



AMERICAN COLLEGE
of CONSTRUCTION LAWYERS

ACCLADES

Collegiality Newsletter of the American College of Construction Lawyers

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President's Update

Springtime is often used as an illustration of hope. In my lifetime, Spring has never brought so much hope—for a return to life before COVID. As vaccinations have become widely available, hope mounts for increased in-person interactions. And with that, hope for a return to our in-person annual meetings and quarterly board meetings, with the collegiality that binds us.

This year's annual meeting was an antidote to our social distancing. John Heisse and Jim Schenck put on a spectacular show—including timely and intriguing topics, opportunities for engagement and dialogue. We loved the chat feature and the instant gratification of a speaker or panelist responding in real time to a poignant question on the topic—which then led to other questions and interactions. Maybe it was Zoom, or maybe it was a thirst for intelligent dialogue—but either way, I've never seen our College so engaged. Well done, John and Jim!

A highlight of the meeting was the Diversity Committee presentation, and the Diversity Committee meeting. We were galvanized by a thought-provoking presentation promising a welcome change to the College's

approach to the diversity of its membership. That change in approach is still in its infancy, but the Diversity Committee is energized in its mission.

It is not hyperbole to state that this meeting would not have been so successful without the expertise of Bill and Donna guiding us along the way. Donna had experience with other groups' annual meetings and conventions, and she shared what worked and did not work. Bill single-handedly steered the Zoom ship with calm experienced hands. Thanks to both of them for their seamless pivot from the in-person meeting to virtual.

The Board of Governors met on May 15th virtually, with a plan to convene in person in August in Sun Valley, Utah (where John Heisse had planned to have his August Board meeting). We welcomed Joel Heusinger, Christine McAnney, Allison Snyder, Tom Rosenberg and incoming Secretary, Dean Thomson. We also thank departing directors Paul Bruno, Lee Davis, Jeff Ford and Carol Patterson for their years of service on the Board.

The March Board meeting focused on both the 2022 annual meeting planning, and the newly created ACCL Foundation. The Foundation has been incorporated; has applied for its tax-



exempt status and is accepting donations. Any donations should be sent to Donna, but specifically addressed to American College of Construction Lawyers Foundation, Inc. rather than just to the ACCL. We are excited about the potential for this Foundation to provide a vehicle for College give-back.

Eileen Diepenbrock is well underway planning the 2022 annual meeting, having solicited input from the Committee Chairs on a large, complex project theme. We will likely have an exciting Overton Currie lecture—more details to come!

We want to keep up much appreciated mid-year webinars that Jim Schenck and John Heisse started, and Eileen has asked Shannon Briglia to help her with developing webinars during the year that will be both timely and teasing some of the topics to be covered in the Annual Meeting. Terry Brookie and John Ahlers of the History Committee have agreed to prepare an In Memoriam video for the Annual Meeting. Terry and John are also looking for potential “trainees” for the History Committee. This Committee of two is an incredibly valuable asset of the College, ensuring that an accurate historical record is updated and

maintained for the benefit of current and future Fellows. Please let me know if you’re interested in working with Terry and John on this Committee, to allow them to transition in the coming year.

Finally, please remember that this is the season for the Membership Committee to be undertaking its due diligence. John Bulman’s Membership Committee, consisting of Helmut Johannsen, Steve Lesser, George Meyer and Denise Puente, will be reaching out to many of you as they vet our nominees received. Please be available for their calls.

Please mark your calendars for the Annual Meeting at the Montage February 17 through the 20th of 2022 !

- Anne Gorham, President

Future Meetings of Interest

Hold these dates for future ACCL Meetings:

35th Annual Meeting

February 17-21, 2022

Montage, Laguna Beach, California



Collegiality Corner

Jody Debs – New Life for Good.

“At the end of April, I retired from HDR after a wonderful 6 years but am not retired from working. On May 3, I am very excited to become the Chief Administrative Officer of Water For People

<https://www.waterforpeople.org>.

Water for People has an audacious goal of working with local communities and governments to bring sustainable water and sanitation solutions to 20 million people by 2030 and has a mission statement “Everyone Forever” I am looking forward to taking my knowledge and experiences in infrastructure, engineering, construction, procurement, contracts, risk management and ethics and compliance to the NGO world. To be honest, this is both exciting and scary but all the good things in life are. So many of you have reached out with warm congratulations, genuine interest and your own resources and relationships after I announced this new phase in my life. Others have asked me to keep them updated on my efforts and I will do so personally and through ACCLades.

The most inspiring communications have been from fellows who have

taken their significant talents and devoted them to pro bono and other charitable activities. I have been so impressed with the impact that so many of the fellows are making in social justice issues and in local communities. I strongly encourage fellows to update others in the college on your remarkable contributions.”

Josh M. Leavitt – Sharing expertise.

“ Hello from sunny Chicago where as usual we went from 40’s and 50’ almost immediately to 80’s and 90’s. I am pleased to share that on May 13 several ACCL Fellows and I were speakers at PLI’s first ever seminar on Infrastructure and Large Commercial Projects. There were a whopping 414 attendees at this virtual day—long program. I was national Co-Chairman and designed the five program panels. ACCL Fellows Greg Hummel, George Meyer and Helmut Johannsen were kind enough to present a panel on Project Development and Finance and Fellows Kathy Barnes, Jody Debs and I presented a panel on Advanced Delivery Systems. The Fellows were of course all terrific, insightful and generous with their time. We were also pleased that President Biden and Congress managed to put the



infrastructure bill front and center just in time for our program!”

Harvey Kirsh – Sharing expertise.

I am the Editor of a new text, "Alternative Dispute Resolution in the Construction Industry in Canada", which is a compilation of more than 40 original and repurposed articles written by leaders in the field.

Contributors include, among others, Rt. Hon. Beverley McLachlin (former Chief Justice of the Supreme Court of Canada) who has undertaken to write about innovative techniques to streamline arbitration hearings; and Hon. Neil Wittmann (former Chief Justice of the Court of Queen's Bench of Alberta) who has prepared an article dealing with the use of "Scott Schedules" in construction arbitration.

Rt. Hon. Richard Wagner (current Chief Justice of the Supreme Court of Canada) has agreed to contribute the Foreword. Also, I, in collaboration with Matthew Alter, are working on the 4th edition of my text, "The New Construction Act of Ontario: An Authoritative Handbook on Prompt Payment, Adjudication, Liens and Trusts".

As for speaking engagements, I recently served on a panel discussing

"Construction Arbitration" at a Symposium sponsored by the ADR Institute of British Columbia. I am also the Moderator of another panel discussion on "Construction Arbitration" at the RICS (Royal Institution of Chartered Surveyors) CIArb 2021 Dispute Resolution Symposium.

Allen Gibson – Enjoying life!

“Wendy and I were at Kiawah for the PGA Championship with Anne Gorham and Buck Hinkle. Also joining us was Beth Boulton (Holt Gwynn’s widow). We spent 2 days on the golf course and had a wonderful time.”





-Kiawah for the PGA Championship-

Editor's Note

When I received John Heisse's call to invite me to be the Editor of the ACCoLADES I was very worried and excited. I was worried, because I have been very close to the former editor, John "Buzz" Tarlow, a great friend, and I knew the level of commitment that this meant, but I also was excited, since I knew this was an incredible opportunity to serve one of my favorite organizations.

As I got involved in the preparation of the new edition, I got an incredible support from Buzz and Jenna to understand this task, and deliver it with quality.

In the middle of this discussion, another incredible person came into my life, Ron Stuff, a newly elected fellow that is in Arizona and we met without knowing each other, when I visited the area for the COVID-19 vaccination.

Ron invited me to have a beer in a very traditional place and we made immediate contact even sharing family matters that I think I would not easily share with others and vice-versa.

In this conversation the ACCoLADES publication came out and he asked me: Would you let me help you with a new design of the newsletter? I said yes immediately.

So he contacted me with his colleagues from SUNDT, Stefanie Teller, Vice President of Communications, and Skyler St. John, Graphic Design Specialist, to talk on the new design.

Their question was: What do you want the newsletter to look like?

This question is like when people go to the barber or hair salon and they said



they might need a change, but they are not really sure what the change is going to be.

So, the initial ideas proposed to them were: that the newsletter had to keep the original spirit, but with a change, and easy to work on.

But Stefanie and Skyler came out with this incredibly clean, beautiful and easy design that I'm sure will help the ACCL community being communicated.

One of the comments by the design team was that the name ACCoLADES could be improved by the name ACCLADES that in essence sounds the same, but would have a better impact.

They even showed us how to pronounce it, and it is true: It sounds the same and it looks different but keeps the essence. What magic!

After we got the design, I approached our President Anne Gorham to see if the newsletter should keep its original name (ACCoLADES) or the one that it was proposed, and the final decision was to go ahead with the "new" image, new style, so here it is...

So this message is not to tell you only why the design changed, but what incredible experience was this transition.

First, I received nothing but help from Buzz and Jenna to help me and my associate Martina (who I thank for her help) to see how the newsletter worked. We received from them only collaboration and help. Thanks guys!!!

Then, a new fellow who I just had met, Ron Stuff, offered his help to use the company's top resources on the matter to modify the design. Thanks again Ron, Stefanie and Skyler! You did a great job, with the best of your smiles even with a lot of work on your plate.

Finally during our trip for the second shot of COVID-19, Ron Stuff, his amazing wife Elizabeth and their lovely children invited us to have one of the best dinners in our lives, in their beautiful home in Arizona.

I never knew that by accepting John's invitation I would be blessed with so many things from wonderful people.

I think this is what is called Collegiality isn't it?

