

LAWYERS JOURNAL

Lucas receives 2023 Professionalism Award

By Zandy Dudiak

During his career, Kevin P. Lucas has tried and argued cases for regional, national and foreign clients in state and federal trial and appellate courts, and handled domestic and international arbitrations. While he is a respected litigator, Lucas is also well known for his mentorship, especially for encouraging and supporting young attorneys entering the legal profession.

"He's had an incredibly long and distinguished career," said Civil Litigation Section Chair Joseph Froetschel.

When it came to the Civil Litigation Section choosing the recipient of the 2023 Professionalism Award, Lucas stood out not only for his career and accomplishments in the profession, but for his contributions to the practice of law and the community as a whole.

Froetschel presented Lucas with the award at the 2023 ACBA Civil Litigation Section's Lunch with the Judges on April 27 at the Duquesne Club. The event drew about 250 persons from the legal community and was sponsored by Planet Depos.

"I'm very thankful to the bar and my colleagues for voting that award for me," Lucas said. "I was totally surprised. It's a very special award."

The Professionalism Award is given annually to a distinguished member of the profession who has been active in the bar association, has a minimum of 15 years of experience in civil litigation and has exhibited the intangible, but recognizable, qualities of professionalism. The award is considered one of the most prestigious awards in the ACBA.

Lucas reflected on what "professionalism" means.

"It's appreciation and respect," he said, noting that extends to participants, judges and opposing counsel. "By and



PHOTO BY JAMES PIAGGIO

Joseph Froetschel, Erin Lucas Hamilton, Colleen Lucas, 2023 Professionalism Awardee Kevin Lucas, Mark Hamilton and Mary-Jo Rebelo pause for a photo to celebrate Lucas at the ACBA Civil Litigation Section's "Lunch with the Judges" event on April 27 at the Duquesne Club. The event was sponsored by Planet Depos.

far, the members of the Bar practice professionalism."

He recalled that the late Judge Donald Ziegler, who served both in the Allegheny County Court of Common Pleas and as a district judge of the U.S. District Court for the Western District of Pennsylvania, always addressed attorneys as "counselor."

"It was a great reminder of the responsibility that goes with it," Lucas said. "I think it is a privilege to

practice law. People come to you for guidance and ask for feedback."

Lucas has devoted his career to prosecuting and defending complex business claims, including contracts, commercial transactions, construction litigation, regulatory matters, unfair competition, derivative and class/collective claims, employment practices, corporate governance and products/premises liability. He also serves as a mediator/arbitrator and litigation special master.

For about a decade, he and Attorney Jan Swensen team taught third-year law students as adjunct professors at the University of Pittsburgh School of Law. Through the Litigation Certification Program at Pitt, they helped guide students through the transition between law school and actually practicing law.

"I like to think I was encouraging," he said. "Their enthusiasm – they want to learn. It reinvigorates you."

He has been elected as a Fellow of the American College of Trial Lawyers and the Academy of Trial Lawyers of Allegheny County. Lucas has also been named to The Best Lawyers in America list since 2006 and was named "Lawyer of the Year" in the 2017 edition. He is also consistently named to the Pennsylvania Super Lawyers list in the business litigation category.

In the past, he served on the ACBA's Judiciary Committee. Most of his activities outside of his practice were with the Academy of Trial Lawyers, both as a planner and participant, he said.

In his free time, Lucas, a horse owner, volunteers by taking care of the equines at Horses of Hope, a program in Upper St. Clair that focuses on improving the lives of children, youth, and adults with special needs by assisting them to reach beyond their abilities through a partnership developed by horse and rider. ■

See more event photos on page 8.

ACBA Election results now available

By ACBA Staff

The annual ACBA elections were held May 9 to 25. The election was conducted by Intelliscan, an independent third party. Results are published below, with winners listed in alphabetical order. Terms begin on July 1, and all terms are one year unless indicated otherwise.

President-Elect

Regina C. Wilson

Secretary (Two Year-Term)

Joseph R. Froetschel

Board of Governors (Three-Year Term)

Susan J.S. Abramowich
Erin Lucas Hamilton
Ron G. Jones
Cynthia K. Stoltz
Dianne S. Wainwright

Judiciary Committee (Three-Year Term)

Appellate Court Representative
Ryan H. James

At-Large Representative

Jake S. Oresick
Melissa C. Tayborn

Civil Court Representative

A. Patricia Diulus-Myers

Criminal Court Representative

Alexander D. Cashman

Diverse Representatives

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Juan C. Paz-Rosario
Aaron J. Walayat

Elder/Probate and Trust Representative

Edward C. Spontak

Family Court Representative

Tara L. Hutchinson

Young Lawyer Representative

Tricia A. Martino

Homer S. Brown Division

Chair-Elect – Renel Datulma

Secretary – Khalipha Abubakar Misawa

Treasurer – Jessyca Philippe McCarl

Council (Three-Year Term)

Hannah N. Barnett

Kerven M. Moon

Women in the Law Division

Chair-Elect – Holly L. Deihl

Secretary – Natalia A. Holliday

Treasurer – Katherine R. Byrne



Regina C. Wilson
President-Elect



Joseph R. Froetschel
Secretary

Council (Three-Year Term)

Terece (Terry) Connerton

Judy Hale

Fayezeh Haji Hassan

Hannalore Burns Merritt

Sarah J. Simkin

Anastasia (Annie) Snyder

Young Lawyers Division

Chair-Elect – Danielle M. Parks

Secretary – Rebecca Himena Miller

Treasurer – Matthew J. McClelland

Council (Two-Year Term)

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Project LITIGATE to help lawyers gain valuable trial experience

By Ron Cichowicz

As important as education is to a trial lawyer, nothing is more critical to success than experience in the courtroom. Unfortunately, lately such experience seems to be in short supply.

In recent years, this challenge has prompted much discussion among lawyers and judges, in particular by Pennsylvania Supreme Court Justice Christine Donohue.

"This is not a new problem," Justice Donohue said. "It has been going on for decades."

She cited that in 1996, there were approximately 2,100 jury verdicts returned in Pennsylvania. By 2019, the year before the pandemic, only 700 cases were going to jury verdict in the Commonwealth.

"This is a startling number, and it reflects a trend that started much earlier," said Justice Donohue. "The fact that we have so few cases going to jury verdicts explains part of the reason why fewer young lawyers have less of an opportunity to hone their skills in jury trials."

"Another part of the equation is that, as a profession, we don't focus on means that it is taking longer and longer for aspiring trial attorneys to develop litigation skills, particularly in courtroom advocacy."

Not content merely to identify the problem, Justice Donohue opted to do something about it. She convened over the past year several meetings of a special ad hoc committee of State Trial Judges – which has as its current President Judge Christine Ward – to discuss the issue.



Hon. Christine Donohue

One of the strong recommendations coming from the meetings was to create a grassroots effort among lawyers and law firms to raise awareness of this problem and to propose solutions. Justice Donohue asked John Gismondi, a well-known trial lawyer and former ACBA President, to assemble and chair a statewide committee tasked with developing a program or initiative to meet that goal.

"I was honored to accept this assignment," Gismondi said. "This problem has been talked about for years among trial lawyers and it was time we took a more concerted effort to solve it. The precipitous decline in the number of cases going to trial means that it is taking longer and longer for aspiring trial attorneys to develop litigation skills, particularly in courtroom advocacy."

"This circumstance affects not only the career development of our next generation of prospective litigators, but it also impacts the bar's obligation to provide the public with enough adequately trained courtroom attorneys to serve their needs."



John Gismondi

"This is an awareness problem as much as anything else. If we are going to correct it, we first need to be aware the problem is out there."

Upon accepting this assignment, Gismondi reached out to the presidents of a wide spectrum of bar organizations in Pennsylvania, asking them to appoint two individuals to serve on the committee. The response was immediate and overwhelmingly positive. The organizations included the Pennsylvania Bar Association, the Pennsylvania Defense Institute, the American College of Trial Attorneys, the Pennsylvania Association of Justice, the Philadelphia Association of Defense Counsel, the Philadelphia Trial Lawyers Association and the Academy of Trial Lawyers of Allegheny County.

The committee met often this past winter with its first action being to adopt a name for the campaign.

"From the beginning, I wanted us to come up with a catchy name or phrase that would be easy to remember," Gismondi said.

The name chosen was Project LITIGATE – Lawyers Initiative To

Improve next Gen Attorneys' Trial Experience – an acronym to precisely capture the committee's goal.

The committee next discussed at length specific policies or practices firms might adopt to provide young lawyers earlier exposure to a wide range of litigation tasks such as case planning, preparation for, and taking of depositions, oral arguments and actual trial of a case.

"Project LITIGATE encourages law firms to make opportunities at every stage of the trial preparation process for young lawyers to participate in the system," said Justice Donohue.


She cited as an example having the young lawyer attend depositions to experience the way in which questions are asked, exhibits are marked and the record is developed. In time, the less-experienced lawyer might take the deposition or argue motions.

"Have the young lawyer participate by tracking an experienced lawyer who is presenting the argument," Justice Donohue said, "and over time, allow the young lawyer to actually present the argument. During a trial, have the young lawyer try second chair by sitting through a trial and, over time, allow the less experienced lawyer examine the witness and eventually take the first chair role."

The committee developed a list of recommendations and created the "LITIGATE Pledge."

The committee said it decided on the use of the "pledge" device not only because it provides a clear identity to the program but also because the

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This publication lists dozens of business contacts – organized by business category – that Pittsburgh-area attorneys frequently partner with. This publication is distributed to ACBA membership via email four times per year, and it is available 24/7 at ACBA.org/EVG. Vendors interested in being listed in future editions of the Expert and Vendor Guide should contact Brian Knavish, the ACBA's Director of Marketing, Media Relations and Strategic Partnerships, at bknavish@acba.org or 412-402-6620.

PROJECT LITIGATE continued from page 9

word itself conveys a sense of commitment while not mandating any actions by the firms. The Pledge is meant to be an aspirational statement and a shared commitment within the firm and the broader bar community to be more aware of the needs of aspiring litigators and to make a sustained effort to address those needs.

Once the LITIGATE Pledge was developed, committee members referred it back to their individual bar group for discussion and vetting. The aim was to have each secure a commitment from their individual members to "Take the Pledge."

"Project LITIGATE is an entirely volunteer program designed to heighten awareness of the need to make room for young lawyers in litigation," said Justice Donohue. "At the same time, trial judges play a role in advancing that cause. Part of the Project LITIGATE pledge involves encouraging trial judges to advance opportunities for young lawyers to participate in the litigation process."

Justice Donohue added that, in tandem with Project LITIGATE, a taskforce of trial judges from across the state is developing best practices for encouraging opportunities for young lawyers in court proceedings in general and jury trials in particular.

"Project LITIGATE is about raising awareness and creating opportunities in the best tradition of the legal profession," she said. "Training our own to assure that the public will continue to be served by skilled attorneys in trying cases to juries."

Gismondi said the reaction to Project LITIGATE and its pledge has been overwhelmingly favorable.

"When we first got the committee together, from day one, there was absolutely unanimous agreement that this was a problem we needed to do something about," he said. "There was no pushback or disagreement on the contents of the Pledge."

Gismondi said that the committee intentionally approached statewide organizations first and are now in the process of spreading the word through bar associations, including the Allegheny County Bar Association.

Those interested in learning more about Project LITIGATE and how their organizations can "Take the Pledge" can contact Gismondi at jpg@gislaw.com. ■

The LITIGATE Pledge

WE, the attorneys of [firm], recognize that it is becoming increasingly difficult for aspiring trial attorneys to acquire litigation skills, and we further recognize that it is our obligation to encourage, promote and facilitate young attorneys' development of litigation and trial advocacy skills.

AND, THEREFORE, WE HEREBY PLEDGE to adopt, as far as feasible, the following practices to help prepare and train the next generation of trial attorneys:

- Provide a series of in-house educational/training sessions in which senior trial attorneys make presentations and/or lead discussion on all aspects of litigation skills;
- Regularly include less experienced associate attorneys in pre-trial activities such as drafting of pleadings, discovery planning, case strategy sessions, client and witness interviews, drafting of deposition questions, and witness preparation;

- Encourage associate attorneys to observe depositions, and then gradually over time allow them to assume an increasing degree of responsibility to conduct part or all of depositions;

- Encourage associate attorneys to observe oral arguments, and then gradually over time allow them to assume an increasing degree of responsibility to make oral argument to trial and appellate courts;

- Include associate attorneys as participants in the final stages of trial preparation;

- Include associate attorneys as members of the trial team and allow them gradually over time to assume responsibility for examining individual witnesses and eventually trying an entire case to a jury;

- Encourage associate attorneys to seek pro bono or other similar assignments which provide opportunities to acquire litigation experience; and,

- Institute a program, procedure or custom whereby associate attorneys receive regular feedback and critique as they perform each of the above tasks.

- Request trial judges to adopt practices which encourage (facilitate) the participation of young associates in motions and trial presentations. ■

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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