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ACCLADES

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Collegiality Newsletter of the American College of Construction Lawyers

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President's Update

As we enter the holiday season, I find myself overwhelmed with gratitude. Grateful for Donna and her hotel negotiation and navigation skills; grateful for a supportive Board and College; and grateful that we will be gathering in Laguna in two short months. Our industry is booming, despite supply chain woes. And on a personal level, I am so grateful that Buck has successfully recovered from a 10 hour open heart surgery and is dusting off his golf clubs in preparation for February.

I am also eager to welcome eight new Fellows into our College in February 2022. Our newsletter editor, Roberto Hernandez, scheduled a Zoom call with the 2022 Class to introduce himself, the Executive Committee and the newsletter and, as a result, we received some intriguing insights into these fine folks. Please take some time to read about these eight exceptional individuals in preparation for our in-person introductions this year. These new Fellows provide assurance about the bright future of our College.

We all owe a significant debt of gratitude to our Membership Committee for their work this year to vet the nominations and recommend

this fantastic 2022 class. Our sincere thanks go to John Bulman, Chair; Helmut Johannsen, George Meyer, Denise Puente and Steve Lesser. Helmut and Steve will rotate off of the Committee this year, and President-Elect John Bulman will appoint two replacements.

Eileen Diepenbrock has assembled a spectacular Annual Meeting program. She has recruited an outstanding faculty to address the “mega-projects” theme. We hope that you will attend and enjoy the breathtaking views of Laguna Beach; enjoy the collegiality and companionship that we’ve missed for so long; and learn from some of the best and brightest in the industry. Buck has worked hard to develop some fun “Kentucky-themed” programs for the spouses, including a bourbon tasting (along with a little history lesson on bourbon), and a program on the Thoroughbred, which will include a local thoroughbred owner and syndicator together with betting strategies from our own David Ballati. Also, be on the lookout for email invitations to Jim Nagle’s Federal Update that will be presented prior to the Annual Meeting via webinar. Jim will focus on the new infrastructure bill rather than his usual focus on new caselaw.



The Board met by Zoom on December 4th to plan for the February meeting and to approve the Diversity Committee's new name and mission statement. Going forward, the committee will be known as the Diversity, Equity and Inclusion Committee, whose mission statement is:

In order to increase its collegiality and vibrancy, as well as its relevance and utility in the more inclusive design, construction and law world of the future, the American College of Construction Lawyers hereby establishes a Diversity, Equity and Inclusion Committee and charges it with: 1) helping the College promote the values of diversity, equity and inclusion in the College and 2) establishing the mechanisms to help all Fellows identify, develop, advance and involve diverse members of the construction bar.

Thanks to Robbie MacPherson, Barbara Werther and the Committee for renewing the College's commitment to diversity. We look forward to their leadership in guiding us and the industry toward a more diverse, equitable and inclusive society.

Finally, please take a minute to read about the opportunity for giving to the Foundation in honor of a colleague, family member or friend, including Fellows and/or their spouses who have passed.

- Anne Gorham, President

Future Meetings of Interest

Hold these dates for future ACCL Meetings:

33rd Annual Meeting

February 24-27, 2022

The Montage

Laguna Beach, CA

Meet our new Fellows!!!

As every year, we are pleased to receive new fellows that are brilliant and outstanding practitioners, but most of all, great human beings.

Take a good time to read what they have shared with us, and we encourage you to welcome them, and surprise them in our next meeting, by knowing what they have shared in their self-made introduction!



Hal Gray

"I own a lot of guitars — about 20 or so. I also own a lot of amplifiers. I even play some of them from time-to-time."

I am probably the worst self-promoter on the Planet, so writing about myself does not come easily to me – but here goes.

My Father was a P.E. – an electrical engineer. He spent his entire career working in Sales for Westinghouse Electric Corporation. Because of his career -- which mandated a transfer in return for a promotion -- we moved every few years. I attended seven different schools from K-12.

Most of my life has been spent in Atlanta, although I did graduate from high school in Mt. Lebanon, PA (a Pittsburgh suburb) while my father was stationed at Westinghouse corporate headquarters. During my first year in college, we were transferred back to Atlanta, and I have lived here ever since. Growing up, we lived in Atlanta three times, Pittsburgh twice and once in Birmingham.

I graduated from the University of North Carolina at Chapel Hill, and then from Emory University Law School.

My first job out of law school was at Powell Goldstein Frazer & Murphy, which is now the Atlanta office of Bryan Cave. After a couple of years I left and joined a newly-founded firm, Varner Stephens Wingfield McIntyre & Humphries. Two of its partners were from Ben Shapiro's firm, and three were from what is now Kilpatrick Townsend,

Varner Stephens had a group of very good construction clients, so help was needed in that area and I immediately became a Construction lawyer.

I remained at Varner Stephens for nineteen years, along the way hiring Eric Nelson while I served as the firm Hiring Partner. In about 1999, Varner Stephens dissolved and I moved to my current firm Ragsdale Beals Seigler Patterson & Gray, LLP (a small firm with a ridiculously long name) whose offices are in Peachtree Center in Downtown Atlanta.

I am married to a Kentuckian. Mayme is from Cave City, Kentucky which lies about halfway between Nashville and Lullvull on Interstate 65. She worked in healthcare for her professional



career; first for 30 years as a pharmaceutical rep and then for ten years in hospice. She is now happily retired.

We have three kids – Carter, the oldest, graduated from Georgia Tech in Finance and is a portfolio manager in the Investment Section at UPS Corporate in Atlanta. Davis, the next one, is re-enrolled at Georgia Tech and is majoring in Finance. The youngest, Caroline, just received her Doctorate of Education from the University of Southern California, and works at a Charter School in Queens.

As for hobbies, I own a lot of guitars – about 20 or so. I also own a lot of amplifiers. I even play some of them from time-to-time. I was a History major at Chapel Hill, and still remain an avocational historian. I enjoy Southern writers, particularly Rick Bragg. And as a good Southern boy, I follow SEC football, particularly the Crimson Tide due to deep family roots in Alabama, and UNC basketball. I keep saying that I'm going to again take up golf, but as John Hinchey told me the other day, I think that Construction DR work is a good time!

It is a great honor to have been elected to membership in the College, and I

thank all of the Fellows who convinced me to get off my duff and get involved.

Gegory Parsons

"Just last month, Renie and I continued our family tradition of attending a Rolling Stones concert with our children, which we have done since they were very young."



I was raised in Harlan Kentucky, which is an Appalachian coal mining community. My father owned grocery stores, so I grew up working various supermarket jobs. My mother, who was a school teacher, introduced me to the great rock and soul music of the sixties and seventies, which began my lifelong love of music. I played the piano, guitar and drums, and during



my high school years performed with a rock band, which covered songs by the Rolling Stones, ZZ Top and others.

In 1975 I moved to Lexington, Kentucky to attend the University of Kentucky, where I obtained both my undergraduate and law degrees. Upon graduating from the UK College of Law in 1982, I started practicing law as an associate with what is now Stites & Harbison, PLLC, where I have remained during my entire legal career. My mentor at the law firm was Buck Hinkle, who introduced me to and trained me in construction law. Although I have handled many types of litigation over the years, my involvement in construction law has been a constant and continues to be my primary focus.

At Stites, I have been blessed to practice with some great people who are also very talented construction lawyers, including ACCL fellows Buck Hinkle, Anne Gorham, Bill Geisen, Cassidy Rosenthal and David Ratterman.

With encouragement, support and training from David Ratterman, I have become involved with the structural steel industry and have handled several matters for steel fabricators. This led me to serve as co-counsel with

Stuart Sobel for a steel fabricator client in a 2019 trial in Miami. That trial was one of the most intense, but rewarding experiences of my career with the added bonus that I became good friends with Stu.

I am married to Renie Parsons and we have two children. Both of our children are recent graduates of Southern Methodist University and are now gainfully employed. My daughter, Emory, lives in Charleston, South Carolina and my son, Spencer, lives in Dallas, Texas.

Our entire family enjoys golf, travel, fishing, thoroughbred horse racing, snow skiing, UK sports, New Orleans Saints football, movies, books and, of course, music. Just last month, Renie and I continued our family tradition of attending a Rolling Stones concert with our children, which we have done since they were very young.

I was at my office when I received a call from an enthusiastic Stu Sobel who told me I had been admitted into the American College of Construction Lawyers. I was thrilled and humbled by that exciting news. I am honored to be included in this special group, who are also such accomplished construction lawyers, and I look



forward to seeing everyone at the meeting in California.

Lauren P. McLaughlin

"I know I join the ranks of many litigator moms in this College, and that has its own special brand. For me, a decade or more before today, my spouse and I had the incredible fortune to adopt two children from South Korea. We were lucky to bring them both into our family as babies. "



Hello from our Nation's Capital!¹ It certainly is one of the highlights of my

¹ N.B. Nothing controversial is intended, implied or otherwise, by that greeting!

career to share in your fellowship for the coming years and I look forward to collaborating and forming friendships with each of you. Allow me to introduce myself, Lauren (nee Pacelli) McLaughlin.

Formative Years

I'm proud of a fairly humble childhood. My parents were New Englanders who married in the Boston College Chapel after just a month of dating. They were happily married for 47 years. I was born in Atlanta, Georgia where my father worked for Delta Airlines. I spent most of my childhood growing up in South Florida where my father worked for Eastern Airlines. Anyone remember them? We lived for a short time in Sydney, Australia (1986-1990) where I attended middle school. We made the most of our weekends and holidays in Oz – touring Ayers Rock, Perth, the Great Barrier Reef, and NZ to name a few. Adventures were around every corner. How many people can say they witnessed a kangaroo attack on their sibling? We returned to the States and settled in Northern Virginia in the early 90s, which was extraordinarily dull by comparison, especially for a teenager.



But, it's where I've lived ever since. Thirty years + makes me a Northern Virginia native.

College Years in D.C.

I became very politically astute during high school, attending a number of state and national party conventions and working on campaigns from the time I was 17 through college. Yes, I had the political bug and Capitol Hill electrified me. I chose a catholic women's college in DC to earn my bachelors' degree, Trinity College, and double majored in French and Political Science. I interned for members of Congress, political action committees, the Federal Election Commission, the Office of Legislative Counsel for the U.S. Senate (where they do the actual drafting of legislation), Women Executives in State Government, etc. You name a federal agency and I'm sure I can claim an internship or externship there. I happily shook hands with 3 sitting U.S. Presidents. Studying abroad in France and a fellowship to the Center for the Study of the Presidency were my top two (nerd) highlights.

Litigator Life Commences

Following college, I jumped across the street (Michigan Avenue to

be exact) to Catholic University Law School for 3 years of hard work. During that time, I summered with a law firm Wickwire Gavin, a construction and government contracts boutique firm in Northern Virginia. Fate would have it that I met two partners there who helped shape my career and became the most impactful mentors a person could be fortunate to have in their professional life. They are two ACCL members, Shannon Briglia and Mike Loulakis. Fate would also have it that the night of the Wickwire Gavin holiday party, my law school sweet heart – Matt McLaughlin – proposed to me on the steps of the U.S. Capitol. Speaking of nerds, he was the Editor-in-Chief of the Law Review, I was Editor-in-Chief of a Law Journal. We've been happily married for more than twenty-one years and still redline each other's work.

Career Highlights

Seven years at Wickwire Gavin allowed me to go from baby attorney, assisting largely on high stakes disputes in the power generation industry, to the thrill and joy from having my own contractor clients. Eventually, Shannon Briglia and I started our own construction law firm, BrigliaMcLaughlin, PLLC. We were



determined to not let our fairly small shingle prevent us from working on large, complex cases. It was very gratifying and humbling for me that the very first day we opened our firm, we filed an \$8 million mechanic's lien suit. Even though we did not have a deep bench to speak of to start, we grew the firm to 6 attorneys and 12 employees over the course of 11 years. It was also extremely gratifying to have the support of many during those 11 years – repeat clients and referrals allowed us to stay happy and thriving in federal court, litigating million dollar disputes.

As we looked toward new chapters and new beginnings, we decided to align with Smith Currie and become their Northern Virginia office in 2019. While leaving behind the BrigliaMcLaughlin name and the company we had built for more than a decade was not easy, shedding the administrative responsibilities that come with managing one's own firm allowed me to focus more on litigating, less on running a small company. My three years at Smith Currie have been exactly as I had hoped, and I couldn't be more grateful. I've been able to secure engagements from public owners and P3 design builders alike,

something that I'm certain is helped by the heft Smith Currie brings.

Lawyer Mom

I know I join the ranks of many litigator moms in this College, and that has its own special brand. For me, a decade or more before today, my spouse and I had the incredible fortune to adopt two children from South Korea. We were lucky to bring them both into our family as babies. And though they are now in the teenage years, such that parenting turbulence from time to time is to be expected, they are the apples of our eyes and our single biggest priority in life. Joseph (15) is a sports stats fanatic and very much into baseball. His sister, Caroline (12), loves riding horses and playing basketball and soccer. Whatever they do in life, our only goal is for them to grow into generous and kind-hearted adults.

Personal Interests

As for hobbies, it's family - all the time, hands down. I love skiing, hiking, traveling, volunteering, and am a dedicated Francophile. I am most proud of serving on the Board of Trustees for six years at my alma mater, and serving as a Girl Scout troop leader for my daughter's troop



for the past seven years...and still going. I love my siblings, my in laws, nieces and nephews, baseball, and any celebration involving a Mexican restaurant, not necessarily in that order. For a single week in August every year, I can be found most often in the hammock at our family cottage in New Hampshire. I adore my cocker spaniel, Denim, who we rescued at age 11. He's almost 16 now and even though things are tenuous at best, he is still making us laugh with his sleeping positions, intent expressions, and food obsession.

When I learned of my admission to the ACCL, I contacted my spouse to meet me for a drink, without telling him why. I wanted to keep it a surprise until we met. That was a rookie mistake. After 21 years of marriage, and not knowing there was a reason to celebrate, he understandably declined my invitation.

I'm sure I've extended past all reasonable word limits on my biographical information. For that, I apologize. I am honored to join your ranks, especially those of my faithful mentors, Shannon Briglia and Mike Loulakis

I look forward to meeting you all in February 2022.

Nancy Greenwald



I was not planning to be a lawyer. My undergraduate degree is in marine physiology and geology. If we walk together in a tidal pool, I can tell you the names and habits of the critters who live there. A research scientist's life is fairly solitary, with long periods isolated in the lab, and that did not suit me (although I did enjoy many college weekends in Woods Hole at the Marine Biological Lab). Why law school? I went to school in the seventies, a seminal period in women's rights. I worked as an intern for the attorney representing a female professor in a sex discrimination suit



against the university I attended. As it turns out, we interns uncovered a smoking gun among the many boxes of documents we sifted through and the case settled. I saw firsthand the difference lawyers can make.

I loved law school, the reading, the way of analyzing problems, the debate, and the camaraderie. Even then, I believed there were better ways to solve problems than litigation. I took my first course in ADR from Frank Sander, and I was hooked.

After graduation, I chose to work at a small law firm with expertise in energy and a reputation for public interest work and giving their young associates real responsibility. During my first two years there, I argued an appeal in the 9th Circuit, co-authored an amicus brief to the Supreme Court, teamed with another young associate to bring a first amendment action against the DC Metro, and represented the people of the town of Centralia, PA (no longer on the map) which had a slow-moving coal fire burning underneath it, resulting in carbon monoxide, sink holes, and extreme heat.

The first construction site I ever toured was a nuclear power plant. I was 26 and just two years out of law school. My client was a rural electric

cooperative that was a joint owner with a minority interest in the as yet unfinished facility. This was my introduction to cost overrun and delay claims. During the next couple of years, I represented cities, towns and other rural electric cooperatives involved in the same position at nuclear plants across the country.

I was ten weeks away from leaving for Africa on a Fulbright when I met the man who became my husband and business partner for 30 years. My partner had been designing and building houses for more than a decade and was finishing his degree in architecture when I met him. So there was construction again. Over the years, we built an award-winning design-build firm of 50 employees. I moved to Skadden Arps when while we were growing the business, working part-time, then as a consultant, then replacing that work with three children, who are now grown. The youngest is an entrepreneur with a successful business and, as of last week, a TedX Talk. My son, the oldest, works in applied AI research. And my middle child is the mother of an incredible 4-year-old, who keeps me on my toes. I have yet to travel to Africa.



I am a passionate problem-solver. Forty years in the industry as a business executive, CFO, and attorney has given me the technical as well as the legal background to help companies reach practical resolutions. I have been working as a neutral for more than a decade. I also train construction managers, engineers, architects, and more in conflict resolution practices that better equip them to be problem-solvers in the field. I love what I do. My work at the Construction Institute is aligned with my passion – its members come from all aspects of the industry and its mission is to promote cross-industry collaboration.

When I am not working or making books of the solar system with my granddaughter, you will find me adventuring with my dear friend, Bob. I love hiking, kayaking, skiing, and camping. My picture is of Bob's and my 2017 adventure to Oregon, where we traveled to be in the zone of totality for the solar eclipse and wound up spending one night in the back of a Subaru outback to make that happen.

I don't recall where I was when I got into college, but I remember clearly that I received my acceptance to law school the day before a massive New

England snowstorm shut down mail service for ten days. My reaction was happiness followed by tremendous relief that envelop arrived before the storm.

I am honored and thrilled to become a Fellow of the American College of Construction Lawyers. I don't know all of you, but those of you I do know are thoughtful people with a real generosity of spirit. I look forward to joining you. This is a great industry in a time of change that needs the kind of leadership this group can provide.

Claramargaret H. Groover



My start in construction came at age 7 when my father enlisted my sister, our mother, and me to fold letters, stuff envelopes, and lick stamps to invite membership in the newly formed Kentucky Ready-Mix Concrete Association. Dad and other enterprising construction business owners in Central Kentucky allied themselves to advocate for their small, often family-owned construction and supply businesses. Buck Hinkle's family business was part of this fledgling organization in 1960 along with many other fine Central Kentucky companies that remain in operation today.

The photograph here depicts my blended families of 27 years at Thanksgiving 2019. My husband, Jim McCabe, and I are in the center with my son, Nathaniel Groover on the right, and Jim's son, Shaun McCabe, on the left ...AND don't get me started on the grandchildren who live 35 minutes apart in Chapel Hill and in Cary, North Carolina. Jim is a retired Orlando architect and our home in the background was his redesign in 1997. I lost my best expert witness when we married but he continued to help me understand the construction facts of my cases and I often got to tag along

to Aruba, Puerto Rico, and other exotic locales on his projects.

I have punched above my weight for most of my life. I adventured to Madrid, Spain for my junior year abroad on just 3 semesters of college Spanish. I landed a legal secretarial job as the wife of a graduate student at Vanderbilt trained only to teach English and Spanish. As my close friends can attest, some of my favorite sayings are, "If you can't be smart be lucky. If you can't be confident, be brave." The Nashville secretarial job put me (as a stand-in for my boss, the Chapter 13 Trustee) before Judge Ruth Kinnard who instilled a burning desire in me to go to law school. Judge Kinnard was the first person to help me realize that I could go to law school.

From those summers working for my father through college graduation; to Markel, McDonough & O'Neal in Orlando; to Universal Studios in Los Angeles and Orlando; through my practice today with Becker & Poliakoff, my career has touched construction management and construction law all along the way.

I am deeply grateful and honored to be invited into the ACCL. I was speechless when told. This fact



will make those who know me understand the depth of my emotion since I am rarely without words. I look forward to being of service and am privileged to be in the company of old friends and new ones.

David Owen

"I had the help of many people all along the way, including my family, and mentors inside the firm and outside the firm. And I still do."



I was born in Tuscaloosa, Alabama while my parents were still in school. After my father finished law school, we

moved to Gadsden, Alabama where he went into business with his father selling real estate and developing residential and small commercial buildings. My maternal grandfather also was a builder. In that regard, I have been around construction my whole life.

I took somewhat of an indirect route to becoming a construction lawyer. After graduating college, I practiced as a consulting engineer in San Antonio, Texas. After a year, the company transferred me to New Orleans to manage a geotechnical division. During this time, I still dated my college girlfriend. She had a very good job in Alabama as a programmer analyst. Because dating long distance had its challenges, I returned to Alabama and continued to work as a consulting engineer. My decision paid off because soon after, that girlfriend became my wife, Deblyn.

Going to law school was always in the back of my mind. My sister was a lawyer and my father had become a state court judge. My mother worked in philanthropy and continues to do so to this day. I admire all of them. My last semester of undergraduate, I took a class on the legal aspects of engineering. I really enjoyed it and did



well in the class. After working for six years, we made the decision I would go to law school. During a summer clerkship at Bradley Arant, Mabry Rogers, Nick Gaede and Wally Sears introduced me to construction law. I soon realized what all of you know; construction clients are the best kind of people, the cases are interesting, and it is definitely challenging. I loved it.

While in law school I owned and operated a technical drilling business. I commuted an hour to school while Deblyn worked full time and helped me with the business in her spare time. Because life wasn't busy enough, we decided to grow our family. Our first son, Manning was born during my second year.

After law school I joined Bradley Arant in the construction practice group. I had remarkable and extraordinary mentors and opportunities, as I suspect most in the ACCL have had. I had the help of many people all along the way, including my family, and mentors inside the firm and outside the firm. And I still do.

In addition to Manning (22) we have two more sons; Wilson (19) and Houston (17). My family is my pride and joy. Manning is a National Merit

Scholar at the University of Alabama majoring in chemical engineering. Wilson is a Presidential Scholar at the University of Alabama majoring in civil engineering. Houston is a junior at Vestavia Hills High School who plays football and baseball. Outside of practicing law, my family spends time at the lake, beach and ballparks. I cherish our family vacations and holidays together.

I am personally and professionally blessed and fortunate. Jim Archibald shared the great news about my acceptance into the ACCL and I was almost speechless. I am excited, honored and humbled to be accepted into the ACCL and look forward to new relationships and the enrichment the College offers.

David Peden

"My wife, Tish and I... met in Kindergarten. But we were just friends in school, and never dated each other."

My wife, Tish and I, are native Houstonians. This is a blessed second marriage for both of us. We graduated from St. John's School together in 1967, where we had first met in



Kindergarten. But we were just friends in school, and never dated each other. Life led us back together in 2004, and we married a year later. So we can say we met at age 5, and married at age 55. Tish's two sons, Will and Trey, and my son David and daughter Nancy are also St. John's graduates.

The photo was taken in Rockport, Texas over the 4th of July holiday this summer. It was the first time we all were able to get back together since COVID impacted the whole planet. We have a family tradition of gathering in Rockport for the 4th, and it was great to finally do it again. Rockport is a little town on the Texas coast, with great fishing and golf.



Editor's Note

As 2021 finishes and we are ready to gather again in person on February, 2022 after a shocking worldwide event, I am sure that all of us, ACCL fellows, feel more than ever blessed for being part of this group.

In this edition we had the pleasure to know a little bit more about our new fellows, from their human side.

I'm sure that you will find them as enchanting as we did in the zoom call where we meet them initially, and we encourage all our fellows to contact them and let them know who you are and what can you do to let them feel welcome as we do with all our fellows each year.

I'm sure our new fellows will be surprised when they meet some of the nicest people in the world in our next meetings.

I take this opportunity to wish you a blessed season and beginning of the year, with all your beloved ones.

With love and affection,

Roberto Hernández-García

Editor

