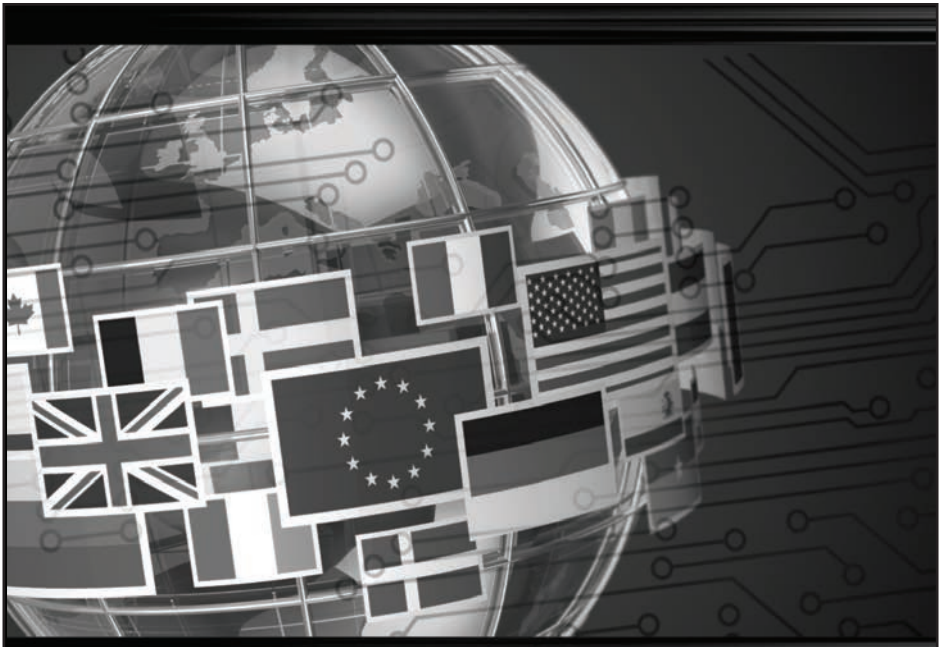
TAXATION SECTION

The Latest on IRS Criminal Investigations, Right from a Special Agent

We’ve all heard the horror stories of “when the taxman cometh.” But what actually goes into IRS criminal investigations? Michael McGregor, a special agent with the IRS Criminal Investigation division, will give an overview of these investigations. His presentation will focus on IRS-CI history, special agent training and investigative priorities from the IRS-CI’s 2015 fiscal year. He will also detail significant recent cases from the U.S. District Court, Western District of Pennsylvania. Additionally, McGregor will discuss the challenges facing IRS-CI, including staffing shortages and fighting “crimes of the future.” Lunch will be provided.

Credits: 1 hour of Substantive CLE credit • **When:** Friday, Sept. 23 • **Registration:** 11:30 a.m. • **Time:** noon - 1 p.m. • **Where:** Rivers Club, One Oxford Centre, 301 Grant St., Pittsburgh, PA 15219 • **Cost:** \$30 for Taxation Section members, \$50 for ACBA members, \$75 for all others • **Last date to pre-register:** Wednesday, Sept. 21, 11:59 p.m.

Registration information for all programs unless otherwise noted: Mail in registration form with payment to the ACBA CLE Department at 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, PA 15219. Credit card registration is also available online at www.acba.org/CLE-Events/Events-and-Programs.



Take your client’s idea worldwide.

When it comes time to protect your client’s intellectual property on the world stage, look to the experience of Ference & Associates. Our lawyers and highly skilled support staff specialize in patent, trademark and copyright law. We work with over 90 global partners and have extensive experience obtaining IP rights from Abu Dhabi, United Arab Emirates to Zagreb, Croatia. So whether your client is a start-up with a unique idea or a company with an ongoing IP need, rely on Ference & Associates to take your client’s idea worldwide with confidence.

Patents • Trademarks • Copyrights

FERENCE & ASSOCIATES
INTELLECTUAL PROPERTY LAWYERS

412.741.8400 409 Broad Street Pittsburgh, PA 15143 ferencelaw.com

Lawyers’ Mart

APPRAISALS

ANTIQUE AUTO APPRAISALS for all vehicles 1900 to 1990. Expert Witness. Diminished Value. Certified Appraiser - K. Merusi. 412-731-2878.

CAREER CONSULTING

CHRIS MILLER, J.D. – 20+ years providing confidential career consulting services for lawyers in transition. 412-926-5207. www.millercareerconsulting.com.

DOCUMENT EXAMINER/ HANDWRITING

J. WRIGHT LEONARD, BCFE, CDE. Certified. Experienced in Federal, State & Local Courts. Testimony in Civil & Criminal Matters. 215-735-4000.

ECONOMIST/VOC. EXPERT

WM. HOUSTON REED, Ph.D. – 25+ yrs. of forensic economics & vocational eval. expertise in one report. 1-888-620-8933.

ESTATE PLANNING

IF YOUR CLIENTS ARE CONSIDERING CHARITABLE GIVING as part of their estate planning The Pittsburgh Presbytery Foundation can provide a means to support charitable work helping those in need throughout SW Pennsylvania. For more information contact the Foundation at www.pghpresbytery.org/pghpresbyterianfdn.htm or Rev. Dr. Douglas Portz at 412-323-1400 Ext 318.

PROCESS SERVICE INVESTIGATING

THE IMPOSSIBLE WE DO RIGHT AWAY! MIRACLES TAKE A LITTLE TIME. EMPIRE INVESTIGATION (412) 921-4046. Visit us on our website, www.empireinv.com.

ZITTRAIN FORUMS
continued from front page

rogue actor that doesn't recognize international rules. But that's not true. That's Donald Trump's message, but that's not the true message of the country. But it is, I'm afraid, the message the world will hear.

"The message of the campaign, I think, is that the American party system is in a lot of trouble. The Republican Party is sicker than the Democratic Party and is unable to do its job. What parties are supposed to do is screen out extreme actors and generate candidates for leadership who are broadly acceptable to the country. The Republican process has simply failed to do that in 2016."

Wagner – who previously served as a White House correspondent, covered politics and business for the *Huffington Post* and hosted MSNBC's *NOW with Alex Wagner* – expects both parties to do some soul searching after the election.

"Both parties are facing existential questions about their ideologies," she said. "No matter who wins in November, that debate is not settled. For the Republican Party, it's been a very restive primary campaign. And I don't think the sort of tension between the grass-roots base and the establishment has been or will be resolved by the time November rolls around, even if Trump is in the White House."

"For the Democrats, there is a deep and abiding concern on the part of the base that the Democratic institutions meant to serve them are not. And again, I don't think that's resolved with Hillary Clinton and Tim Kaine in the White House. I feel, in fact, in many ways it will perhaps further exacerbate that tension."

Wagner expects the Democratic National Committee to become more responsive to the progressive base.

"Whether that means reform in the primary process and having open primaries or reducing the number of superdelegates, I'm not sure," she said. "But I think the transformation will be towards a more transparently democratic institution."

"Whereas the Republicans, I think, have been dismayed at the lack of institutional control. I'm sure if the Republicans had a chance at superdelegates, they would have happily taken it. So I see a correction in the other direction, which is to say making it a more formalized process, giving the elders greater control on the levers of power to make sure someone like Donald Trump is not elected again."

Issues this election

Frum identifies three hot topics this election – American living standards and wages, global security

ZITTRAIN forums



David Frum



Alex Wagner

and immigration. Of those, he thinks wages is the most important.

"The Democrats are offering an answer that's continuous with their answer in the past – that wages are stagnating because the people at the top are taking too much and the solution is a much more active government role in the economy," he said. "On the Republican side, this is the first election the Republicans have noticed the question, so that's progress. The solution that Donald Trump is offering is destructive – trade protection, blowing up the global economy. But it is progress. Republicans have at least made some progress since the last election, but the Democrats are stuck in the same unhelpful place."

Wagner says economics not only are a driving force in politics, they're driving Americans apart.

"I think this is about a real cultural fracturing in America, which has everything to do with institutional failure that has promoted a kind of tribalism. It has to do with economic marginalization, which has created a real class divide between the haves and have-nots. And look, there are haves and have-nots that are bipartisan; there are rich Democrats and rich Republicans and poor Republicans and poor Democrats. But they've responded this year in different political ways," she said. "I think what we're looking at is a long-term schism in the United States between those at the top and those at the bottom. And the top can mean economically, in terms of power, of who's controlling the media and who consumes it."

changed its balance in so many other ways, and that is an extraordinarily stressful experience for people to live through."

Talking during the week of the Democratic National Convention, Frum detailed the starkly different approaches the candidates are taking to the issue of immigration.

"Republicans have moved toward more enforcement approach on immigration at the same time the Democrats are moving radically away from enforcement. The theme of the first night of the Democratic convention in Philadelphia was that any kind of enforcement at all is an attack on family. The message of the first night was clear: No enforcement at all is acceptable to them."

"We have a very stark divide on this very fundamental question of who becomes an American and how you become an American."

Wagner says Democrats are in a tough position this election because they can't turn their backs on what President Obama has achieved while simultaneously talking about how they plan to improve America.

"The Democrats have a tricky line to walk, which is to be attendant to the concerns of activists, progressives – like those in the Black Lives Matter movement – and acknowledging the shortcomings of where we are, but also not underselling the substantial amount of legislation that's been passed under a democratic president and the fact that there are millions more Americans with healthcare and the fact that unemployment is below 5 percent. That is all good stuff that needs to be said with an asterisk – which is, 'and there is more work to do.'" ■

Where Harassment Meets The Law

Johnston Lykos provides clients with advice, counseling and representation in all aspects of employment law, including illegal workplace harassment.



Colleen Ramage Johnston

Nikki Velisaris Lykos

JOHNSTON ▶ LYKOS
Where Employment Meets the Law

412.325.7700 • www.johnstonlykos.law

Experience. Responsiveness. Attention.

RESULTS

Andrew J. Cornelius, P.C. | Intellectual Property Law



305 Mt. Lebanon Boulevard, Suite 205
Pittsburgh, Pennsylvania 15234
412.571.9552 office
acornelius@ajcplaw.com