

## PRESENTING THE OUTSTANDING YOUNG LAWYER AWARD

By Danielle M. Parks

My favorite part of the YLD Annual Meeting is the Outstanding Young Lawyer Award. This Award is presented to a young lawyer who best exemplifies outstanding leadership and distinguished service to the Young Lawyers Division, the legal profession and the community at large. The tradition of the Award is to keep the identity of the recipient a secret until announced at the Annual Meeting.

This year, the Nominating Committee had several letters of recommendations to review, making for a tough decision. Ultimately, the Nominating Committee chose to honor Morgan Bonekovic.

Morgan personifies the purpose of the Outstanding Young Lawyer Award. Morgan is a long serving member of the YLD and accomplished young lawyer. She is an associate at Pollock Begg, where she focuses her practice on family law. In her practice, she is recognized as one who is "consistently prepared, professional, courteous, and effective" to quote the



*Outstanding Young Lawyer Awardee Morgan Bonekovic with her wife and those who nominated her for the Award: The Hon. Nicola Henry-Taylor, Family Law Section Chair Julie Colton, ACBA Past-President Joe Williams and the Hon. Hugh McGough.*

Honorable Hugh F. McGough, from the Allegheny County Court of Common Pleas. Another Court of Common Pleas judge, Nicola Henry-Taylor, states Morgan is not only a "skilled attorney but also a passionate advocate for diversity,

equality, inclusion, and the advancement of our profession."

Managing Partner of Pollock Begg, Joseph R. Williams, describes her as one who has "excelled as an attorney," even in her early days when tasked with

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# OUTLINING THE DIRECTED TRUST ACT

By Alyssa Zottola

On July 15, 2024, Pennsylvania's Governor Josh Shapiro signed into law Act 64 of 2024, bringing a version of the Uniform Law Commission's Directed Trust Act ("UDTA") to Pennsylvania. This Act, a collaborative effort between the Pennsylvania Joint State Government Commission Advisory Committee on Decedents' Estates Law and the Pennsylvania Bankers Association, makes Pennsylvania the 20th state to adopt the UDTA. It became effective on October 14, 2024.

Sponsored by Senator Lisa Baker (R-20), Act 64 addresses a gap in Pennsylvania's attractiveness as a trust administration destination. "Pennsylvania's lack of a directed trust act posed a barrier to our competitiveness in establishing and managing directed trusts," Baker said. "By reducing costs and alleviating administrative burdens we are ensuring a more efficient distribution of trust income to beneficiaries and making more funds available for their benefit."<sup>1</sup>

The UDTA allows settlors to separate the fiduciary responsibilities of trust administration beyond the traditional trustee's role. Under Pennsylvania's Directed Trust Act, settlors can appoint individuals to three fiduciary roles: trust director, trust protector, and trust director for investments. This article explores the origins of the UDTA and how Pennsylvania has adopted the Act in its own legislation.

## The UDTA's Origins

In 2017, the Uniform Law Commission ("ULC") approved the UDTA, revolutionizing numerous aspects of trust administration.<sup>2</sup> The Act was designed "to address the complications created by giving a person other than a trustee – that is, a trust director – a power over a trust. A power over a trust held by a trustee is governed by existing trust law."<sup>3</sup> After studying various directed trust statutes

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# A BRIEF HISTORY OF WOMEN IN LAW

By Alison R. Gutierrez

At present, women represent the majority of law school students and the majority of law firm associates in the United States. Indeed, a recent ABA Report has dubbed the years of 2016-2026 as the “Decade of the Female Lawyer.” Following Women’s History Month in March, we thought it prudent to review the history of women in law.

Margaret Brent is credited as the first woman lawyer in the United States in 1648. Brent arrived in Maryland in 1638. She was a cousin of Lord Baltimore, the proprietor of colonial Maryland. Unlike many other women at the time, Margaret Brent was able to buy sizable tracts of land, giving her political power. She eventually became a negotiator and litigator to the Governor of the Colony and even administered the Governor’s estate upon death. She administered a reported 124 claims against the estate over eight years and won them all.

While Brent is credited as the first female lawyer in the United States, it would be well over 200 years before a woman was admitted to the bar of any state. In 1872, Charlotte E. Ray became the first barred female attorney in the United States. She was Howard University’s first Black woman law school graduate and became a member of the D.C. bar in 1872. Attorney Ray had reported difficulties finding legal work due to race and gender discrimination. Nonetheless, she argued in front of the District of Columbia Supreme Court in the matter of *Gadley v. Gadley* in 1875, where Ray represented a woman petitioning for divorce from her abusive husband.



In this same time period, Belva Lockwood finished law school and petitioned for legislative changes to enable more women an opportunity to practice law. Despite finishing all requisites for a law degree at the National University Law School (now part of George Washington University) in 1873, the University refused to grant her a diploma on the basis of her gender. She nonetheless applied to the bar of the United States Supreme Court, but her application was denied in 1876 because “None but men are permitted to practice before us as attorneys and counselors.” She thereafter rallied male attorneys and members of Congress to support legislation which would become known as the “Lockwood Bill” which was signed into law in 1879, allowing qualified women to be admitted to the bar. In 1880, Lockwood became the

first female attorney to argue in front of the U.S. Supreme Court in the matter of *Kaiser v. Stickney*.

Despite these early gains for women in law, it would be another 100 years before a woman was confirmed as a justice at the U.S. Supreme Court. Sandra Day O’Connor, nominated by President Ronald Reagan, was appointed to the Court in 1981. She served until 2006. Since O’Connor’s appointment to the high court in 1981, there have been an additional five women to serve as Supreme Court justices: Ruth Bader Ginsburg (confirmed 1993), Sonia Sotomayor (confirmed 2009), Elena Kagan (confirmed 2010), Amy Coney Barrett (confirmed 2020), and Ketanji Brown Jackson (confirmed 2022).

The ABA reports a rapid rise in the numbers of lawyers who are

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# PRO BONO SERVICE AND PROFESSIONAL DEVELOPMENT – AN OPPORTUNITY FOR YOUNG LAWYERS TO GAIN TRIAL EXPERIENCE

By Danielle M. Parks

As most seasoned attorneys will tell young attorneys, trial experience is a necessity to a successful career as a litigator. As more and more cases settle, gaining trial experience is often difficult. The bar and the judiciary are aware of this difficulty for young attorneys and have instituted various initiatives to provide access to valuable courtroom experience. The United States District Court for the Western District of Pennsylvania has joined in this effort. Many of its judges encourage young attorneys to take an active role in cases. The Western District also provides young attorneys with an opportunity to gain trial experience through the Pro Bono Prisoner Pro Se Program.

The Court's Pro Bono Prisoner Pro Se Program provides volunteer attorneys the opportunity to represent pro se prisoners in civil jury trials. The program was originally developed in 1981 to establish a list of volunteer attorneys to undertake representation of these cases. The program has expanded over the years to include ADR and robust training

programs for volunteer attorneys.

United States Magistrate Judge Kezia O. L. Taylor believes the program can provide young attorneys with valuable trial experience they may not have access to in the earlier years of their careers, and all that needs to be done to start is sign up to volunteer

Once a case progresses through the Court and is ready for trial, a volunteer attorney is assigned to the case. A volunteer attorney will only be appointed once it has been determined there are triable issues, dispositive motions have been ruled upon and the case is ready for trial. The volunteer attorney will then represent the pro se prisoner as first chair at trial. Volunteer attorneys have the option to team up with another attorney, including seasoned volunteer attorneys. If the volunteer attorney elects to handle the case themselves, they are not without resources. The program provides a network for them to reach out to for advice and guidance.

The program also provides trainings for new volunteer attorneys on how to handle these types of civil rights

cases. Another added benefit is the program provides reimbursement of expenses such as experts and discovery costs. Judge Taylor stated the next training will likely be held in the late summer or early fall.

As Judge Taylor noted, the program allows volunteer attorneys the opportunity to learn how to try a case without the pressure of a paying client and managing the costs of trial. For young attorneys, this program provides a more relaxed way of practicing law. For the Court, this program aids the Court's management of cases. And most importantly, the program provides access to representation for the pro se litigants.

Whether you are looking for your first trial experience or want to expand your skills, this program provides an invaluable opportunity. Any young attorneys interested in signing up for the program and its training are encouraged to reach out to the Court's contact, Mike Palus at (412) 208-7543 or [Michael\\_Palus@pawd.uscourts.gov](mailto:Michael_Palus@pawd.uscourts.gov).

More information about the program can be found on the Court's website: <https://www.pawd.uscourts.gov/pro-bono-opportunities>. ■



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complex litigation matters. He sees her dedication to her practice as a reflection in her "capacity for compassion, empathy, and strategy."

Other attorneys in her area of law have also taken notice. As Julie R. Colton, Chair of the ACBA's Family Law Section wrote, "She navigates complex and emotional matters in family law cases by balancing her client's needs and the law that governs the outcome. She understands that opposing counsel is not the enemy and is able to work collaboratively."

Not only is Morgan's work recognized by the judiciary and her law firm, but by the legal community at large. Morgan was selected as a "One to Watch" by Best Lawyers in America, a Rising Star by the PA Super Lawyers and the 2022 recipient of the ACBA's Homer S. Brown Young Leader Award.

Morgan's involvement with the bar association is just as impressive. To list everything she has chaired, co-chaired, organized and participated in would be too time consuming and take up most of this publication. As Ms. Colton said, "When it comes to Morgan's involvement in the legal community, I will not be able to list everything she does. You can see her influence everywhere." I will take that advice and just mention some of her recent contributions and accomplishments.

For the YLD, Morgan has been elected to Council, co-chaired the Diversity Committee and hosted well-attended and well-received events. As Chair, I know I can count on her for fresh ideas and a well-run committee, as well as someone who is a steadfast supporter and contributor to the Division's events and initiatives.



*Outstanding Young Lawyer Awardee Morgan Bonekovic offers remarks during the YLD Annual Meeting and Award presentation ceremony.*

Morgan's response to anything needed for this year is "of course."

For the ACBA, Morgan has served as Chair of the LGBTQ+ Committee, a council member of the Family Law Section, a young lawyer representative on the Judiciary Committee and a member of the ACBA's Membership and Nominating Committees.

If this isn't enough, Morgan is actively involved in the PBA as well. Her most recent contributions to the PBA includes Vice Chair of the Minority Bar Committee, council member of the Family Law section, a Zone 12 delegate and co-chair of the LGBTQ+ Rights Committee.

As Chair of the Family Law Section, Julie Colton, wrote, "I know I can count on her to step up whenever asked." And she does step up.

To add to her bar association involvements, Morgan is a member of



**"She [Morgan] navigates complex and emotional matters in family law cases by balancing her client's needs and the law that governs the outcome. She understands that opposing counsel is not the enemy and is able to work collaboratively."**

**Julie R. Colton**  
**ACBA Family Law Section Chair**

**"Ms. Bonekovic has made a profound impact on the professional development of her peers. Her mentorship of junior attorneys and law students is invaluable, as she takes time to offer guidance, support, and inspiration to the next generation of legal professions."**

**Hon. Nicola Henry-Taylor**  
**Allegheny County Court of**  
**Common Pleas**

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enacted in several states (e.g., North Dakota, Alaska, and Delaware), the ULC categorized the existing statutes that validated delegation of power to fiduciaries other than the trustee as either “enabling” statutes or “off the rack” statutes.<sup>4</sup>

“Enabling” statutes, such as Delaware’s Directed Trust Statute, enforce and legitimize the powers of direction granted to trust directors, but do not provide specific powers of direction.<sup>5</sup> The only powers of direction are those that the settlor specifies in the trust document itself.<sup>6</sup> Thus, the enabling statutes rely on the trust document to provide the powers of the trust director and legitimize the delegation of power itself.

“Off the rack” statutes “provide for one or more standard categories of trust director, with various sets of powers given to each category by default.”<sup>7</sup> “Off the rack” statutes focus more on the category within which the individual falls to determine his or her powers and accompanying fiduciary duty.<sup>8</sup>

The ULC chose to follow the “enabling” statute approach; under Section 6(a) of the UDTA, the Commission endorses the Delaware approach and states that the terms of the trust may grant power of direction (if any) to a trust director.<sup>9</sup> The Commission favored the “enabling” statute approach for a number of reasons, mainly that it was simpler

than the “off the rack” approach (as the focus was on the power granted rather than the category of fiduciary) as opposed to the “enabling statute” approach, which was less disruptive to existing trusts.

## What is a Power of Direction?

The UDTA is revolutionary in the realm of trust administration in that it gives the settlor a greater degree of autonomy by validating a grant of power of direction to an individual other than the named trustee.<sup>11</sup> Key to the operation of the UDTA is its supplying of a “power of direction.” Section 2(5) of the UDTA defines a “power of direction” as “a power over a trust granted to a person by the terms of the trust to the extent the power is exercisable while the person is not serving as trustee.”<sup>12</sup>

## Directed Trusts, Directed Trustee, and Trust Director

The UDTA supplies the following definitions for the terms “Directed Trust,” “Directed Trustee” and “Trust Director”:

- Directed Trust: “trust for which the terms of the trust grant a power of direction.”
- Trust Director: “person who is granted a power of direction by the terms of a trust to the extent that

the power is exercisable while the person is not serving as trustee.

- Directed Trustee: “trustee who is subject to a trust director’s power of direction.”<sup>13</sup>

These definitions were meant to be functional rather than formal. Thus, if an individual’s duties conform to those prescribed by the definition of trust director, they will be held to standards of a trust director or directed trustee.<sup>14</sup>

## Who is Excluded From the “Power of Direction” Application of the UDTA

The ULC, recognizing that the power of direction is broadly defined, has the possibility of inadvertently disrupting estate planning practices by potentially bringing certain duties unintentionally under the fiduciary responsibility set forth in the UDTA.<sup>15</sup> The ULC removed the powers of direction from then acting trustees, but also carved out five categories of other individuals and powers to whom the UDTA’s powers of direction do not apply: those who have a nonfiduciary power of appointment;<sup>16</sup> those who have the power to appoint or remove a trustee or trust director;<sup>17</sup> a settlor who has power over a revocable trust;<sup>18</sup> power of a beneficiary;<sup>19</sup> and a power held in a nonfiduciary capacity to achieve a settlor’s federal tax objectives.<sup>20</sup>

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## Submit an article for *Point of Law* | The YLD’s ABA award-winning newsletter

YLD members are encouraged to write about the practice of law or any substantive legal issue of interest. Additionally, writers are encouraged to write responses to any article appearing in this issue. Featured authors will have their article – up to 1,000 words long – published along with a brief bio. Articles and inquiries may be submitted to: [YLDCommunications@gmail.com](mailto:YLDCommunications@gmail.com).

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women in recent years. The percentage of all lawyers who identified as women was 36% in 2014 and grew to 41% a decade later in 2024. The growth in women lawyers is traceable to the increased numbers of women attending and graduating law school. In 2016, the amount of law students who were women surpassed men for the first time. In 2024, 56% of all law students were women.

In 2023, the percentage of law firm associates identifying as women surpassed 50% for the first time. Growth of women in the legal profession has been slower at the partner levels, with just 28% of law firm partners identifying as women in 2023. At the same time, only 12% of managing partners are female.

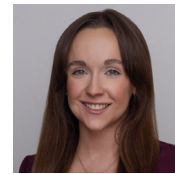
Further obstacles continue to exist for women in the legal profession. A 2019 study by the ABA and ALM

Intelligence, "Walking Out the Door" examined several discrepancies between male and female attorneys in private practice. For example, 88% of men said gender diversity was a firm priority, while only 54% of women agreed. Further, nearly 75% of men believed that their law firms successfully retained experienced women, while only 47% of women agreed. Even worse, 50% of female lawyers reported experiencing unwanted sexual conduct at work and 16% said they lost work opportunities due to rejecting unwanted sexual advances.

Women face certain disparities in pay as well, although statistics suggest that the gaps are shrinking. In 2020, female equity partners earned only 78% of that of male equity partners. However, female associates and non-equity partners reportedly earned 95% of the compensation of male associates

and non-equity partners. Perhaps the trend of increasing women's representation in the legal profession will finally close these gaps.

The history of women in law has been both long and short, riddled with many of the same gender-based struggles as faced in other professions. Nonetheless, women in law continue to grow and now surpass men entering the legal profession. In the words of the late Ruth Bader Ginsburg, "Women belong in all places where decisions are being made. It shouldn't be that women are the exception." ■



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the LGBTQ Rights Committee of the PA Interbranch Commission for Gender, Racial and Ethnic Fairness and a member of the National LGBTQ+ Bar Association.

As Judge Nicola Henry-Taylor said of Morgan, "in addition to her advocacy efforts, Ms. Bonekovic has made a profound impact on the professional development of her peers. Her mentorship of junior attorneys and law students is invaluable, as she takes time to offer guidance, support, and

inspiration to the next generation of legal professions."

Besides all these accomplishments and contributions, one of most poignant statements made in the letters of recommendation was "the best part is that she navigates all of this without losing herself. She is still Morgan. The practice of law betters her, it does not consume her."

And I would respectfully argue that while the practice of law betters her, Morgan betters us by her contributions

to this bar association and its Young Lawyers Division. Congratulations to this year's Outstanding Young Lawyer awardee Morgan Bonekovic. ■



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## Bifurcating the Fiduciary Responsibility: The Innovation of a Directed Trust

In bifurcating the fiduciary responsibility amongst up to three individuals, the UDTA focuses the fiduciary responsibility on the individual responsible for the particular administrative task.<sup>21</sup> Under UDTA Section 8, “[a] trust director bears the same default and mandatory fiduciary duties as a trustee in a like position and under similar circumstances.”<sup>22</sup> Likewise, the UDTA takes a “willful misconduct” approach when assessing a directed trustee’s action for breach of fiduciary duty.<sup>23</sup> A directed trustee cannot be found liable for attempting to comply with the directions from a trust director, unless such compliance would result in the directed trustee engaging in willful misconduct.<sup>24</sup>

## Pennsylvania’s Directed Trust Act

Pennsylvania’s Directed Trust Act, like the UDTA, is an enabling statute, meaning that the powers of the trust director are set forth in the trust document itself. However, under 20 Pa.C.S.A. § 7780.17(b), the legislature provides illustrative powers that the settlor can grant to the trust director, including the ability to modify the administrative terms of the trust.<sup>25</sup> The

Pennsylvania Act alters trust administration in two essential ways: (1) settlors may now delegate different responsibilities to different trustees (i.e., giving one trustee the responsibility for financial investments and one for assessing discretionary distributions), and (2) legitimizes the use of trust protectors (directors) to assist in the management of the trust and adjust to changing circumstances.<sup>26</sup> Importantly, Pennsylvania’s Directed Trust Act applies “to a trust, whenever and wherever created, that is governed by Pennsylvania Law.”<sup>27</sup>

## Conclusion

Pennsylvania’s adoption of the Directed Trust Act revolutionizes the administration of trusts throughout the Commonwealth. Bifurcating the responsibilities of trust administration amongst different individuals, the Directed Trust Act gives settlors greater autonomy in assigning trust administration responsibilities to those felt best suited for the particular role. ■

*Trust Act*, 44 No. 1 ACTEC L.J., 6-7, <https://scholarlycommons.law.hofstra.edu/actec/lj/vol44/iss1/2>.

<sup>3</sup>*Id.* at 13.

<sup>4</sup>*Id.* at 14.

<sup>5</sup>*Id.*

<sup>6</sup>*Id.*

<sup>7</sup>*Id.* at 15 (*emphasis added*).

<sup>8</sup>*Id.* at 16.

<sup>9</sup>*Id.* at 17.

<sup>10</sup>*Id.* at 17-18.

<sup>11</sup>*Id.* at 10.

<sup>12</sup>*Id.*

<sup>13</sup>*Id.* at 13.

<sup>14</sup>*Id.*

<sup>15</sup>*Id.* at 21.

<sup>16</sup>*Id.*

<sup>17</sup>*Id.* at 25.

<sup>18</sup>*Id.*

<sup>19</sup>*Id.* at 27.

<sup>20</sup>*Id.* at 29.

<sup>21</sup>*Id.* at 31-32.

<sup>22</sup>*Id.* at 34.

<sup>23</sup>*Id.* at 42.

<sup>24</sup>*Id.*

<sup>25</sup>20 Pa.C.S.A. § 7780.17(b)(9); Catherine L. Appel and Shelby M. Jones, *Pennsylvania’s Uniform Directed Trust Act Creates New Flexibility in Trust Administration*, Fox Rothschild Firm Publications, October 1, 2024, <https://www.foxrothschild.com/publications/pennsylvanias-uniform-directed-trust-act-creates-new-flexibility-in-trust-administration>.

<sup>26</sup>Appel and Jones, *supra* note 25.

<sup>27</sup>20 Pa.C.S.A. § 7780.13.

<sup>1</sup>Press Release of Sen. Lisa Baker, *Baker’s Trust Modernization Legislation Signed into Law* (July 17, 2024), <https://www.senatorbaker.com/2024/07/17/bakers-trust-modernization-legislation-signed-into-law/>.

<sup>2</sup>Morley, John D. and Sitkoff, Robert H., *Making Directed Trusts Work: The Uniform Directed*



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