



ISSUE #57, September 30, 2021

# ACCLADES

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Collegiality Newsletter of the American College of Construction Lawyers

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## President's Update

I write this note on a beautiful, idyllic Labor Day in Lexington. In contrast to this day, weather and its adverse impacts have been either on our minds or in our experiences over the past few months, and I'm hopeful that none of you have been adversely affected. From Hurricane Ida to the fires in the West, so many people are hurting. And unfortunately, our unwelcomed guest, COVID-19, will not leave us.

Despite all of this, the ACCL Board met in person in Sun Valley, Idaho (specifically, Ketchum) for the first time in a year. While the Delta variant was spreading at the time of the meeting, we had 8 board members attend. It was wonderful to see each other again! And none of us became ill.

As is typical for our August meeting, we heard the report of our Membership Committee, chaired this year by John Bulman. After receiving the extensive due diligence accounts of the Committee and their recommendations, the Board voted to invite 8 new Fellows to the College. As you know from the August 27th communication, these names are confidential until the requisite 30 days has passed. Assuming no comments that must be resolved, we can freely

announce this wonderful news on September 28th. Letters will go out to the new Fellows at that time. Please join me in thanking Denise Puente, Helmut Johannsen, Steve Lesser, George Meyer and of course, John Bulman for their hours of time and effort.

The ACCL Foundation is ready to submit its application for 501(c)(3) status, and the ACCL Board voted to provide \$45,000 seed money to the Foundation. This funding is a one-time event, as all other funds for the Foundation will come from donations. We are excited to see the Foundation grow.

The Diversity Committee reported on its mentorship program to assist younger construction lawyers develop their careers. Buzz Tarlow is also posting a podcast of the Annual Meeting diversity program.

We also decided to post all of the 2020 Annual Meeting presentations on the ACCL website, at no cost to Fellows, conditioned only on the consent of the presenters. We ask that Fellows not forward the presentations outside of the ACCL. The 2020 meeting presentations were fantastic, and I hope you will find easy access to the programs helpful.



Eileen Diepenbrock, Program Chair of the 2022 Annual Meeting, is putting the final touches on an outstanding program on large complex projects. As if that task were not enough, she has put together a webinar, with the help of Leslie O'Neal, on our ethical obligations to be current and fluent in technology. This webinar is scheduled for September 30th, and I hope you'll consider tuning in.

Golf at the Annual Meeting will be on Thursday instead of Saturday this year. The golf course is not close to the hotel, and it has proven difficult in the past to get golfers to a distant course after Hot Tips, and back in time for the dinner. Survey results have influenced the decision to try and start the dinner earlier, and we'll have Saturday afternoon outings to accommodate the schedule.

We will continue to evaluate the virus's impact, but we are focusing our efforts on an in-person meeting at the Montage February 17-20th. The December 4th Board meeting will be virtual. In the meantime, please stay safe and healthy, and we'll look forward to our in-person reunion in February.

- Anne Gorham, President

## Future Meetings of Interest

*Hold these dates for future ACCL Meetings:*

### **33rd Annual Meeting**

February 17-20, 2022

The Montage

Laguna Beach, CA.

## Collegiality Corner

### *Fishing with friends*

**John R. Heisse:** John Bulman, Buck Hinkle and John Heisse met in Sun Valley, Idaho for the August ACCL Board meeting and spent the day before the meeting fishing on the amazing Lost River, Idaho, which is about an hour and a half outside of town, over a steep, narrow, unpaved mountain track and down the other side.

The Lost River is so named because at a point several miles West of where they fished, it is literally lost, disappearing underground into an aquifer that flows dozens of miles until it joins another river – the Snake, John thinks.





At any rate, they had a wonderful time sight fishing for large, very well fed (and therefore very picky) trout, failing far more often than succeeding, but succeeding enough to keep it interesting. They even tried a style of fishing dubbed “Euro-nymphing” (if you think that sounds kind of “metro-sexual,” I’ll leave you to your imagination). The photo was taken at the end of the day, before the mile-long trek back to their guides’ trucks (and a cooler of beer!). It was a great day on the river with great friends!

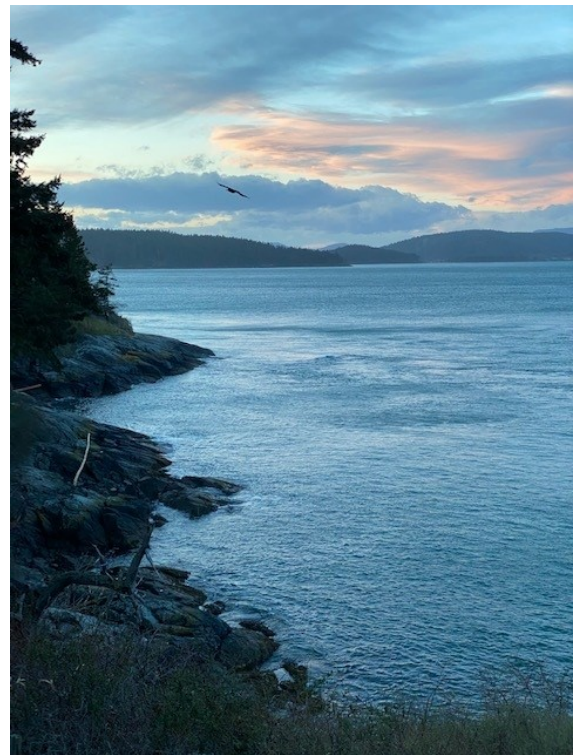


### *Family vacation*

**Douglas Oles** – Spent much of his summer on islands. His family visited Nantucket and Martha’s Vineyard in Massachusetts to see how the other half lives.

As temperatures in Seattle set record highs, they retreated to the temperate San Juan Islands, where sea breezes prevail and the biggest danger was the river otters who moved into a crawl space.

He hopes all the other Fellows similarly found their own (real or metaphorical) islands of refuge while we wait for the pandemic to subside.



### *At the beach with family*

**Allen Gibson** – Went on his annual beach vacation, with his family, here is a picture of them enjoying their summer vacation.



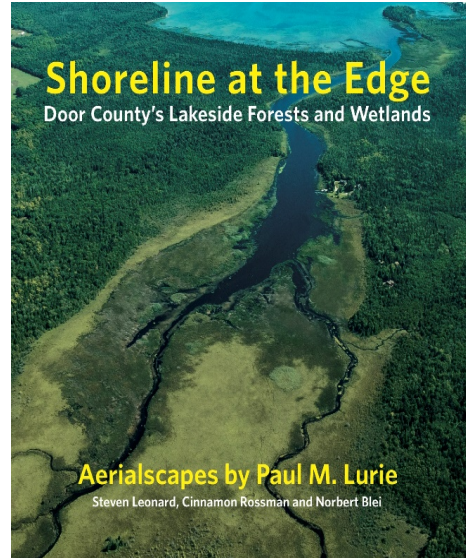


## *New life: new achievements*

**Paul Lurie** – Since Paul’s retirement as a Schiff Hardin LLP partner, he has been pursuing his interests as an environmental photographer using aerial photography to illustrate the importance of land and water preservation in Door County on the Lake Michigan peninsula north and east of Green Bay Wisconsin. Margaret and has had a vacation home in Baileys Harbor, WI for more than 40 years. He takes his photos in a Cessna 125 aircraft piloted by a good Door County friend.

The Door County Land Trust, a major environmental group, has just published his book based on his aerial photography called “Shoreline at the Edge”. Upon reading this book you’ll be delighted, inspired, and even more

curious about this beautiful Door Peninsula, its islands, and surrounding waters. This is truly a place like no other.



You can purchase the hardcover book from The Ridges Sanctuary with this link.

<https://www.ridgessanctuary.org/shoreline-at-the-edge/>

## *Congratulations!*

**Josh M. Leavitt** – Is honored to have just been named a 2021 Construction Law Trailblazer by The National Law Journal. This award is especially meaningful because it recognizes his work on an issue he has been deeply concerned about: the risks of construction industry which



participants face if they fail to adapt to climate change.

### *A new book for the industry*

**Luis Prats** – The ABA Forum on Construction Law just published a new book entitled Construction Trial Desk Book.

He was co-editor and also wrote the chapter on opening statements. Buzz Tarlow, also a Fellow in the College, wrote the chapter on closing arguments.



### *Congratulations for a good cause!*

**Gregory Hummel** – Is pleased to share that he has been selected the 2021 recipient of the Leadership in the

Private Sector Award for this year's March of Dimes Construction & Transportation Awards luncheon to be held on October 1, 2021. The committee noted his work on behalf of Chicago Mayor Lori Lightfoot's Invest Chicago South & West initiative.

As the chairman of the Chicago Central Committee, he worked with the executive director to empanel 10 teams who prepared schematic designs, market studies, financial plans and development strategies (hereinafter "CCAC materials") focused on specific corridors on Chicago's South and West sides. These CCAC materials in turn formed the basis of the Requests for Proposals that went to private sector teams comprised of majority and minority developers.

One notable feature of this initiative was the 250 community roundtables held primarily virtually to gauge community interest in the materials the CCAC teams had assembled. They discovered the ability to mount a multiple stakeholder process that has resulted in over \$270M in public sector assistance that is now married to projects having more than \$300M in private sector investment.





What surprised them was the follow-on investment that has already started to occur around the city designated sites in these 10 corridors.

The annual Construction and Transportation Awards is a unique event that honors industry companies, organizations and individuals and serves as an opportunity to recognize local leaders and projects that have made a difference in Chicagoland's infrastructure and in the community.

This year marks the 27th year of this awards event, and proceeds support March of Dimes and their mission to lead the fight for the health of mothers and their children.

### *An excellent initiative!!*

**Brad Gordon** – informs you of the inaugural Construction Inclusion Week, which will take place from October 18-22, 2021.



This is a first-time effort co-hosted by Gilbane, DPR, Turner, Mortenson, McCarthy and Clark to bring attention to inclusion and diversity issues in a coordinated manner on their construction sites across the country.

The event is modeled after National Safety Week, which their companies have been leading for a number of years.

### *What a child!!*

**Christopher C. Whitney** – On Monday, September 6, 2021, Christopher Whitney's daughter, Gabrielle, competed on the very first episode of the new season of Jeopardy! airing in CBS. Gabrielle competed against the reigning champ from Yale.

Gabrielle did great. Came in second with \$8999. Correctly answered more than 15 questions, 15 more than I could have answered! Whiffed on only 4. She was cool, calm and collected. Made her family proud!



## *Congratulations!*

**Charles Sink** – Charles Sink, here, reporting on his trip down the aisle with his middle daughter, Rebecca (picture on the right).

Quite appropriately, at the moment this picture was taken, Etta James' song, "At Last," was being played. Because of Covid 19, this celebration (but not the actual, legal marriage) was postponed a year. Because Rebecca is always late, even to her own march down the aisle, her father was vastly relieved that the 2:00 wedding was "at last" starting at 2:45. "All good things come to those who wait."



## **Editor's Note**

While we are still fighting with COVID-19, this edition shows two amazing facts:

The first one is that we are starting to recover our lives that were stolen by the pandemics in 2020.

The second one is that we have understood that great things of life are the ones we share with our beloved ones.

I am sure that all of us feel how good is to gather, hug and kiss those that we have on our side.

This edition has reflected some of the most beautiful pictures of our fellows in their personal lives.

And we promised to select a picture and this time was Bill Franczek's amazing picture of family time having a delicious lunch! We were astonished by so many smiles in the picture and the happiness that it reflects.

Allen Gibson's also reflected this sentiment and we are happy for it.

See you next time dear fellows!

**Roberto Hernández-García**

**Editor**

