

THIS YEAR'S BLI CLASS PROJECT FIGHTS FOR LOCAL BOXING GYM

By Sam Dhaliwal

Every year, the ACBA YLD Bar Leadership Initiative (BLI) commits to a public service project, demonstrating a commitment to fostering positive change in the Pittsburgh community; this year's initiative will support Team 412 Boxing, a local gym making a profound impact on the lives of underprivileged young individuals in Pittsburgh, and includes a "Fight Night" retro themed gala, boxing classes, and an items drive.

Located underneath a Subway shop in downtown Pittsburgh, Team 412 Boxing stands as more than just a gym. The humble entrance to the gym is immediately inspirational—the stairwell is adorned with newspaper clippings, awards, inspirational quotes, and pictures of those who have trained and succeeded there before. It has not only captured the hearts of local boxers, but also garnered support from our legal community.



Retired Western District Court judge and current chairperson of 412 Boxing Gym, Lisa P. Lenihan, shared about her ten years of experience with the gym. Although initially seeking a new workout routine, she soon began assisting with programming and teaching about the justice system. She describes the gym as a family and a home for the young boxers, emphasizing that it offers more than just a place to box—the gym provides

essential support, education, and a safe haven after school for kids that may not have a safe place to go.

Three-time national champion Sonny Taylor came to the gym for just that—he needed a safe and supportive place to go after school to workout. He explained that, with no prior boxing experience, the drive to be a national champion developed from the example of his teammates and coaches. His story reflects the gym's transformative power, evolving from a place of solace into a community that fosters growth. Now, not only is he a three-time champion, but he is also a mentor to the younger kids in the gym. Taylor, along with countless others at the gym with similar stories, personifies the positive impact of Team 412 Boxing.

Coach James Hoy leads the group—totaling around 40 kids, both girls and

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A SUCCESSFUL NETWORKING SYMPOSIUM FROM PITT LAW'S OUTLAW AND THE ACBA

By Gwenyth Ortman and Joey Scapellato

In the post-COVID world, law schools have increasingly recognized the importance of in-person networking events to bridge the gap between students and legal professionals. However, in a competitive law school environment, students often feel intimidated, out of place, or dissuaded from attending networking events, further distancing them from the legal profession. This past January, OUTLaw, Pitt Law's LGBTQ+ student organization, took a new approach: it organized a networking symposium specifically designed to provide 1L students with a unique and diverse perspective on the legal profession.

The driving force behind this initiative was a desire to create a more inclusive space for law students to connect with attorneys from various sectors of the legal profession. Unlike traditional networking events that typically feature a single firm or legal sector, we sought to assemble a panel of attorneys representing diverse areas within the Pittsburgh legal community. Thus, 1L students were offered a comprehensive view of the legal landscape, enabling them to explore different career paths in a low-stress environment. The casual atmosphere encouraged 1L students to chat with a variety of attorneys and gain a deeper insight into the myriad options they could pursue.

To turn this vision into reality, OUTLaw collaborated with committees and divisions of the Allegheny County Bar Association to workshop the details. Both the Young

Lawyers Division and the LGBTQ+ Rights Committee were instrumental in spreading the word to local firms and ensuring a wide representation of legal professionals at the symposium. We also coordinated with Pitt Law's Professional Development Office to discuss effective ways to foster discussions between attorneys and students about career advice. Through many workshops and the generous support of local firms, the idea became a reality.

The networking symposium unfolded in two main parts. The first segment, a casual networking reception, provided 1L students with the opportunity to engage in meaningful conversations with attorneys over appetizers and drinks. This relaxed setting encouraged genuine interactions and helped break down the formal barriers often associated with networking events. We were happy to see groups of 1Ls clustered around attorneys who worked in the legal sectors of government, public interest, corporate, litigation, and more. The event was extraordinarily well-attended, with close to 60 students trekking from Pitt Law to downtown on a cold Pittsburgh day.

The second segment featured a panel discussion with five attorneys from diverse legal areas and identities. One panelist worked in public interest law, one in government, another in a national firm with a Pittsburgh office, and two from small to midsize firms. The panel aimed to address the myriad questions that 1L students typically have about the career process; ranging



Top Left: A panel consisting of YLD Diversity Co-Chair Morgan Bonekovic, Nicholas Brady, Karli Celestin, YLD Public Service Co-Chair Jesse Exilus and Andrew Malandra discussed tips and tricks to find your first summer legal job.

Top Right: Joseph Scapellato and Gwennyth Ortman moderated the program.

Bottom Right: LGBTQ+ Rights Committee Chair Andrew Bell and YLD Chair Tara Sease grabbed a photo during the “Out in the Law: 1L Summer Employment” event.



from job searches and crafting effective cover letters, to excelling in interviews and succeeding in their first legal internship. We aimed to provide practical insights and guidance to empower the students as they navigate their early legal careers. Additionally, the panelists spoke not only about their successes in the application process, but they also provided the 1Ls with personal mistakes they made when interviewing and networking. Their candor and vulnerability were greatly appreciated in a profession where it oftentimes feels isolating to experience challenges and setbacks.

The panel’s emphasis on diversity and inclusion demonstrated a key highlight of the symposium: The continued importance of DEI work in the legal profession. Two of the

panelists shared their experiences as first-generation attorneys, offering a poignant perspective on the challenges and triumphs they faced. Two of the panelists also spoke about their experiences being openly part of the LGBTQ+ community and the importance of finding a workplace supportive of your identity. This segment underscored the significance of fostering a legal community that reflects the diversity of society at-large, encouraging students to evaluate how they may promote inclusivity in both law school and beyond.

The symposium received overwhelmingly positive feedback from 1L students, with many expressing gratitude for the valuable information and insights gained. Even 2Ls and 3Ls lamented not having had a similar

event during their first year. This favorable response showcases how increased contact with attorneys has the potential to improve 1Ls’ overall law school experience. The event not only provided practical advice, but also served as a form of mentorship for 1L students, offering them a glimpse into the diverse and dynamic world of law.

The event’s success also revealed the need for ongoing initiatives that prioritize inclusivity and mentorship in the legal profession. As law schools continue to adapt to changing legal

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NEW PA LAW REQUIRES REPRESENTATION IN THE GUARDIANSHIP PROCESS. HERE'S HOW YOU CAN HELP

By Erika Dowd

Pennsylvania's probate courts are in need of many more attorney representatives during the guardianship process due to a change in the law governing probate and fiduciaries.

Pennsylvania Senate Act 61 of 2023 alters the point at which an individual alleged to be incapacitated requires attorney representation. Formerly, the appointment of an attorney representative during the guardianship process was optional, and thus, it was inconsistently applied on a county-by-county basis. Act 61 now requires the appointment of an attorney for an alleged incapacitated person during the guardian appointment, modification, or termination process. This attorney represents the alleged incapacitated person's requests and wishes. The state will pay for these attorneys' services, but now faces the challenge of having too many cases requiring representatives, and not enough attorneys available to manage them.

The language of the new law states:

(2) Regardless of the ability of the alleged incapacitated person to pay, the court shall appoint counsel to represent the alleged incapacitated person in any matter for which counsel has not been retained by the alleged incapacitated person, including in all proceedings under subsection (a) (proceedings to determine incapacity) and in any subsequent proceedings to consider, modify or terminate a guardianship. Appointed counsel shall be qualified by experience or training and shall act without delay under the circumstances. Act of Dec. 14, 2023, P.L. 446, No. 61



In Pennsylvania, an incapacitated person is an adult whose ability to understand and evaluate information, or to communicate, is significantly impaired, causing partial or total inability to manage finances or manage physical health and safety. 20 Pa.C.S. § 5501. Guardians are family members or professionals appointed by the courts to manage the financial, healthcare, and/or other decisions the individual cannot make. During the process to appoint (or modify or terminate) a guardian, it is now required that an attorney represent the individual who is alleged to need a guardian to ensure that their instructions and/or wishes for the guardian be honored. The appointed representative's role is to advocate for the individual's expressed wishes and

take action consistent with the client's instructions. Act of Dec. 14, 2023, P.L. 446, No. 61, § 5511a.1. Importantly, both of these roles differ from that of a guardian ad litem in such cases, who is there to advocate for the best interests of the individual, regardless of whether that is what the individual wants.

Put simply, a Guardian is the decision maker for the individual to ensure the individual's rights and interests are protected with regard to finances, health care, and other necessary situations. A guardian ad litem is an advocate who argues for the best interests of the individual, regardless of the individual's subjective wishes. The now mandatory attorney representative takes on the role of voicing the individual's intention.

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THE CHEVRON DEBACLE

By Emily Clites

The Supreme Court recently heard oral arguments in *Loper Bright Enterprises v. Raimondo*, to decide the fate of the landmark administrative law case, *Chevron v. Natural Resources Defense Council*, 467 U.S. 837 (1984) and determines whether Chevron and its infamous Chevron deference should be overruled.

Chevron, in which the Supreme Court upheld a regulation from the Environmental Protection Agency (“EPA”) under the Clean Air Act, was first decided in 1984. This decision introduced the famous “Chevron two-step,” a test used when the court is reviewing an agency’s interpretation of a statute that agency is charged with administering. Under this test, the court first looks to see whether Congressional intent on the question at issue is clear, but Chevron’s importance is derived from the second step of this test, which grants deference

to an agency’s reasonable interpretation when a statute is ambiguous.

The decision has been particularly helpful for environmental regulations. The Chevron doctrine became a key legal defense in the EPA’s environmental rules. Administrators that try to tighten environmental regulations can usually find some room in the statutory language to do so, relying on the protection of Chevron deference. However, not everyone was pleased with this decision. In the years following, several current conservative Supreme Court justices criticized Chevron deference and the decision. Justice Thomas called it a “serious separation of powers issue,” *Michigan v. Env’tl. Prot. Agency*, 576 U.S. 743, 761 (2015) (Thomas, J., concurring), and Justice Gorsuch wrote that “under Chevron...courts are not fulfilling their duty to interpret the law.” *Gutierrez-Brizuela v. Lynch*, 834

F.3d 1142, 1153 (10th Cir. 2016) (Gorsuch, J., concurring).

On May 1, 2023, the Supreme Court granted certiorari to hear *Loper Bright Enterprises v. Raimondo*. *Loper* is a case brought by a group of commercial fishing companies and involves a challenge to a rule issued by the National Marine Fisheries Service which requires the fishing industry to pay for the costs of observers who monitor compliance with fishery management plans. The case is a direct challenge to Chevron. The second question of the writ asks, “Whether the Court should overrule Chevron or at least clarify that silence concerning controversial powers expressly but narrowly granted elsewhere in the statute does not constitute an ambiguity requiring deference to the agency.” *Supra*, note 2. Administrative law scholars say to expect narrowing, if not an outright overruling, of Chevron when the Supreme Court decides *Loper*. Ufonobong Umanah, *Expect Narrowing of Chevron Doctrine, High Court Watchers Say*, *Bloomberg Law* (Oct. 10, 2023, 5:00 AM) news.bloomberglaw.com/us-law-week/expect-narrowing-of-chevron-doctrine-high-court-watchers-say.

This outcome could be particularly problematic for the environment. A gridlocked Congress that is unable to pass laws has left agencies like the EPA to craft environmental regulations and protections. Gerstein, *supra*, note 5. Stripping the agencies of their deference could lead to legal and



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boys, from diverse backgrounds, seven days a week. Coach Hoy is a former basketball coach and member of the Pittsburgh Basketball Hall of Fame. His impetus to coach at Team 412 wasn't about a passion for boxing; Coach Hoy emphatically says he's in his position for the kids. His dedication extends far beyond boxing, as the gym engages in volunteer work, field trips, and educational programming, showcasing a holistic approach to youth development.

While the gym has no shortage of heart, it lacks funding for daily expenses and crucial gear for the kids. The BLI's "Fight Night" retro boxing-themed fundraiser gala, held on Wednesday, April 3, 2024 at Kingfly Spirits, and the concurrent Amazon items drive, helped to address this shortage. These initiatives provide our legal community with an opportunity to positively impact the lives of the young local boxers at Team 412 Boxing. Members also joined

members of the gym and partook in boxing classes with Coach Hoy and the kids. Thank you for your support of the BLI class in its efforts to support this great local cause, and thank you for joining us at the Fight Night gala! ■



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A SUCCESSFUL NETWORKING SYMPOSIUM FROM PITT LAW'S OUTLAW AND THE ACBA

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landscapes, fostering connections between students and seasoned professionals remains crucial for the development of a more vibrant and inclusive legal community. The symposium's success demonstrates not only the value of creating inclusive spaces like this, but underscores the need for more events that break away from traditional formats, providing students with diverse perspectives and valuable insights as they embark on their legal careers. As the legal profession continues to evolve, ongoing efforts to enhance connections between students and seasoned professionals will contribute to the development of a more vibrant and inclusive legal community. ■

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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.

NEW PA LAW REQUIRES REPRESENTATION IN THE GUARDIANSHIP PROCESS. HERE'S HOW YOU CAN HELP

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This new rule takes effect June 11, 2024, and the courts are now seeking many, many more attorneys to act as representatives, paid by the state, for these individuals. No experience in probate court is required, and information on the process, expectations, and guidance will be provided. Thus, this is a great opportunity for young lawyers – and more seasoned attorneys alike – to gain court experience and knowledge of probate matters. Attorney with experience with disabled individuals, family law, estate work, or veterans may be particularly needed. Any attorney who is able to help with even one case

is welcome to reach out. For information on working as a representative in Allegheny County, please reach out to Daniel Buzard at Dan.Buzard@alleghencourts.us. For a list of orphans' court clerks in all counties in Pennsylvania, visit: www.pacourts.us/courts/courts-of-common-pleas/orphans-court-clerks. ■



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The Young Lawyers Division (YLD) of the Allegheny County Bar Association is comprised of all lawyers who have been admitted to the practice of law for 10 years or fewer. Lawyers who join the ACBA and meet the criteria automatically become members of the Young Lawyers Division without paying any additional dues. The Young Lawyers Division provides young lawyers with a means of gaining broader participation in bar activities, a forum for continuing legal education, and a vehicle for social exchange with their contemporaries at the bar.

The YLD is actively involved in helping young lawyers participate in activities of the ACBA and directs activities toward improving the administration of justice and prompting public welfare. The YLD helps young lawyers deal with problems and obligations specific to its members, and advises the ACBA of the needs and opinions of its newer members.

THE CHEVRON DEBACLE

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administrative chaos. An important part of Chevron is its recognition that agencies are better equipped to understand and handle issues that come with the area they are regulating; they are subject-area experts. For example, the EPA scientists are better equipped to determine how much a state may need to curb their air pollution than a judge would be. Jeff Turrentine, "What Happens If the Supreme Court Ends 'Chevron Deference'?", NRDC (June 21, 2023) <https://www.nrdc.org/stories/what-happens-if-supreme-court-ends-chevron-deference>. Throwing complex environmental decisions to a huge federal court system with judges of diverse ideologies, especially when judicial appointments have become increasingly partisan leading to an even wider range of viewpoints, could result in a hodgepodge of judges who are not environmental experts or scientists each deciding "which reasonable interpretation is their preferred reasonable interpretation. Id. Further, courts are already flooded with cases, and stripping agencies of their power could lead to overwhelmed judges having more cases added to their busy dockets.

The Supreme Court may land a huge blow to environmental protections by stripping agencies of their Chevron deference, but it will ultimately depend on the Supreme Court decision in *Loper*. ■

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