

LAWYERS JOURNAL

Fifth Annual Criminal Law Symposium to be held Jan. 12

By ACBA Staff

The Allegheny County Bar Association Criminal Litigation Section will present its Fifth Annual Criminal Law Symposium on Friday, Jan. 12. It will be held in the Mellon Room of the Koppers Building Conference Center.

This program has been approved for four hours of substantive CLE credit and two hours of ethics CLE credit and also qualifies for six hours of credit under the West Virginia Rules for Mandatory Continuing Legal Education. Program planner is Thomas N. Farrell.

The symposium is a comprehensive, six-credit criminal education program that features a star-studded panel of speakers and will cover an array of current hot topics in the practice area.

The subjects include a year-in-review of new case law, juvenile proceedings of the criminal section, the ethics and law of guilty pleas and other ethical concerns.

A continental breakfast and deli lunch will be served.

The programming is as follows:

8:30 - 10:00 a.m., Criminal Law and the 2nd Amendment, *1.5 substantive credits*.

5TH ANNUAL

Criminal Law Symposium

Friday, January 12

Koppers Building

This all-day comprehensive, six-credit symposium will cover timely issues in criminal law.

- 4 substantive, 2 ethics credits
- Star-studded lineup of speakers
 - Case law review
- Pro tips from experienced practitioners

ACBA.org/CriminalSymposium2024

Professor Bruce Antkowiak will discuss the history of the 2nd amendment and new law regarding gun rights.

10:10 - 11:10 a.m., Ethics Overview, *1 ethics credit*. Representatives from

the Office of Disciplinary Counsel will cover current ethical issues confronting attorneys in the Allegheny County Court of Common Pleas Criminal Division.

11:20 a.m. - 12:20 p.m., Year in Review, *1 substantive credit*. Attorneys Timothy Lyon and Justin D. Okun will provide a review of case law for the past year.

1:00 - 1:30 p.m., Tips on Trying a Case, *.5 substantive credit*. Attorney Pat Thomassey will provide tips on how to try a case in the Allegheny County Court of Common Pleas Criminal Division.

1:40 - 2:40 p.m., Guilty Pleas, *1 ethics credit*. Practitioners Nina Martinelli and Thomas N. Farrell will discuss the law and ethics concerning guilty pleas, guilty plea negotiations, persuading or advising a client about a plea, ensuring a plea is voluntary and understanding the overall responsibility of counsel.

2:50 - 3:50 p.m., Juvenile PFA Laws, *1 substantive credit*. Judge Lisa Middleman will present on how the juvenile law and the PFA relate to the criminal division. This session is a must for lawyers who practice in the Criminal Division, as well as lawyers who handle juvenile matters.

To register and for more information, visit ACBA.org/CriminalSymposium2024. ■

ACBA and ACBF receive “unmodified opinion” from auditor Mock Bosco

By ACBA Staff

The Allegheny County Bar Association and Allegheny County Bar Foundation have received an “unmodified opinion” from financial auditor Mock Bosco & Associates, P.C. for the fiscal year ended June 30, 2023. An “unmodified opinion” stands as the highest classification auditors can assign to an organization’s financial statements according to prevailing auditing

standards. It signifies that those reading ACBA and ACBF financial statements can have a high degree of confidence in their accuracy.

The complete audit reports are accessible for viewing on the ACBA website at ACBA.org. They are located

under the “About” section, and can be viewed by clicking on the “Audited Financial Statements” tab.

ACBA member Robin Frank serves as the Chair of the Audit Committee and is responsible for presiding over meetings with the auditors. During

these meetings, Mock Bosco presents drafts of the audit report, offering in-depth explanations. She conveyed her gratitude to the staff of both the ACBA and the ACBF, the Audit

Continued on page 8

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Wednesday, January 10 | 5 p.m. | ACBA Offices

Visit ACBA.org/RunForOffice for more.

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

Advertising Inquiries: 412-402-6620 / bknavish@acba.org

Address Changes: 412-402-6612 / bbrumbaugh@acba.org

Circulation 5,097

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Editor-in-Chief: *Daniel A. Seibel, Esq.*
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Editor: *Jennifer A. Pulice, Esq.*
Graphic Designer: *Jessica Wysocki Valesky*
Proofreader: *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

ACBA.org/member-center/gender-bias-hotline
If you have observed or experienced any form of gender bias in your role as an attorney or law student intern, you may contact any one of the following members of the Gender Bias Subcommittee of the Women in the Law Division on a daily basis. The duty officers will keep your report confidential and will discuss with you actions available through the subcommittee.

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

Professional Ethics Hotline

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

December

Scott Eberle412-803-2442
Gayle R. Kraut412-261-4466
Ronald B. Roteman412-391-8510 x 828

January

Barbara Griffin412-402-6622
Christine Long412-766-8660

THE PITTSBURGH LEGAL JOURNAL OPINIONS

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

The latest cases loaded into the database involve the issues of:
Unimproved Portion of Land – Pennsylvania Abandoned and Blighted Property Conservatorship Act – Termination of Parental Rights

ABA Commission on Women report highlights effects of parenting on law careers

By ABA Staff

A new report published by the American Bar Association (ABA) Commission on Women in the Profession, *Legal Careers of Parents and Child Caregivers* sheds light on how parenting impacts the legal careers of mothers and fathers.

The report, based on survey responses from more than 8,000 lawyers nationwide in various work settings (including in-house) and a dozen focus group interviews, reveals that many parents feel having children had a negative impact on their careers and more than half of working mothers felt they were perceived as less committed and less competent by their employers. The data reveals that this is not just a law firm problem but a legal profession problem that is impacting caregivers of children in all work settings.

Among the findings:

- Women are overwhelmingly responsible for what’s happening at home, from arranging childcare (65% of mothers vs. 7% of fathers) and scheduling doctor appointments (71% of mothers vs. 9% of fathers) to helping with homework (41% of mothers vs. 12% of fathers).

- Women who are single and caregivers of dependent children experience more disadvantages than any other cohort, no matter what sector of the legal industry they work in.

- A much higher percentage of mothers compared to fathers experience demeaning comments about being a working parent (61% of mothers vs. 26% of fathers in law firms; 60% of mothers vs. 30% of fathers in other settings).

“The legal profession is not immune to the ‘motherhood penalty,’” said ABA President Mary Smith. “Research consistently shows it impacts career opportunities, compensation and advancement in this male-dominated field that demands long hours and

constant availability. Our profession should be – and can be – the gold standard for achieving workplace equity and equality for the betterment of our families, businesses and society in general. This illuminating study is a road map for solutions, including flexible work arrangements, more inclusive job descriptions and on-ramp programs for returning to work, which have been shown to support women lawyers with children and enable them to thrive in their careers.”

The research project, co-chaired by Michelle Browning Coughlin and Juanita Harris, was conducted by former commission chairs Roberta Liebenberg and Stephanie Scharf of the Red Bee Group and former ABA President Paulette Brown of MindSetPower.

Their research confirms that “a substantial percentage of mothers in the profession have been subjected to unfounded criticisms and stereotypes,

implicit biases and many adverse day-to-day experiences in the workplace that impede their advancement and ability to balance their professional and family obligations, thus leading to a continuing high rate of attrition,” the authors said.

“The data from the survey and focus groups is compelling, and we are hopeful that the implementation of the best practices and policies set forth in the report will disrupt the paradigm and help create a level playing field for women with children in all practice settings.”

The report can be viewed at www.americanbar.org/content/dam/aba/administrative/women/2023/parenthood-report-2023.pdf. ■

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Artificial Intelligence and Machine Learning Technologies

Presented by Bryce Meyer

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Proving Child Physical and Sexual Abuse

Presented by Lieutenant Paul Boyles III

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\$159 fee includes light breakfast and lunch for 6 credit classes. The fee for a 4 credit class is \$129 (light refreshments).

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PRESIDENT'S MESSAGE

Take a step

By Marla N. Presley

I am now halfway through my term as President of the Allegheny County Bar Association. I could not be more proud of the work of this Association, our Governors, and our Committees, Divisions and Sections.

We've cleaned up the City, provided more than a thousand underserved children with gifts and toiletries, hosted a number of CLEs on cutting edge topics, and honored our members who have been practicing for 50 and 60 years. We held a Board Retreat to map out our goals for the year, selected this year's Bar Leadership Initiative class, and worked tirelessly to develop a strategy to allow us to keep our Summer Clerkship Program in the face of myriad legal challenges. We hosted retirement parties for Judge Lenihan and Judge Clark – two trailblazers who selflessly served our community for so long and celebrated the holidays with more than a dozen ACBA parties.

Our Membership Committee implanted our strategic plan to increase membership, particularly at large firms, we held a successful campaign to retain all our judges up for retention, and honored our Immediate Past-President, Erica Laughlin, at our Board Dinner. At this midway mark, I want to look back on the beginning, to share a story of how it all started.



Marla Presley
ACBA President

Just before I became the 115th President of the ACBA, the enormity of the obligations began to set on. Like so many of you, I have responsibilities to my office, I litigate cases every day, I volunteer for a number of organizations, and I still have hours to bill. While I am especially organized and thrive under pressure, I wondered how I was ever going to accomplish it all. And the closer it got, the more insurmountable it all seemed.

I knew that my firm was exceptionally supportive of me taking this role. I never doubted the dedication of my colleagues. I knew that I could rely on

them to pick up the slack, take on more than their share, and act as an invaluable sounding board when I most needed advice. I was confident that it would take little convincing to have my friends to sign up for all of the ACBA events, open their hearts and wallets for our charitable endeavors, and understand that my free time would be all but non-existent. I knew this would be the case before Erica ever handed me that gavel.

Nevertheless, as the day drew closer and the reality set in, it was nothing short of overwhelming. And almost immediately I understood that – despite Dave's frank warnings – I had significantly underestimated what was to come. My sole calendar was about to become three. My days and nights and weekends would be committed months in advance. My days were going to be double and triple booked. I would be expected to make remarks at ACBA events (and not recycle my jokes). And I would make, cancel, and rebook so many flights that my TSA status would be on the line!

And now that we've reached the middle mark, it is finally starting to seem manageable. The positive and reassuring words of our members, that I receive weekly, keep me going. I rely heavily on my Executive Committee, Dave, Tracy, Jenn, Mary Ann, Brian (and ALL of the ACBA staff), and I look to the Board every day just to get by. I am becoming a pro

at mapping out visits to lawyers and law firms and have had 1001 successful coffee dates, happy hours, and meetings over eggs Benedict. So, I wanted to stop and look back on the last six months and see how I got here. And it all started with one step.

In the beginning, I was looking so far ahead that nothing seemed possible. The mountain ahead of me seemed too high and too steep. I started asking "how will I ever make it to the top?" And the single best piece of advice I got in response was, "by putting one foot in front of the other and taking a step." Simple, right? I just needed to hear it.

So, I took that one step. And I haven't stopped moving yet. Sure, I've stumbled. But I kept going. I've thought of this advice truly hundreds of times since taking the gavel. It applies equally to all issues: work or personal, big or small.

Nothing is impossible when you focus on what is in front of you and what you can control. And as I have pointed out in every President's Message thus far, you don't have to do it alone. Let me help you take one step. ■

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ALLEGHENY COUNTY BAR ASSOCIATION Nominating Committee Solicitation of Candidates for 2024-2025 President-Elect, Treasurer, Governors and Members of the Judiciary Committee

The Nominating Committee of the Bar Association is seeking candidates for the positions of President-Elect, Treasurer (two-year term), five (5) Governor positions (three-year terms) and eleven (11) Judiciary Committee positions (three-year terms). Terms are to begin on July 1, 2024.

Qualifications:

President-Elect—Candidate must be a member of the Bar Association and a current or former member of the Board of Governors of the Bar Association. One seat is available for a one-year term, with the individual automatically ascending to the position of President and, subsequently, Immediate Past-President.

Treasurer—Candidate must be a member of the Bar Association and have served as a member of the Audit or Finance Committee for at least the year prior to taking office. One seat is available for a two-year term.

Governor—Candidate must be a member of the Bar Association and should have a history of active participation in one or more Committees, Divisions or Sections of the ACBA. Five (5) seats are available for three-year terms.

Judiciary Committee—Candidate must be a member of the Bar Association and should be actively practicing and appearing before judges of the Allegheny Court of Common Pleas, PA Appellate Courts and/or Federal Courts. Eleven (11) seats with three-year terms will be filled by election to the Judiciary Committee. The following seats will be elected in 2024:

- Three (3) seats for members who are diverse as that term is defined by Section 1.3 of the ACBA By-Laws
- Five (5) seats representing practice-areas of the court system, with one seat available for members whose practices focus on each of the following: Appellate, Civil, Criminal, Family and Elder Law/Probate & Trust
- Two (2) At-Large seats which shall be available to any member(s) of the Association
- One (1) Young Lawyer seat (0 to 10 years of practice experience).

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

The Nomination Application Form and resume are to be emailed to David A. Blaner, Executive Director, at dblaner@acba.org. **All applications with resumes must be received by 4:00 p.m. Friday, February 9, 2024.**

YLD CHAIR’S MESSAGE

2023: You never Sease to amaze me

By Tara M. Sease

I love New Year’s Eve – there is something magical about it. Yes, of course, the parties include noise makers, party hats, and confetti; friends and family count down from ten to one watching as the giant ball drops in Time Square; and the champagne and prosecco pop as Auld Lang Syne is playing...NOW – you know I do love a chilled glass of bubbly, but to me, even all that is what I call magical.

To me, the real magic is that in one moment, every person closes the door on a year, and whether you like it or not, a brand-new year starts. The magic is in the reflection of all the so-called never-ending checklists that, after all the worry and stress, did get accomplished; and the recollecting on all of the places – near and far – that were visited whether it was a new restaurant around the corner or a new country; and the remembering of all the memories made with old and new family and friends over the past 365 days. Then, after all of that, the clock strikes midnight, and brand-new opportunities await. See, that’s the magic.

Over the last six months of 2023 as Chair, I have poured my heart and soul into this role, and believe me, it is very rewarding, but it is a lot of hard work. In all the leadership roles that I have held, I believe that a leader is truly only as strong as the team. As I reflect on 2023, in my opinion, the



Tara Sease
YLD Chair

2023-2024 YLD Council – MY team – is the strongest.

One of the main reasons for the YLD’s success is because the art of communication has been mastered (or close to mastered). YLD Communication Committee Co-Chair Tricia Martino works tirelessly on the *YLD Sidebar* that reaches the members via email on a weekly basis, as well as editing the award-winning *Point of Law* publication. Fellow Co-Chair Erika Dowd manages the YLD social networks by advertising the upcoming events and attending almost every event to keep our followers in the know.

From YLD Member Services Co-Chair Carly Barnes organizing the Kickoff Celebration (as well as other

happy hours) at a brand-new venue to fellow Co-Chair Amber Manson-Webb organizing the first ever Esquire Open as a pickleball tournament leaving participants only wanting more court time, the number of pre-registrants and attendees at the social events has been record breaking due to their unwavering diligence and strive for greatness.

Also speaking of record-breaking events, the YLD Diversity Committee hosted the Diverse Law Student Mixer this past Fall. Co-Chairs Morgan Bonekovic and Jamie Drennen and Council Member Alison Gutierrez relentlessly prepared for this reception by catching the attention of about 100 attendees ranging from law students, young lawyers, experienced lawyers, the local judiciary, and even some non-traditional-career lawyers. To date, this was the largest attended mixer!


Historically, the YLD Education Committee thrived on hosting CLEs with unique topics and/or new law. This Fall, Education Co-Chair Thomas Cocchi not only organized a CLE along with his Co-Chair Matt DeMaio on the Updated Reporting Requirements for Pennsylvania Businesses but also participated as the moderator at the highly attended CLE. Then, fittingly, on Oct. 31, 2023, the YLD hosted a CLE on Scary Legal Topics, and Council Member Kerven Moon moderated the panel of five presenting attorneys, four of whom are active YLD members.

If you know anything about the YLD, then you know the YLD’s commitment to public service. The Public Service Committee Co-Chairs Jesse Exilus and Kelly McGovern oversaw multiple days of local young lawyers volunteering in the community for the Wills for Heroes project. Council Member Paige Tamecki, who has pulled double duty, has been an integral volunteer for this project, and a devoted member of the YLD Communications Committee. Also pulling double duty, Council Member Connor Sease sits on the Member Services Committee, but he is also the YLD liaison to the Allegheny County Bar Foundation (ACBF), which is the charitable arm of the ACBA with a mission to promote justice and to improve the community through public service law-related program.

Whether it’s pulling double or triple duty, the annual Children’s Gift Drive and Holiday Party is one of YLD’s largest undertakings of the bar year. Council Member Devyn Lisi, who is chairing this year’s drive, is absolutely an essential part of the program whether she’s contacting shelters; recruiting and assigning sponsors; creating the children’s wish lists; or helping Santa make those special deliveries. This year, I am in awe, as there have been so many YLD members at-large who have volunteered to bring this project to life, and without

Continued on page 8

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Don't delay – scholarship applications should be submitted at the same time as the admission application to the respective institution is submitted.




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LAW PRACTICE MANAGEMENT

Part two: Law firm exit strategies – Taking the exit ramp

By Tamara Philabaum,
in consultation with
Robert Dulay

In part one of this article, I identified ways a new or developing firm can “begin with the end in mind.” That article advised small firm owners to establish a turn-key business infrastructure that will support the ongoing profitability of the firm upon transition to a new owner or merger with another firm. Part two will focus on how to create an exit plan as you near the off ramp of your legal career. If you are the owner of a small firm and want to head in that direction, this article is for you.

A recent survey indicated three main areas of concern that solo and small firm owners have about exiting the practice of law. First, they have a fear of being bored or losing self-worth. Second, they do not have anyone to take over their practice. Third, they are unsure of how to divest themselves of the business. This article will describe how to create an exit plan that addresses these three hurdles.

Overcoming the Fear of Boredom or Loss of Self Worth

“Every exit is an entry somewhere else.” – Tom Stoppard
In his book “From Strength to Strength” Arthur Brooks asserts that

the key to finding happiness and purpose in the second half of life is to apply your accumulated wisdom to helping others. When you create your exit plan, start with planning your destination. You’re not going to be very motivated to execute your exit strategy if you think the result will be endless days watching reruns of Jeopardy or losing balls on the golf course!

I know, you have probably lost touch with other interests outside of the practice of law. So, start taking the time to explore and develop those other interests now. Make a list and choose the top two or three that excite you the most. Are you interested in writing a book? Mentoring young people? Getting involved in charitable work? Whatever it is, map out the steps for getting involved.

Identifying Someone to Take Over Your Practice

Another major hurdle for small firm owners who want to exit the practice of law is finding someone to take over the business. Most are not lucky enough to have a partner or associate who is willing and able to do that. Below are a few ideas for identifying potential buyers or successors:

- 1. Legal and Professional Networks:
Tap into your professional network within the legal community. Reach out

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

to colleagues, acquaintances, and contacts within legal associations. Lawyers often have connections or may know someone interested in acquiring a law firm.

- 2. Law Firm Brokers and Consultants:
Consult with law firm brokers or consultants specializing in law firm sales and acquisitions. These professionals have extensive networks and experience connecting sellers with potential buyers. They can assist in marketing your firm and identifying serious, interested buyers and commonly retain some percentage of the deal.

- 3. Legal Publications and Websites:
Advertise in legal publications, both online and print, that cater to legal professionals and law firms. Websites, magazines, and journals specific to the legal industry often have sections or listings for firms for sale.

- 4. Bar Associations:
Contact your local or state bar association. They might have resources or platforms to advertise the sale of your law firm, or they may be able to connect you with potential buyers within the legal community.

- 5. Industry Events and Conferences:
Participate in legal conferences, seminars, and industry events. These gatherings offer opportunities to meet potential buyers and discuss potential mergers or acquisitions in a professional setting.

- 6. Online Business Listings and Marketplaces:

List your law firm for sale on reputable online business marketplaces or listing websites. Several online platforms specialize in business sales and acquisitions and can provide a broad reach to potential buyers.


- 7. Professional Organizations:
Engage with professional organizations related to your practice area. Many of these organizations have platforms or forums where you can post information about your firm being for sale.

- 8. Industry-Specific Newsletters:
Subscribe to and advertise in newsletters that target legal professionals. These newsletters often have classified sections where you can list your firm for sale.

- 9. Financial and Legal Advisors:
Consult with financial and legal advisors who specialize in mergers and acquisitions. They can provide guidance on finding potential buyers and assist in the negotiation process.

- 10. Social Media and Online Communities:


Continued on page 8



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Celebrate the Season with the ACBA

ACBA members were invited to celebrate the holidays and network with their fellow colleagues at the holiday parties pictured below.



DEI Affinity Group
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Homer S. Brown Division Chair Gabrielle Lee (left) and LGBTQ+ Rights Committee Chair Andrew Bell (right) discuss the season with Reed Natali of event sponsor, Shorebridge Wealth Management.



Women in the Law Division
Sponsored by Dollar Bank

The Hon. Nicola Henry-Taylor (center) shared a laugh with members Amy Coco and Beth Fischman at the Women in the Law Division Holiday Party.



Young Lawyers Division
Sponsored by Compass Rose Financial

The Young Lawyers Division Holiday Party was packed at The Standard Market & Pint House. ACBA Secretary Joseph Froetschel and Benjamin Westcott share a laugh with Timothy Cummings (center) of event sponsor Compass Rose Financial.



Sole and Small Firm Practitioners Section
Sponsored by T2 Management Solutions

David Nagel, Tamara Philabaum (of event sponsor T2 Management Solutions) and Sole and Small Firm Practitioners Section Chair Rachel McElroy pause for a photo.



Workers' Compensation Section
Sponsored by Fort Pitt Capital Group

The ACBA Workers' Compensation Section always knows how to throw a party. Members Michael Quatrini and Workers' Compensation Section Chair Julie Fritsch celebrate the season with Cory Phillips, Bevin Baker and Nathan Boxx of Fort Pitt Capital Group, the event sponsor.



Construction Law Section
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More than 70 attorneys turned out for the Construction Law Section's Holiday Party at the Engineers' Society of Western Pa. Jacob Catt, Chair Haig Sakoian, Erin Fallon and Vice-Chair Jim Doerfler pause to celebrate a great night.



Taxation Section
Sponsored by Capital 1031 Exchange Company

Taxation Section Chair Kari Owens, ACBA President Marla Presley and ACBA President-Elect Regina Wilson pause for a photo with Steve Rothberg and Eric Salant of event sponsor, Capital 1031 Exchange Company at the Section's CLE and Holiday Party.

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Celebrate the Season with the ACBA

ACBA members were invited to celebrate the holidays and network with their fellow colleagues at the holiday parties pictured below.



Family Law Section
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At the Family Law Section Holiday Party, Santo Liberto and Ian Eberle of event co-sponsor Fort Pitt Capital Group celebrate the season with Section Chair Tim Gricks and Jessica Crown.



Environment and Energy Law Section
Sponsored by Buchanan Ingersoll & Rooney PC

Rob Teplitz, Stephen Ralph, Paul Stockman and Environment and Energy Law Section Chair Gary Steinbauer catch up during the Environment and Energy Law Section Holiday Party.



Probate and Trust Law Section
Sponsored by Key Private Bank

Probate and Trust Law Section Vice Chair Todd Jordan converses with Kim Cantalamessa of event sponsor Key Private Bank during the Section's holiday party.

Christine Elzer, Tamra Van Hausen, Section Chair Nikki Velisaris Lykos, R. Stanley Mitchel and Colleen Ramage pause for a photo during the ACBA Labor and Employment Law Section's Holiday Party at Olive or Twist.




Labor and Employment Law Section
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Civil Litigation Section
Sponsored by E.L.K. Independent Medical Expert Network and Network Deposition Services

The Civil Litigation Section met at Hotel Monaco to celebrate the season. Kerry Smith of event sponsor E.L.K. Independent Medical Expert Network, Mark Vitelli and Ray Urbash of event sponsor Network Deposition Services and Civil Litigation Chair Gina Zumpella pause for a photo.

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AUDITOR MOCK BOSCO
continued from front page

Committee, and the Mock Bosco auditors, and recognized their dedication and effort in successfully completing the annual audit.

Frank said, “The day-to-day operations of the ACBA and the ACBF encompass a wide range of activities. Therefore, the Audit Committee conducts a comprehensive review of their financial statements under the professional guidance of our auditors. The ‘unmodified opinion’ assures our members and the community that the financial status of each organization is accurately represented.”

ACBA/ACBF Director of Finance Ronald Slavonic praised the work of Ron Mock and his team in conducting the audit fieldwork, as well as in the preparation and communication of the audit reports.

“Ron Mock and his team executed a comprehensive and professional audit,” he said.

The Audit Committee comprises members representing both the ACBA and ACBF. It plays a crucial role in providing independent oversight of the organizations’ accounting and financial reporting processes and supervises the annual audit. With the approval of the Board of Governors, the Audit Committee oversees a range of areas, including governance, ethics, the adequacy of internal controls (such as reviewing accounting or fiscal operations manuals), proper authorization of activities and expenditures, scrutiny of tax-exempt status, identification of activities that could jeopardize this status, protection of employees who raise concerns about significant accounting or auditing irregularities, and the selection and appointment of the independent auditing firm. ■

YLD CHAIR’S MESSAGE
continued from page 4

them, Council-at-large, and the Bar Leadership Initiative Class of 2023, this drive would not be possible.

Lastly, but most definitely not least, the YLD officers – Treasurer Matthew McClelland, Secretary Rebeca Miller, Chair-Elect Danielle Parks, and Immediate Past-Chair Taylor Gillan – have gone above and beyond with their availability to meet, communicate with the ACBA staff members on the YLD’s behalf, and dedicate the time to their respective roles and other undertakings to ensure this division runs smoothly.

As you reflect on your experiences throughout 2023, feel for the magic. Look for it in your memories – look at all your accomplishments. And, as the page turns to 2024, if you’re interested in making memories in your profession with your peers of this bar, I welcome you to start with the YLD. Sea(se) you next year! ■

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

LAW PRACTICE MANAGEMENT
continued from page 5

Utilize social media platforms and online communities related to law and legal practice. Engage in discussions, share your intent to sell the firm, and connect with potential buyers.

Divesting Yourself of Your Business

If selling your firm to another attorney who can take over your practice is not possible, then you have two other options: merge with another firm or close your practice.

Merging with Another Firm

Strategies for finding a firm with which to merge are similar to those listed above for selling a firm. The only difference is that you would be looking to sell to an already established, larger firm. In either case, you will need to put a value on your physical assets as well as your goodwill.

If a merger is your exit plan, then transferring your goodwill will likely require that you stay on for 2-3 years after the merger. Your exit plan should include transitioning your relationship with current clients, past clients, and referral sources. To prepare for those discussions, it will be vital that you have contact information that is thorough and easy to access.

Closing the Firm

If your exit strategy involves closing your practice, then create a plan to get your affairs in order and wind down the practice. The complexity of getting your affairs in order will depend on how you have managed your practice up to this point. Winding down the business will take some planning and depends on your area of practice.

Getting your affairs in order is not only an important step in closing your practice. It will also help your descendants and conservator should something unexpected happen to you before you complete the exit process. Below are some steps to consider for getting your house in order.

1. Identify a conservatory who will manage the process should something happen to you
2. Create an accurate contact list of clients and referral sources
3. Destroy or disburse closed files
4. Clean up your IOLTA accounts

5. Document important information such as vendor contacts, online account credentials, banking access, lease terms and subscription information
6. Document how to access client information

Winding down your practice will take some planning and time. Start with setting a goal date for completing the exit process. Then, brainstorm a list of tasks that need to be accomplished to get there in addition to the above such as:

1. Notify employees
2. Notify current and recent clients
3. Notify referral sources
4. Notify vendors
5. Stop taking on new clients
6. Notify licensing board
7. Obtain tail insurance

Once you have a complete list of tasks, you can work backwards from your goal date and calendar each step using project management techniques. Finally, check with the state bar and ethics rules to make sure you have covered all the bases.

Conclusion

Mapping out a route to the law practice exit ramp starts with planning a meaningful way to spend your time once you get to your destination. Then, decide on an alternative for divesting yourself of the business: Finding someone to buy or take over your practice, merging with another firm, or simply closing your practice. Regardless of which option you choose to pursue, you will need to get your house in order first. That should involve cleaning up files, trust accounts, and client lists as well as documenting important information.

Continued on page 14



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Counsel Stack insights: American Bar Association AI and cybersecurity resolutions

By Counsel Stack

The American Bar Association (ABA) has recently rolled out crucial resolutions on AI and cybersecurity. This article explains important provisions and helps you understand how these changes will affect the legal world.

Resolution 604—Urging Responsible Development and Use of Artificial Intelligence

Overview of Resolution 604
Date: Adopted in the 2023 Mid-Year Meeting held in February.

Core objective: Promote ethical, transparent, and accountable AI development and deployment.

The American Bar Association (ABA) urges organizations and authorities to:

1. Ensure AI systems and capabilities remain under human authority, oversight, and control.
2. Hold responsible parties accountable for the consequences of their AI use, including any harm or injury, unless reasonable mitigation measures are taken.
3. Ensure transparency and traceability of AI products while protecting intellectual property, by documenting key decisions related to design and risk.
4. Advocate for Congress, federal agencies, and State bodies to adopt these guidelines in AI-related legislation and standards.

The full text of ABA Resolution 604 can be found at www.american-bar.org/content/dam/aba/directo-

[ries/policy/midyear-2023/604-midyear-2023.pdf](http://www.american-bar.org/policy/midyear-2023/604-midyear-2023.pdf).

Resolution 608—Urging Enhanced Cybersecurity Measures and Consistency in Legislation

Overview of Resolution 608
Date: Adopted in the 2023 Annual Meeting held in August.

Core objective: Advocate for comprehensive cybersecurity legislation and support for technology users.

The American Bar Association (ABA) urges Congress and federal entities to:

1. Enact legislation establishing a duty for organizations to implement reasonable security for data, products, and systems.
2. Seek harmonization with existing laws, regulations, and cybersecurity frameworks.
3. Offer incentives to developers of digital technologies, including AI and quantum computing, to bolster their cybersecurity protections and resilience.
4. Provide resources to users of digital technologies to enhance their cybersecurity measures and resilience against threats.

The full text of ABA Resolution 608 can be found at www.american-bar.org/content/dam/aba/administrative/news/2023/am-res/608.pdf.

Resolution 609—Implementing Guidelines for Organizations Engaging in Artificial Intelligence

Overview of Resolution 609
Date: Adopted in the 2023 Annual Meeting held in August.

Core objective: Advocate for organizations in the AI sector to adhere to specific cybersecurity guidelines, including (1) transparency, (2) accountability, and (3) traceability.

The American Bar Association (ABA) urges lawyers to:

1. Stay updated on emerging technologies and protect digital assets, including AI and Machine Learning, from unauthorized actions.
2. Improve cybersecurity to safeguard client information and keep clients informed.
3. Conduct cybersecurity checks on third-party/vendor products and services.
4. Advise clients on enhancing their cybersecurity.
5. Integrate cybersecurity and new technologies into educational programs.
6. Boost cybersecurity with a diverse, tech-savvy workforce.

The full text of ABA Resolution 609 can be found at www.american-bar.org/content/dam/aba/administrative/news/2023/am-res/609.pdf.

Resolution 610—Urging the Integration of Cybersecurity in Law School Curricula

Overview of Resolution 610
Date: Adopted in the 2023 Annual Meeting held in August.

Core objective: Encourage law schools to incorporate cybersecurity and emerging tech subjects.

The American Bar Association (ABA) urges lawyers to:

1. Address cybersecurity threats and risks for new lawyers post-law school graduation.

2. Promote cybersecurity courses in law schools, tackling both the challenges of emerging technologies and lawyers' ethical duties.

3. Equip law students with knowledge of tech intricacies and their ethical obligations as technology reshapes the legal field.

4. Emphasize the importance of training in cybersecurity and emerging technologies for both practicing lawyers and law students.

The full text of ABA Resolution 610 can be found at www.american-bar.org/content/dam/aba/administrative/news/2023/am-res/610.pdf. ■

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50/60 Ceremony



PHOTOS BY JAMES PIAGGIO

The 50/60 honorees paused for a group photo at the annual 50/60 Year Practitioners Awards Ceremony on Nov. 16 at the Westin Pittsburgh sponsored by AmeriServ Trust & Financial Services Company. During the ceremony, the ACBA honored those pioneering members of the Pittsburgh Legal Community who have achieved the milestone of practicing law for 50 or 60 years. Those who hit 60-year milestones are: Nick Fisfis, Samuel Kamin, Robert Lebovitz, K. Sidney Neuman, Robert Panagulias and James Weisman. Those who hit 50-year milestones are: John Adams, W. Robert Ament, Eric Anderson, William Andrews, Chester Babst, Joseph Bosick, Charles Buechel, Alexander Bunson, Bruce Carsia, Barbara Clements, James Conte, The Hon. Joy Conti, P. Ronald Cooper, Roger Cunningham, William Davis, Michael DeMarco, Shelley Elovitz, Arnold Epstein, The Hon. Judith Fitzgerald, Howard Gilfillan, Daniel Haller, P. Brennan Hart, Robert Isacke, The Hon. Joseph James, James Jurcic, Daniel Lazzara, Julia Lentchner, James Lestitian, Ronald Lombard, Ralph Manning, Michael McDowell, J. Frank McKenna, Stephanie McKinney, Kenneth Miller, Russell Miller, Caroline Mitchell, Russell Ober, John Perkins, Charles Potter, John Previs, Marc Rosenwasser, David Scott, Frederick Segal, Peter Smith, Thomas Solomich, Harry Stump, Dennis Unkovic, Dennis Uram, Ira Weiss, Richard Welch, Mark Willard, Alfred Yates and Robert Zunich.



ACBA President-Elect Regina Wilson, J. Frank McKenna III, ACBA President Marla Presley and Michael McDowell paused for a photo during the 50/60 Ceremony.

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2023 stock market recap and outlook for the year ahead

By Jim Sinegal

Q. Let’s begin with a recap of the market’s performance as of Q3 2023 and Fragasso’s portfolio management team’s expectations for year end.

A. 2023 looks like a mirror image of 2022. Last year, the S&P 500 experienced its second-worst calendar year since 2003. This year, the market initially got off to its second-best start of the last twenty years, led by large-cap domestic stocks in a repeat of a familiar pattern.

Interestingly, though, stock prices have risen without commensurate growth in earnings. Instead, valuation multiples have expanded even as interest rates have risen (usually these metrics move in opposite directions). We’d be more optimistic if increases in corporate earnings were driving stocks upwards.

However, we believe the economic landscape calls for some degree of prudence in portfolios, especially as the Federal Reserve attempts to tame persistent inflation and the wage inflation that often leads to prices spiraling upwards. We have all seen the impact of labor shortages at local restaurants, in addition to striking workers ranging from Hollywood screenwriters to Detroit automakers. These are signs, in our opinion, that the fight to slow the economy and reduce inflation is not over.

Q. Bonds of all types delivered a disappointing performance in 2022, and interest rates still seem to be climbing. What is Fragasso’s fixed income outlook for the year to come?

A. It’s worth taking a moment to put 2022 into perspective. Apart from last

year, the worst year for bonds in the last forty years was 1994 when they lost 2.9%. 2022 produced fixed income losses several times larger in magnitude, making it essentially a once-in-a-lifetime event for most investors.

Historically, negative bond market returns have been followed by good performance in subsequent years. That has not yet been the case as interest rates continued to drift upward this year, but we have not seen the same volatility this year, and inflation has come down a bit from its highest levels.

Another cause for optimism is that the biggest driver of long-term fixed income returns is the starting yield. To simplify things a bit, bonds did very well in the 1980s (a decade that started with yields in the double-digits) and poorly beginning in 2020 when yields fell to under 1%. With bond benchmarks yielding 5% or more currently, prospects for future returns seem to have improved.

Q. What has been the driving force behind the exceptional performance of the U.S. stock market in 2023?

A. It’s a recurring theme – technology and a select group of stocks. Over the last decade, we’ve witnessed market leadership evolve from the five “FAANG” technology stocks (Facebook, Amazon, Apple, Netflix, and Google) to a “magnificent” group of seven (Facebook, Apple, Amazon, Microsoft, Alphabet/Google, Tesla, and NVIDIA).

Surprisingly, most of the U.S. stock market’s gains this year can be attributed to this small group of stocks. This remarkable success of these tech giants has also led to a situation

where the S&P 500 is now more concentrated than it has been in the past century, with these seven companies accounting for over 25% of the index. In contrast to the predictions of investment theory, more diversified portfolios have for the most part underperformed large technology stocks in recent months.

Q. Is this concentration in the market something to worry about, or is it creating opportunities? What is the outlook for the market moving forward?

A. We believe there’s no need for excessive concern; this situation doesn’t resemble the dot-com bust. It’s worth recalling that the tech sector had a challenging year in 2022, so part of the current performance can be attributed to recovery of past gains. Even more importantly, we’re dealing with exceptionally strong companies. Just imagine trying to compete with the likes of Google in search or Amazon in e-commerce. Their stock price performance is not irrational – it mirrors their growth in revenue and profits.

However, one factor that warrants caution is valuation. Many big tech companies are now worth a trillion dollars or more, making it harder for them to maintain the same growth rates. Furthermore, earnings yields on tech stocks are less attractive relative to risk-free government bonds which now offer nominal yields of around 5%. Tech valuations are also significantly higher than most other sectors of the market.

Short-term market performance is nearly impossible to predict. But we do expect the Federal Reserve’s

efforts to tame inflation to result in higher interest rates and slowing economic growth, and growing conflicts around the world do not bode well for investor confidence.

Q. International stocks were a strong performer last year. Is this something expected to continue?

A. Historically, international stocks have shown resilience when U.S. stocks decline, and 2022 was a great example of that phenomenon. That was a year in which diversification helped, and we expect that will be the case over time.

Most large companies are global to some extent, but the major international markets don’t have the same exposure to technology as the U.S. does. China is a notable exception, but their tech companies are subject to a lot more risk than their American counterparts, to say the least. When tech companies are booming, as in the late 1990s or most of the last decade, it’s hard to beat the U.S. markets.

That said, there’s an enormous valuation disparity at the moment, and international stocks are much cheaper on a price-to-earnings basis. 60% of global market capitalization is outside the U.S., but a much lower percentage of international stocks in a portfolio provides a valuable diversification benefit. And after many years of lackluster performance, international stocks are unloved by most investors – making it more likely that bargains can be found overseas.

Q. Many market commentators are proclaiming the death of the 60/40

Continued on page 14

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Judge Lenihan Retirement



PHOTOS BY JAMES PIAGGIO

The ACBA celebrated the career of U.S. District Court for the Western District of Pa.'s Magistrate Judge Lisa Pupo Lenihan on Nov. 15 at Hotel Monaco. ACBA Immediate Past-President Erica Laughlin, ACBA Treasurer Keri Ebeck, Hon. Lisa Pupo Lenihan, ACBA Secretary Joseph Froetschel, ACBA President Marla Presley, ACBA Executive Director Dave Blaner and ACBA President-Elect Regina Wilson paused for a photo during Judge Lenihan's Retirement Reception.



The Hon. Lisa Pupo Lenihan chatted with Pitt Law's Vice Dean and upcoming 2024 Drum Major for Justice Awardee Jerry Dickinson during her reception.



Jake Oresick, Tricia Martino, Tyler Park and Jaclyn Faulds of Houston Harbaugh paused for a photo with the Hon. Lisa Pupo Lenihan, center.



ACBA President Marla Presley, Hon. Lisa Pupo Lenihan, Laura Bunting and Hon. Mark Hornak grab a photo during the reception.



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LAW PRACTICE MANAGEMENT
continued from page 8

Finally, set a goal date and calendar the tasks for completion just as you would to manage a big project or case. ■

Part one of this article was published in the December 15, 2023 Lawyers Journal. Tamara Philabaum is the owner of T2 Management Solutions. Robert Dulay is a senior business valuation associate with the HBK Valuation Group.

2023 STOCK MARKET RECAP
continued from page 12

portfolio after both stocks and bonds fell in 2022. Does the Fragasso portfolio management team believe this criticism has any merit?

A. The fact that fixed income provided little to no actual income for several years was clearly a problem for traditional portfolios. However, it's important to remember that diversification and downside protection (rather than income) is arguably the most important function of the bond portion of a portfolio. For most of the past century, bonds have fulfilled that role well – for example, the Bloomberg Aggregate Index was up in the first quarter of 2020 when stocks sold off dramatically as COVID spread around the globe.

Investors can also diversify their fixed income risks by adding credit exposure, committing to less liquid instruments (including private credit or real estate), or investing in more complex structured products. When done appropriately these investments can provide additional income, diversification, and potentially higher returns than “core” bonds. Some of these asset classes have traditionally

been available only to institutional investors, making a thorough research process and an understanding of client risk tolerance imperative for constructing an appropriate portfolio.

Q. Is a recession looming in 2024, and what steps can clients take to prepare for such an event?

A. Looking at the economic data and geopolitical events, and with another election year on the horizon, it's hard not to be somewhat cautious moving into 2024. But employment is the most important factor, and we are still having problems with a tight labor market, rather than a lack of available jobs.

Regardless of economic developments over the next year, investors should remember that:

1) Recessions are normal. Over the last twenty years the markets have risen despite the dot-com bust, a global financial crisis, and a global pandemic. The next downturn is also likely to be manageable with the right plan.

2) Portfolios and financial plans are built to navigate through a variety of economic conditions. Diversification is more reliable than prediction.

3) The world's richest people are all long-term investors in companies, not short-term market-timers. ■

Sinegal is a Senior Investment Analyst at Fragasso Financial Advisors. Investment advice offered by investment advisor representatives through Fragasso Financial Advisors, a registered investment advisor.

www.ACBA.org

Bar Briefs

News and Notes



Brian C. Vertz

Pittsburgh divorce lawyer and Pollock Begg Partner **Brian C. Vertz** was named president of the American Academy of Matrimonial Lawyers Foundation.

Tammy Singleton-English was nominated to serve as chair of the South Hills Networking Committee for the Solo and Small Firm Practitioners Section. In addition, she was nominated to serve as Treasurer for the Estate Planning Council of Pittsburgh, which is a professional organization for attorneys, CPAs, financial planners, and bankers/trust officers who engage in estate planning, probate (estate administration,) and tax matter for their clients. Singleton-English is an estate planning attorney, CPA, and the

founder/owner of Singleton-English Law Offices, which is located in the South Hills of Pittsburgh and focuses on tax, estate planning, and estate administration.

People on the Move



Dominic A. Carrola

Peacock Keller has welcomed attorney **Dominic A. Carrola** to their firm. Carrola will focus his practice in the areas of civil litigation, medical malpractice defense, landlord-tenant disputes and tax assessment appeals.

Pittsburgh attorney **William (Bill) E. Lestitian** was named general counsel at Gateway Engineers, Inc. (Gateway), a Pittsburgh-based, fully integrated engineering firm. Lestitian formally assumed the position on Oct. 2, 2023.

Probate and Trust Mentorship Program Available

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

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UPCOMING JANUARY ACBA CLEs

Estate Administration from the Executor’s Perspective
Tuesday, January 9 | Noon | Live Webinar | 1 Substantive credit

Retrieval Augmented Litigation:
AI Tools and Prompt Engineering Techniques
Wednesday, January 10 | Noon | Koppers Building | 1 Substantive credit

5th Annual Criminal Law Symposium
Friday, January 12 | 8:30 a.m. | Koppers Building
4 Substantive, 2 Ethics credits

Preparing for Trial as a Solo Attorney
Tuesday, January 16 | Noon | Live Webinar | 1 Substantive credit

Practical Considerations in Estate Planning
Wednesday, January 17 | Noon | Live Webinar | 1 Substantive credit

Hydrogen, Carbon Capture and Storage
Thursday, January 18 | Noon | Live Webinar | 1 Substantive credit

Latest Developments in R&D Tax and Changes to Section 174
Tuesday, January 23 | Noon | Koppers Building | 1 Substantive credit

Meet the Clerk of Court in the Western District
Thursday, January 25 | Noon | Joseph F. Weis, Jr. U.S. Courthouse
1.5 Substantive credits

What Attorneys Who Handle Medical Records Need to Know
Thursday, January 25 | 4 p.m. | U.S. Steel Tower | 1 Ethics credit
**All Rise (A Glass) Happy Hour to Immediately Follow CLE Courtesy of UPMC*

How to Navigate a Mid-Career Crisis (Without Buying a Motorcycle)
Tuesday, January 30 | Noon | Live Webinar | 1 Ethics credit

Register at ACBA.org/Calendar.

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‘All Rise’ (A Glass) Happy Hour

PHOTO BY JAMES PIAGGIO

Members of the ACBA Civil Litigation Section met at McGuireWoods
LLP for the latest edition of the ‘All Rise’ (A Glass) Happy Hour series
on Nov. 21. The event was sponsored by McGuireWoods and Rimkus.
ACBA Secretary Joseph Froetschel, Jennie Weakland of Rimkus and Civil
Litigation Section Chair Gina Zumpella paused for a photo at the event.



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