

LAWYERS JOURNAL

Kotarba presented with ACBA Construction Law Section Achievement Award

By Julian E. Neiser

Richard Kotarba found his vocation in the seminary, but it wasn't the priesthood.

An assignment involving the "Sacco and Venzetti" trial, where two Italian immigrants were accused of murder in the 1920s, launched Kotarba into an extraordinary legal career that would last 55 years.

"I could feel myself drawn to the law by reading just that one transcript," Kotarba said about the case. The issue of guilt or innocence struck him, as did the questions of whether the "red scare" of communism and prejudice impacted the verdict.

While Kotarba retired in 2021, acknowledgment of his legacy and achievements continue. On Dec. 6, 2023, Kotarba was presented with the first "Construction Law Achievement Award" presented by the Construction Law Section of the Allegheny County Bar Association. Kotarba was chosen from a group of seasoned and qualified nominees.

Jim Miller, COO and General Counsel of Mongiovi & Son Enterprises, spawned the idea for the award during his tenure as Construction Law Section chair in 2022-23. The purpose of the award was to recognize outstanding achievement as a construction lawyer, with emphasis on service to the Construction Law Section.

To Scott Cessar, a past chair of the Construction Law Section and CEO of Eckert Seamans Cherin & Mellot, Kotarba was the logical choice as the first honoree for this award.

"Dick set the bar for what was to be expected as Chair of the Construction Law Section. All of us who have followed as chairs have sought to maintain the high standards he established."

Cessar characterized Kotarba as a "scholar" of construction law, but always a "gentleman and fierce competitor." Cessar was not alone in his praise.

According to Jim Mall, a partner at Meyer, Unkovic & Scott LLP and current chair of the firm's construction group, recalled how Kotarba dedicated significant time and attention to the Construction Law Section, which in turn ensured its legacy.

According to both Mall and Cessar, Kotarba was instrumental in augmenting the Construction Law Section's educational programs, increasing participation from the ACBA members, and cementing its future impacts on the bar. Kotarba's section started a newsletter, conducted regular meetings, sponsored social events, and put on several CLEs a year.

Kotarba knew local construction attorneys were among the finest in the country, and he wanted to create an environment that showcased these skills. Kotarba consulted with current ACBA Executive Director David Blaner, Cessar, and Dickie



PHOTO BY BRIAN KNAVISH

A team of Meyer, Unkovic & Scott attorneys showed up at the ACBA Construction Law Section Holiday Party to support Dick Kotarba as he received the first-ever ACBA Construction Law Achievement Award.

McCamey & Chilcote partner William Clifford and formed a plan for success.

"We doubled what everyone else (in the ACBA) was doing. We came up with a very aggressive plan and we completed everything," Kotarba said. And, he noted, with the participation of Clifford and Cessar – who would be the next two Section chairs, respectively, Kotarba was satisfied with the Section's continuity.

Based upon the frequent presentations, overall increased participation, and growing collegiality of the Construction Law Section, Mall said that Kotarba's legacy leading the section is a snapshot of what Kotarba achieved throughout his life.

Kotarba came from the coal mining town of Allison, Pennsylvania, located deep in Fayette County. More specifically, his town was "Allison No. 1," which is named after the local mine, and is a place where they "oiled the roads" to keep the dust down and had a population of 500.

Kotarba said his father worked hard, but said his two sons would never work in the mines.

Kotarba attended seminary at the Pontifical College Josephinum followed by John Carroll University. Kotarba said the curriculum was rigorous. He recalled studies of Greek, Latin, German, and literature, along with Gregorian chant and regular prayer. The work, he said, changed his life.

After completing his assignment on the “Sacco and Venzetti” trial, Kotarba completed his college and attended Boston College Law School on a presidential scholarship.

Kotarba joined Meyer Unkovic in 1966, where he remained his entire career. Kotarba was known for immaculate preparation, exceptional work ethic, and a gentlemanly demeanor. Mall remembered that Kotarba always cleared his desk at the end of every day and was known to be personally and professionally “meticulous.”

Kotarba quickly earned the trust of his clients and the respect of colleagues and found himself front and center in complex and impactful cases.

For example, Kotarba represented a contractor against an Iranian company before the United States-Iranian Tribunal in the Hague. This trial occurred shortly after the hostage crisis, when tensions between the nations were incendiary. Having never appeared before the Hague, Kotarba and partner Thomas A. Berret engaged in detailed study to learn the practices and procedures to avoid issues in this strange forum where neither had appeared before.

Kotarba recalls feeling the magnitude of the event while waiting for the panel on the first day of trial. “I thought, how did a kid from Allison No. 1 get to this point?” he said. “It was a bit scary. I was nervous, but I kept plunging ahead.”

The trial was short, but intense. Kotarba recalled the Iranian lawyer saying to him, with gritted teeth, “He who lies through his teeth with every word he speaks.”

Kotarba’s client won a \$2.7 million award and was paid shortly after.

Kotarba also served as counsel in the seven-week trial of the original Pittsburgh Convention Center before the Pennsylvania Board of claims and litigated the first use in Pennsylvania of the Eichleay formula, which relates to calculating home office and overhead damages. He was only one of 64 Allegheny County attorneys to receive the St. Thomas More award and received an honorary doctorate of Humane Letters from LaRoche College, where he served on the board of trustees from 1974 to 2009, including a tenure as chair.

Kotarba also returned to his alma mater of the Pontifical College Josephinum, where he served on the board of trustees from 1977 to 1986 and was elected chair.

To Kotarba, the Construction Law Section Achievement Award is a humbling acknowledgment of his entire career, not just his service to the Construction Law Section.

“You can’t describe what that means to me, because you are talking about your life’s work. The people you have worked with and against have judged you in a certain manner,” Kotarba said. “You cannot describe the feeling of satisfaction.” ■

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