LAWYERS JOURNAL

FOCUS *on* WORKERS' COMPENSATION

Recalling the founding of the ACBA and our purpose

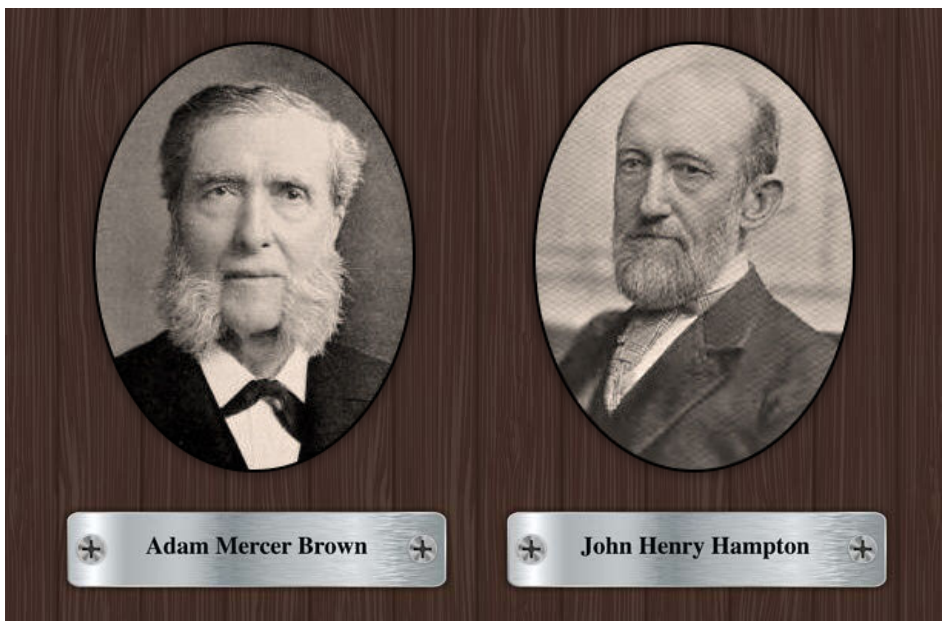
By Ron Schuler

On February 28, the Allegheny County Bar Association will commemorate the 150th anniversary of its founding. While other cities established bar associations prior to Pittsburgh (the Hartford County Bar Association purports to be the oldest, founded in 1783), the founding of Pittsburgh's new bar association occurred at the beginning of a period in which the legal zeitgeist buzzed about the formation of organizations – corporations and partnerships in the business world, and "associations" in the professional world.

As the first president of what was then known as the "Pittsburgh Law Association," Adam Mercer Brown said, "Organization is the great industrial, commercial and professional lever of the age," and only two weeks before, the most influential bar in the country established the Association of the Bar of the City of New York in that same spirit.

Three years earlier, a small group of Pittsburgh's elite lawyers had cooperated in the founding of the Allegheny County Law Library. With the momentum of that project behind them, some of them got together and solicited a charter for the establishment of the Pittsburgh Law Association. Corporate lawyer John Henry Hampton, who had written the legislation for the charter of the law library, was the author of the state legislation creating the Association, which was signed into law on February 28, 1870.

But these founders had more than mere "organization" on their minds. The New York founders were explicit about their aims: they were establishing their Association for the public benefit, and in order to restore the dignity of the legal profession within the context of New York's corrupt "machine" politics. Likewise, the Pittsburgh Law Association was meant to be an instrument of reform in Pittsburgh.



As Brown said, "When earnest, honest and fearless associations shall be formed and work together for the same end, then the spirit of reform will be promoted, the character and morality of the profession elevated and improved, and the dignity of the American Bar advanced." The Association would be the vehicle through which the elite lawyers of Pittsburgh, as stewards of democracy, would promote the rule of law and American constitutional principles within the community.

At its first meeting on March 19, 1870, 20 members were present for the election of Brown as the first president, John H. Bailey as vice president, W.S. McCune as secretary and Marcus W. Acheson as treasurer. Within two months of its founding, 165 out of the approximately 350 lawyers who were members of the Pittsburgh bar had been accepted or applied for membership. They met monthly during that first year, on Saturday afternoons, to discuss such topics as eliminating the minor judiciary, setting standards for admission to the bar, and establishing minimum fees.

After Brown stepped down at the end of the first year, the then-publisher of this journal, James W. Murray, was elected as the new president; but the regular activities of the Association came to a halt, and would not be revived until Hampton, the author of the Association's charter, was elected as president in 1882. During Hampton's one-year term as president, the name was changed to the "Allegheny County Bar Association."

Over time, as the "age of organization" merged and overlapped with an "age of democratization," the ACBA ceased to be an organization of the so-called elite lawyers of Pittsburgh only, and eventually became an organization that invited all members of the Pittsburgh legal profession to join and take part in defining its aims and objectives. Our bar association, especially with the jolt of energy it received upon the arrival of James I. Smith, III as executive director in 1962, has become one of the most admired bar associations in the nation for its large and attentive membership, innovative spirit and collegiality.

Although democratization has happily given greater opportunities for previously marginalized voices to be heard and enhanced the atmosphere for spirited debate, there is much that unifies us within the ACBA. Today, we are still the stewards of democracy, and we are called upon to be the public faces of the American constitutional system through our service to the community. This year, as our president Lori McMaster has declared, is a "Year of Impact;" but it is important for us to remember what our founders believed: that reform is a never-ending process, and by serving the public collectively through our Association, we may not only have an impact on our community, but we may elevate our own character and the dignity of our work. ■

Statement from ACBA President Lori McMaster

Lori McMaster, president of the Allegheny County Bar Association, issued the following statement in response to recent reports that Allegheny County Common Pleas Judge Mark Tranquilli allegedly used racially derogatory words to describe a Black juror.

"In remaining steadfast to the Allegheny County Bar Association's mission and values, we have a duty to our members, our clients, and the African American and broader communities at large, to continue to take action to eliminate implicit and explicit racial bias in our legal system. As such, the ACBA is demanding a complete investigation by the Judicial Conduct Board of Pennsylvania of Judge Tranquilli's alleged communications to ensure that this matter receives prompt attention and a just resolution." ■

Statement from the ACBA Homer S. Brown Division

The Homer S. Brown Division (HSBD) of the Allegheny County Bar Association (ACBA) recently celebrated the appointment of Allegheny County's first African American President Judge as a belated, but important, step forward for our region. Unfortunately, just one year later, we are confronted with an example of the systemic racism that both attorneys and litigants of color face all too often in our local courts.

We are disheartened to learn of allegations that Judge Mark Tranquilli made racially derogatory remarks at the conclusion of a case over which he was presiding. In remaining steadfast to the mission of HSBD, we have a duty to our members, our clients and the African American community at large to continue to take action to eliminate implicit and explicit racial bias in our legal system. As such, HSBD demands that the Judicial Conduct Board of Pennsylvania initiate a thorough and timely investigation of Judge Tranquilli's alleged communications, with appropriate referral to the Court of Judicial Discipline for the imposition of all appropriate sanctions.

HSBD condemns any judicial conduct that is demeaning, racist, or discriminatory to any person and considers such behavior to undermine the fair administration of justice. Those elected or appointed to serve in our judiciary must be held to the highest standard. African Americans and all people of color must have every confidence that they will be treated impartially and with the utmost respect during encounters with our judicial system, without exception.

Our system of justice deserves nothing less. ■

Articles on workers' compensation begin on page 3.

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Supervising Editor: *David A. Blaner*
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Gender Bias Duty Officers

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

Kimberly Brown.....412-394-7995
kabrown@jonesday.com
Jeanine DeBor.....412-396-5215
deborj@duq.edu
Rhoda Neft.....412-406-5434
rhoda.neft@gmail.com

Ethics Hotline

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

February
John F. Becker.....412-921-1605
Dawn Gull.....412-440-5718

March
Darth M. Newman.....412-436-3443
Ernest B. Orsatti.....412-338-1145

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

Zokaites Contracting, Inc., General Partner and Trading as Zokaites Properties, LP, and Wycrest Development, Inc. v. Jeffrey A. Hulton, Walko, Jr., J. .....Page 51
Professional Legal Negligence—Rule 1925(b) Statement—Summary Judgment

Trial Court granted summary judgment in favor of defendant on plaintiffs' claim of professional negligence for failing to timely file a Rule 1925(b) statement resulting in waiver of appeal. Trial Court found that plaintiffs would not have been successful in the underlying appeal.

Commonwealth of Pennsylvania v. Lauren O'Connor, Lazzara, J. .....Page 52
Criminal Appeal—Sentencing (Discretionary Aspects)—Attempted Homicide—Maximum Sentence—Standard Range

Defendant challenges the maximum sentence imposed for conspiracy to commit attempted homicide, but greatly exaggerates her cooperation with authorities and mitigation evidence.

ACBA to move into temporary space by March 1

By Mark Higgs

The relocation of ACBA headquarters to the 6th floor of the Koppers Building is underway. The move will be completed by March 1, with no interruption in service levels provided to members. All regular operations will remain unchanged.

The front desk and reception area will be clearly visible upon exiting the elevators on the 6th floor. The Pitt, Duquesne and C conference rooms will all be located on the 6th floor, while ample signage will help direct members to their new locations. The rooms will be slightly smaller than their 4th floor counterparts.

All meetings that would normally occur in the James I. Smith III Boardroom will instead take place in the 9th floor conference area.

Signs on the 4th floor will direct members to temporary ACBA headquarters during renovations.

"Our priority has been to provide our members the best benefits, while choosing the best financial option for the organization," said ACBA Executive Director David Blaner. "Expect no fluctuation in services we provide during our temporary relocation." ■

Welcome New Members

The following were approved as new ACBA members at the February 4 meeting of the Board of Governors.

Active members

Jessica Barrera, Esq.
William Bevan, III, Esq.
Maya Cheriyan, Esq.
Anthony W. Cosgrove, Esq.
Gabriel C. Dakis, Esq.
Jacob B. Dunston, Esq.
Kirsten Franzen, Esq.
Dana L. Fruzynski, Esq.
Raul E. Garcia, III, Esq.
Timothy Graham, Esq.
Kelsey Kennedy, Esq.
Jennifer Modell, Esq.
Drew W. Rummel, Esq.
Anna Z. Skipper, Esq.
Sarah Tobias, Esq.
Joseph Turman, Esq.
Allegra Cristina Wiles, Esq.
David M. Zvirman, Esq.

Active government/legal services members

Alexandra N. Boyer, Esq.
Hannah M. Fielding, Esq.
Amelia Goodrich, Esq.
Rita T. Porterfield, Esq.
Ilan Zur, Esq.

Associate members

Patricia L. Schoenberger, Esq.
Christine Trotz-Cosgrove, Esq.

Law student members

Priya Desai
Zoe Gujral
Christopher T. Howe
Trisha Klan
Berit D. Klym
Jenna C. Schlosser
Nicholas C. Scholle
Jean Yesudas

Join the ACBA Workers' Compensation Section

For more information on the ACBA Workers' Compensation Section, visit *ACBA.org/Workers-Compensation-Section* or email liaison Amy Giesy at *agiesy@acba.org.*

"I'll bring my 42 years of experience, expertise and credibility to the table and will even handle the case. You keep the satisfied client." – Bob Garber

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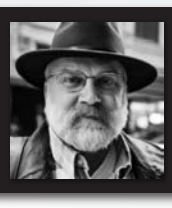

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attorney.garber@gmail.com
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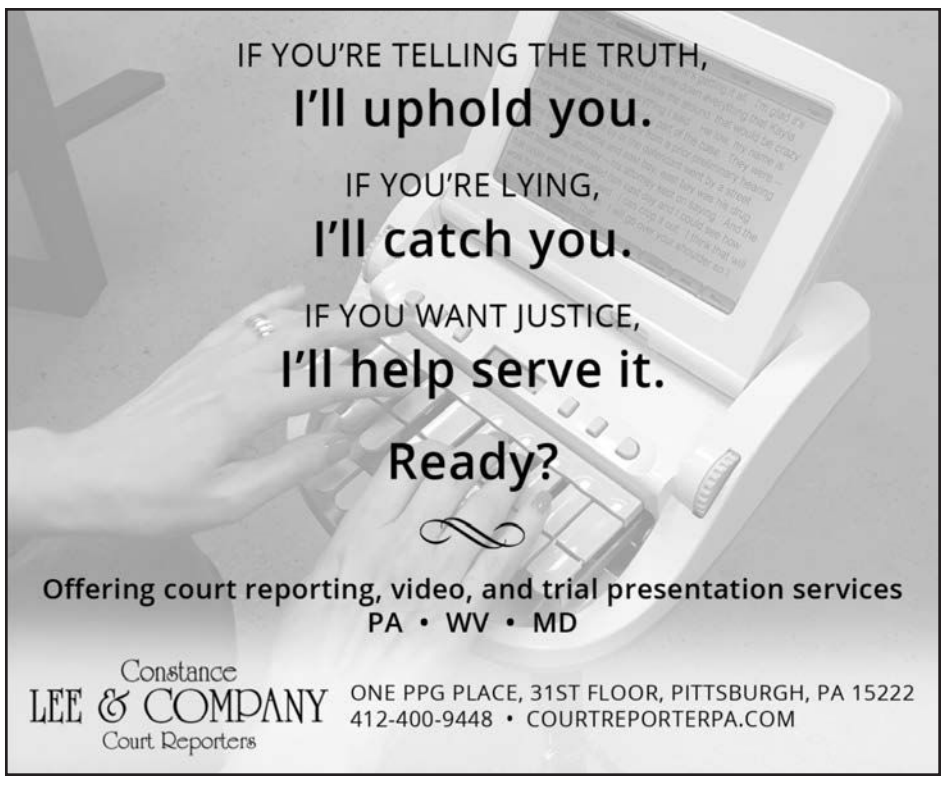

The Pennsylvania Workers' Compensation Act: *History and policy over 105 years*

By David B. Torrey

Pennsylvania, like most states, began consideration of enacting workers' compensation legislation in the early years of the twentieth century. A number of factors were at work. They included:

1. Societal pressure for legislation that would address the Industrial Revolution's epidemic of uncompensated work injuries and deaths.

2. Employer desire to be free of unpredictable tort liability in civil actions.

3. The positive experience of similar programs in England and Germany.

4. The 1911 enactment of such laws in other states, including Massachusetts, New Jersey, New York, and Wisconsin.

All of these factors coalesced to motivate the Pennsylvania legislature to consider a workers' compensation act. Governor John K. Tener, in 1911, established a commission to make recommendations with regard to the advisability and form of such legislation.

In 1912 the commission proposed such legislation. The law was modeled on the British Workmen's Compensation Laws of 1897 and 1906, which imposed liability for the first time on employers, on a no-fault basis, for work accidents. The British law's approach ultimately won out over the German concept of compensation insurance, a more comprehensive system which also provided coverages for non-work-related illnesses and injuries.

A debate existed with regard to what coverages and benefits were to be included. The most debated issue was whether occupational diseases were to be included. The view that diseases were to be *excluded* prevailed until the late 1930s. It was then, in 1937, that recovery was added for such things as anthrax in tannery workers and Black Lung in coal miners. In the present day, over 35 occupational diseases, including Hepatitis C in healthcare providers and cancer in firefighters, are listed in the law.

To ensure that the law was constitutional, proponents succeeded in having the state constitution amended (Article III, § 21, renumbered § 18 in 1968) to allow for a compulsory law.

The original Pennsylvania law was passed on June 2, 1915, to be effective on January 1, 1916. The law in its initial form, though amended many times over, is still familiar in many aspects when compared to the Act in its present form. The most prominent aspects of this enduring law are:

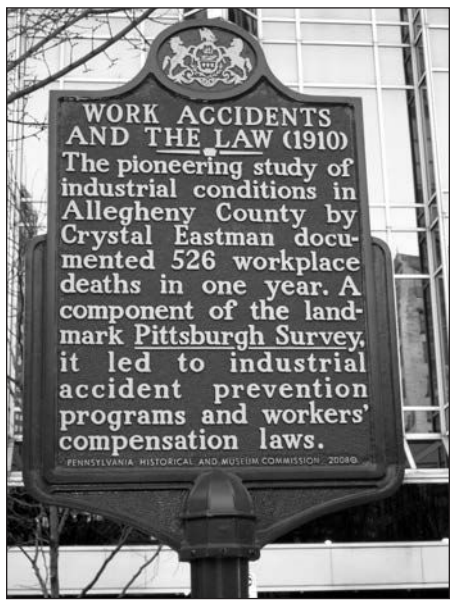

PHOTO BY DAVID B. TORREY

A historical marker to workers' compensation is prominently displayed at Market Square.

1. The operative employer liability principle, no-fault, in exchange for which the employer, in compromise, enjoys immunity from tort liability.

2. The three pillars of worker coverage – he or she must be an employee, the injury must have arisen in the course of employment, and the injury and any disability must be causally connected to work.

3. The injured worker's items of recovery are a portion (typically two-thirds) of his or her lost weekly wages and medical treatment expenses (the recovery is reflective of insurance benefits, not damages).

4. A dispute resolution system administered by the Department of Labor & Industry and presided over by workers' compensation judges.

The law has been amended several times over the years. The Supreme Court immediately required that in disputed cases, adjudications over compensability had to be based on legally competent evidence, and the legislature immediately amended the law in compliance. The court also banned lay representation. By way of these two acts, a less formal dispute resolution process for workers' compensation was suppressed at the outset. (In the present day, lawyer representation is generally the rule, with contingent fees capped at 20%.)

Though the law retains many familiar, century-old aspects, most participants agree that the modern history of workers' compensation in our state began in 1972. In that year, the legislature, concerned over possible federalization or mandatory federal standards, amended the law to expand coverages, allow worker freedom of choice as to medical care, raise weekly benefit rates, and restructure the dispute resolution process. A critical 1972 coverage expansion was the change of the compensable event from "accident" to "injury." The ultimate demise of restricting injury coverage ultimately unfolded in 1987, when the Supreme Court defined the term "injury," as any "adverse and hurtful change." Top benefit rates, meanwhile, became tied to the state's average weekly wage, and the injured worker was no longer consigned to treat only with the company doctor. The most prominent dispute resolution change was to make the first-level hearing officer, then titled the referee, the final fact-finder.

David B. Torrey

In the decades which followed, *retractive* change has generally been the rule. In 1993, the law was amended in an effort to contain medical costs via the introduction of utilization review and fee caps. In 1995, the legislature reduced the value of long-term hearing loss awards. In 1996, the duration of total disability was reduced to 604 weeks, for all but the most severely impaired; and the employer's ability to show a worker's resolution to partial disability was eased. That same year saw the legislature's allowance of compromise settlements and, for the first time, injured workers were (following an oversight hearing) allowed to tender releases. This "C&R" practice has now become a prominent aspect of the dispute resolution system, encouraged further by the 2006 introduction of in-house mandatory mediation.

The epidemic of uncompensated work injuries and deaths, and how it brought about workers' compensation laws, is commemorated in Market Square with a state historical marker. The crisis has passed, but workers' compensation has endured as legislation that has served society well. ■

Torrey is a Workers' Compensation Judge and an Adjunct Professor of Law at the University of Pittsburgh School of Law.

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Scholarships available to children of ACBA attorneys who wish to attend Yale or University of Paris

The children of Allegheny County attorneys who plan to attend Yale or Sorbonne University (the University of Paris) are eligible for significant scholarships thanks to the Kennedy T. Friend Scholarship Fund.

The fund was established by Kennedy T. Friend, a distinguished Allegheny County attorney who died in 1928. His will stated that his estate would benefit the children of Allegheny County attorneys who attend either of these institutions. The children of any attorney with a principle office in Allegheny County are eligible.

Scholarship applications should be submitted at the same time as applications to the school. For more information or to apply, visit *www.ACBF.org/Kennedy-Scholarship-Fund* or contact Angelina Lowers, the fund's fiduciary advisor, at 412-807-3309 or *agnelina.lowers@pnc.com.*

A Message from the ACBA Workers' Compensation Section Chair

By Ronald Fonner

If you're like me, the *Lawyers Journal* is a must-read: it is my connection to practice management tips, trends in legal technology, and substantive changes in the law; along with ACBA news and inspiring stories about members advocating for their clients and community.

With this edition, we shine a light on Workers' Compensation as a practice specialty. Our goal in designing this issue was to provide topics that, while Workers' Comp-related, overlap with other areas of law. To that end, the pages ahead will outline the benefits available for cancer-stricken fire-fighters, discuss the advent of telemedicine following work injuries, and break down subrogation in cases involving Heart & Lung benefits. Additionally, with the help of the Honorable David Torrey – a nationally recognized member of our Pittsburgh workers' compensation bench – we look at how the workers' compensation system treats the compensability of mental/psychological injuries. ACBA partner USI will detail the need for, and different types of, disability income, while Ametros foreshadows deeper involvement of Medicare set-asides in personal injury settlements. We also introduce you to the vital role played by the Workers' Compensation Appeal Board and follow along as the newest Pittsburgh judicial appointee – The Honorable Eric Abes – navigates his first six months of the bench. And, most importantly, we help you look good by providing a handy "cheat sheet" for the most popular questions asked by clients, family and friends!

Ronald Fonner

Like the ACBA as a whole, the Workers' Comp Section prides itself on collegiality. One of the more unique things about our Section is the annual September golf outing to benefit Kids' Chance of Pennsylvania. In 2019 alone, the event – which brings together attorneys and judges to Shannopin Golf Club for a morning of CLE followed by lunch and golf – delivered $10,000 to the Kids' Chance organization, whose scholarship program financially supports the children of individuals who suffer catastrophic or fatal work-place injuries.

We welcome your interest in our Section and encourage you attend one of our CLE's, utilize our ACBA partners, and/or reach out to the attorneys who contributed their expertise to complete what is certain to be a collector's edition *Lawyers Journal.*

Ronald J. Fonner is a Partner with QuatriniRafferty, PC. He is certified by the Pennsylvania Bar Association as a Workers' Compensation Specialist and focuses his practice exclusively on the representation of injured workers in claims for workers' compensation and Heart & Lung benefits.

Articles wanted for the *Lawyers Journal*

If you have an idea for a substantive law article or would be interested in authoring one, please email Jennifer Pulice at *jpulice@acba.org.*

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LAW PRACTICE MANAGEMENT

Disability insurance helps to protect your income

By USI Affinity

When you hear "insurance," what do you think of? Most would immediately think of the coverages that may be required, such as auto and home or malpractice insurance. Next may be the different types of insurance you get through your employer, which may include a life insurance policy or health insurance. While all those coverages are important, there is one other insurance solution that can make all the difference for you and your loved ones, should the unexpected occur: disability insurance.

Disability insurance helps to protect your income should you develop a disability, whether an injury or illness, that prevents you from working for a period of time. The money that is disbursed on a monthly basis from this policy can go toward paying bills and/or daily living expenses that may be difficult to manage without a steady income for the duration of your disability.

Disabilities are not specific to just one age group.

• The Social Security Administration asserts that it paid out approximately $10.5 billion to 8.5 million disabled workers in 2018. This averages out to $1,234.00 per month for each disabled worker. [1]

• Workers out of work with a disability and their dependents account for 13% of the total Social Security benefits paid out. [1]

• Over one in four of today's 20-year-olds will become disabled before age 67. [1]

[1] *(Fact Sheet. Social Security Administration, 2019. Retrieved January 10, 2020 from www.ssa.gov/news/press/factsheets/basicfact-alt.pdf.)*

As with any type of insurance, there are aspects of a person's life that will impact their policy. These factors include age, occupation, gender, smoker status, location and preexisting health conditions.

A feature you will want to look for in a policy is called "own occupation." The plan should be designed to pay benefits if you are totally disabled and the incapacity has left you completely and continuously unable to perform the substantial and material duties of **your** regular job. Therefore, benefits are payable even if you can perform a job other than your own.

Just as with life insurance, benefit amounts vary based on the needs of the individual. Coverage does not replace 100% of the insured's income. However, many insurance policies do pay a high percentage of that lost income, generally 60 percent but could be as high as 70 percent.

Each policy and carrier will have different stipulations on how long your benefits are payable. However, this is an important component to pay attention to when reviewing your policy. How long you are able to keep your policy active will depend on your age at the time the policy is put into force.

More often than not, there may be a waiting period otherwise known as an "elimination period." This is the period of time after the policy is approved that the insured must wait before their benefits become active.

As a member of the Allegheny County Bar Association, Group Long-Term Disability Insurance solutions are available through the ACBA Insurance Program to help you continue saving for your retirement and protect your assets. Contact USI Affinity to learn about your options for disability insurance, online at *www.mybarinsurance.com/allegheny/personal-insurance* or call 800-327-1550. ■

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*.

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ACBA Workers' Compensation Section golf outing to be held Sept. 17

Outing benefits the educational pursuits of children whose parents were injured or killed in a work-related accident

By Zandy Dudiak

For the "better part of two decades," the ACBA Workers' Compensation Section has been raising money through a golf outing for a nonprofit that benefits the educational pursuits of children whose parents were injured or killed in a work-related accident.

This year, the event will return to the links at Shannopin Country Club in Ben Avon Heights on Sept. 17. Participants can enjoy a day of golf, earn a CLE credit, eat lunch and network. A portion of the event proceeds benefits Kids' Chance of Pennsylvania, a 501 (c)(3) organization dedicated to helping kids who need assistance paying for college or vocational education because a parent was injured or killed in a work-related accident.

The golf outing raised about $10,000 in 2019, the first time in the history of the event that it hit that milestone mark, according to Michael Quatrini, who chairs the Workers' Compensation Section's Golf Outing Committee.

"Kids' Chance occupies a special place in the workers' compensation world because it's celebrated and supported by attorneys – those who represent workers and those who represent employers and insurers – and everyone involved in the workers' compensation process," Quatrini said.

Support also comes from companies, insurers and medical professionals, he added, as well as event sponsors. The 2019 outing drew an estimated 65 participants, including lawyers, judges and sponsors.

The golf outing also includes the chance for the winning team to earn the prestigious Joseph F. Grochmal Memorial Cup, named for a legendary practitioner and famed golf fan, Quatrini said.

"He was revered for his collegiality throughout his practice of law," Quatrini said. "Joe was a legend in that sense."

He said the structure is "unique" for a golfing fundraiser in that the registration fees of participants go toward the cost of golf, food and drink, allowing the sponsorship money to benefit Kids' Chance.

"We've designed the event so every sponsorship dollar goes directly to the Kids' Chance charity," Quatrini said. "By streamlining the frills at the golf events, we've been able to increase our impact to Kids' Chance from the inception of the tournament to the present time."

The event organizers have also attempted to create a stronger bench-bar atmosphere, a move that has attracted more people to the event, Quatrini said. The 2019 golf outing attracted a record number of judges, in part due to the CLE program that included a panel of four judges who provided helpful insights on the do's and don'ts of practicing before them. The topic of this year's CLE has not yet been decided.

"Over the last five years, we've redesigned the golf outing to include a continuing education course prior to the golf outing, followed by a lunch where all attendees sit and break bread before heading out to the golf course," Quatrini said. "Two years ago, we switched from being a dinner-focused event to a lunch."

Quatrini is quick to credit the golf outing committee for the success of

Continued on page 8

Abes finds perfect fit as workers' compensation judge

By Ron Cichowicz

When Eric Abes applied for, and eventually landed, a position as a Workers' Compensation Judge for the Commonwealth of Pennsylvania, he would be the first to admit he wasn't quite sure what would be expected of him.

But, then, that never seemed to stop him before.

Born and raised in Squirrel Hill, even early on the odds favored Abes entering the legal profession at some level. His father, Edward Abes, is the founder of Abes Baumann law firm. (The elder Abes retired Dec. 31, after a 50-year law career.)

"My dad is one of the deans of the legal community regarding workers' compensation," said Eric. "He's been doing it since the 1970s. He was one of the first members of the NFL Players Association's Workers' Compensation Panel. Every city with an NFL franchise names a firm or firms for workers' compensations. In Pittsburgh, that firm is Abes Baumann."

"I grew up hearing about the history of workers' compensation and my dad was a huge influence on my career first as a lawyer and now as a judge."

After graduating from The Kiski School, Abes attended George Washington University in Washington, DC. The summer before his freshman year, he interned for the Allegheny County Clerk of Courts and in the District Attorney's office while a student at George Washington.

A self-described "lousy student" during his time at GW, Abes enlisted

Eric Abes

in the U.S. Army in 2001. He served for five years as an infantryman with the 82nd Airborne Division, including three deployments to Afghanistan and Iraq, and earned a number of badges, awards and medals.

Abes left the service in May 2006 and soon after enrolled in the University of Pittsburgh to finish his degree. No longer a "lousy student," he earned solid grades and was inducted into the Alpha Sigma Lambda National Honor Society. Abes then entered Seton Hall University School of Law in Newark, NJ, graduating with his J.D. degree in 2012.

While at Pitt and Seton Hall, Abes kept busy in and out of the classroom. During those years, he served as a law clerk in the Essex County New Jersey Office of the Public Defender and as a paralegal and law clerk for several civil litigation law firms in Washington, DC; New York and New Jersey.

When Abes graduated and as he assessed opportunities, the possibility of working with his father emerged. After several conversations and interviews with the senior Abes' partner Thomas Baumann, he accepted a position to join their firm.

"I leaped at the chance to work with, and continue to learn from, my dad," he said.

Married and living in Dormont, Abes and his wife, Robin, saw their family begin to grow when in June, 2018, their first daughter was born. Soon after, in March, 2019, they adopted a second daughter. After talking to one of the judges about the opportunity, he decided to apply for a position as a Workers' Compensation Judge.

The interview process included both an oral and written section. The interview panel consisted of two judge managers and the director of the Workers' Compensation Office of Adjudication, which is part of the Commonwealth of Pennsylvania's Department of Labor and Industry and is an administrative court, which deals only with issues related to workers' compensation.

Abes was appointed as a Workers' Compensation Judge on June 24, 2019.

"I am a trier of fact for workers' compensation claims, both for initial claims and then as later issues arise," he said. "I am purely dealing with work-related injuries. The work is interesting and intellectually challenging. I was a claimant lawyer. It is a different perspective now to be a neutral arbiter."

Acknowledging he has not yet completed a full year in his position, Abes said that he has "zero complaints" about the job.

"The best aspects are that the work is incredibly interesting and the people in our office are terrific to work with," he said. "No way I could have been prepared for how incredibly collegial and nice everyone is. They all remain willing to help me, from the secretaries to the managers and the judges."

Abes also acknowledged that his position is "incredibly conducive" to being a dad. His hours mostly are set and he doesn't talk to clients during evenings or on the weekend as he did previously.

"My wife and I share domestic duties," he said. "She's got a head for the kids when it comes to clothes, doctors' appointments and other needs. It's amazing how her brain functions for those types of needs.

"I call myself the 'primary domestic homemaker.' I do most of the cooking and Robin will tell you I'm the 'domestic one.'"

"My job is amazing and I love it. The only experience I've loved more was being in the Army." ■

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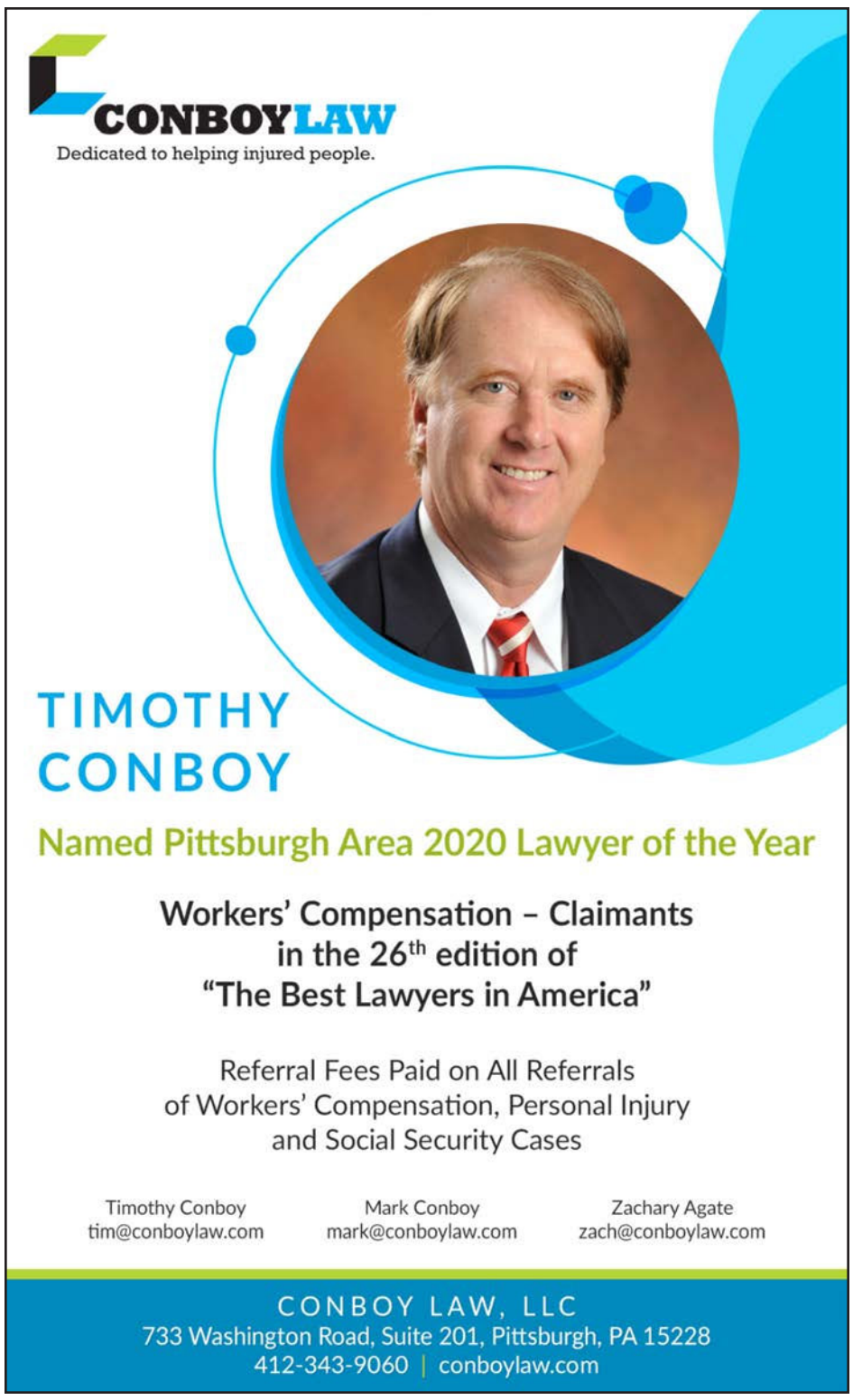

WORKERS' COMP GOLF OUTING
continued from page 6

the event. The committee includes Greg Fischer and John Gaughan. Ronald Fonner, ACBA Workers' Compensation Section Chair, is an honorary committee member. Anne Crilley, who coordinates all the continuing legal education offerings for the golf outing, is an "integral part" of the event, Quatrini added.

According to the Kids' Chance of Pennsylvania website, 57 students were awarded scholarships for the 2019-20 school year. The total amount awarded was $179,000, ranging in amounts from $500 up to $5,000 for the Scholar Sponsor recipients.

The Kids' Chance website notes that hardships created by the death or serious disability of a parent often include financial ones, making it difficult for deserving young people to pursue their educational dreams. Quatrini has seen the impact of these awards. Two of his clients – Kaila and Kylee Clawson – are Kids' Chance scholarship recipients.

"The Kids' Chance scholarship has helped support me financially," Kaila said. "I can ease my mind now that I know my financial situation is being resolved. I am very thankful for this program and glad that students, like me, have this support to further their education."

Her sister agreed.

"I am grateful that this grant can help me financially while I attend college," Kylee added. "Although this is my last semester, I would like to thank the Kids' Chance program because this grant will help me start to pay off my loans after I graduate." ■

Save the Date – September 17

An overview of Kids' Chance of Pennsylvania

By Peter J. Gough

Our Mission

The mission of Kids' Chance of Pennsylvania is to provide scholarship grants for college and vocational education for children of Pennsylvania workers who have been killed or seriously injured in a work related accident resulting in financial need.

The hardships created by death or serious disability of a parent often include financial ones, making it difficult for deserving young people to pursue their educational dreams.

During the 2018-2019 fiscal year, Kids' Chance of PA awarded 57 scholarships for a total amount of $179,000. In the last six years, Kids' Chance of PA has awarded over 330 scholarships, totaling over $1 million dollars to kids in need. Since its inception, Kids' Chance of PA has awarded 910 scholarships totaling $2,244,000.

Who Qualifies for a Scholarship?

To be eligible for a scholarship grant, applicants must 1) have a parent who has been seriously injured or killed as the result of a work related accident; 2) the injury must meet the criteria of the Pennsylvania Workers' Compensation Act which, 3) has resulted in financial need.

What Can You Do To Help?

Refer a potential applicant

As attorneys in Western Pennsylvania, we are in a unique position to identify and refer potential student applicants to Kids' Chance of PA, thereby helping us reach more kids who need our help. Our Planning for College initiative was created to identify more applicants, even those who may not yet be of college age, and to capture their information so that we can contact them when the time comes to apply for college and the need for scholarship arises. This program allows Kids' Chance of PA to leverage the power of a large network of industry professionals, educators and counselors who come in direct contact with the families who need our scholarships.

Your contributions support our program

Many of our donors are law firms, companies, vendors, underwriters, rehabilitation specialists who are involved in the Pennsylvania Workers' Compensation system. These insurance companies, physicians' practices and self-insured employers provide the vast majority of our donations and funding. Your or your client's donations, as a community partner or a scholarship partner will ensure Kids' Chance of PA continues to make the dream of higher education possible for deserving Pennsylvania students. Thanks to the commitment of our corporate and community partners, 100% of donations from individuals are directed to scholarship grants for eligible applicants.

Please visit the Kids' Chance of PA website, at *www.kidschanceofpa.org* to find out more. ■

Peter J. Gough is a Board Member with Kids' Chance of Pennsylvania and a Certified Workers' Compensation specialist with QuatriniRafferty, P.C.

Sidebar online

Have you ever deleted a *Sidebar* only to realize later that you needed to check something in it? Does your email filter sometimes route the *Sidebar* to your spam folder? If so, don't worry – you can find the newsletter online at *ACBA.org.* We link to the past four *Sidebars* at *ACBA.org/Sidebar-Editorial-Policy.*

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1405 McFarland Road, Suite 100, Pittsburgh, PA 15216