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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

I hope this message finds you well. I am writing for the last time as your president. It has been a privilege to serve you this past year. The year has had its challenges, but boring it was not. Donna Passons, Bill Seward, the Board of Governors, and especially the Executive Committee and Program Chair, Eileen Diepenbrock have been instrumental in guiding the College past some large hurdles. Buck has been a rock.

The Nominating Committee (John Heisse, chair, Kathleen Barnes and Steve Charney) have completed their work, and the ACCL Officer and Board nominations are:

- ***Immediate Past President:*** Anne Gorham (Lexington KY)
- ***President:*** John Bulman (Providence RI)
- ***President-Elect:*** Shelly Ewald (McLean VA)
- ***Secretary:*** Dean Thomson (Minneapolis MN)
- ***Treasurer:*** Terry Brookie (Indianapolis, IN)

- ***Board (exp. 2025):***

- Albee Bates (Pittsburg, PA)
- Bill Geisen (Covington, KY)
- Joe Kovars (Baltimore, MD)
- Steve Lesser (Ft. Lauderdale, FL)

John Heisse will be concluding his five-year term on the Executive Committee at the business meeting on Sunday February 27th. John's wise guidance and leadership have been inspirational when we needed inspiration. His practical solutions and tough decision making were always tempered with his quick wit, making the Executive Committee and Board meetings a pleasure. We will miss him in leadership, but he remains committed to the success of this great organization. Please share your appreciation for his service when you see him.

We also owe thanks to four stellar board members rotating off of the Board of Governors in February: Kathy Barnes, Eileen Diepenbrock, Albee Bates and Jim Schenck. Ironically, three of these four board members served as program chairs during their tenure on the Board. Albee served as a valuable member of the Membership Committee during his tenure on the



Board. We will miss their participation in the governance of the College.

John Bulman will take the gavel as president of the College on February 26th. He and his program chair, Wendy Venoit, have been busy working on their program for 2023, which will be held February 23-26, 2023 at the Hyatt Regency Coconut Point in Bonita Springs, Florida. Please be sure to attend the 2023 Annual Meeting planning committee breakfast meeting, which is scheduled on Saturday, February 26, 2022 at 7 a.m. in Laguna. Many of the ideas suggested at this past year's planning committee meeting became a part of the program for February.

We have sadly lost a number of our Fellows this year. There will be an in Memoriam tribute video on Friday afternoon of the February program. This video will be shared with the families. Please also consider a donation to the ACCL Foundation in memory of, and as a tribute to our departed colleagues.

We look forward to a terrific meeting in Laguna. Eileen Diepenbrock has worked tirelessly with the speakers to put together an amazing program. I appreciate everyone's input and support with the challenges this

meeting has faced. Despite those challenges, we will enjoy our trademark collegiality and while receiving an education on complex mega-projects.

- Anne Gorham, President

Message from John. R. Heisse

Perhaps the most important job of the President Elect of the College is to chair the Membership Committee, which vets the nominations of new Fellows, with an eye toward ensuring the future of the College through the admission of the "best and the brightest" of construction lawyers from within the U.S., and, on occasion, beyond. It is thus fitting that one of the final duties of an Immediate Past President is to chair the Nominating Committee – the committee charged with ensuring the more immediate future of the College, by advancing a slate of one candidate for an officer position and four candidates for our Board of Governors. I was joined by Kathy Barnes and Steve Charney in performing this task, and am very pleased to report that if our slate is elected at the business meeting at the Montage, Kathy, Steve and I are



very confident that the College will have steady hands at the helm.

For the position of Treasurer, to replace incoming President Elect Shelly Ewald, we nominate Terry Brookie. Since becoming a fellow in 2006 (in a class with John Bulman and me, by the way), Terry has co-chaired the Insurance Committee, served a three-year term on the Board, served a two-year term on the Membership Committee, served as Program Chair for the 2019 Annual Meeting in St. Petersburg, co-chaired the History/Archives Committee for more years than I can count, and has spoken at our meetings on several occasions. To say that Terry has proven himself up to the task is an understatement – few among us have given as much to the College as Terry. So, of course, that means we will now ask him to do more!

Your nominees for the Board haven't been Fellows as long as Terry, but nonetheless, each has more than demonstrated a high level of commitment to the College. Albee Bates (class of 2013) has co-chaired the ADR committee for two years and served a two year term on the Membership Committee. Two years ago, Albee was asked join the Board to serve out Tim Thornton's remaining

term, and has consistently provided the Board with sound, thoughtful, and incisive input on the issues we've faced over two very challenging years. It seemed natural and appropriate to ask him to serve a full term, and perhaps get to attend an in-person Board meeting! The indefatigable Bill Geisen (2010) served as co-chair and then chair of our Hot Tips session for seven annual meetings; he has also served on the Participation Subcommittee of the Long Range Planning Committee and the Barry Grove (Guided Mediation) Task Force. Joe Kovars (2014) has co-chaired our Public Contracts Committee for 3 years, has spoken at our meetings, and organized our 2021 zoom webinar on public procurement issues, all while co-chairing Baker Donelson's 60-member construction practice group. Last, but certainly not least, Steve Lesser (also class of 2014) has just completed a two-year stint on the Membership Committee, where he set the standard for meticulous, thorough, and diplomatic vetting of some of our newest members. When asked why he was interested in serving on the Board, he produced a thoughtful list of areas where we could improve our processes to both enhance the College experience for each of us,



but also to increase our outreach beyond our rolls.

Although it appears that pandemic-related issues may keep me from joining you in Laguna Niguel, and I will therefore likely miss our business meeting, I hope you will all enthusiastically vote for this slate of nominees, thereby ensuring that your current Board and Officers have the support of five energized and dedicated Fellows to replace those of us who will rotate off at the meeting.

Finally, I would be remiss if I didn't recognize and thank the three Board members other than Albee who will complete their terms at the annual meeting: Kathy Barnes, Eileen Diepenbrock, and Jim Schenck—each of whom has served or is currently serving as your Annual Meeting Program Chair in addition to their Board service. I can tell you from experience that there is no greater (or demanding) service a Fellow can give the College than to serve as Program Chair. Please join me in thanking Kathy, Eileen, and Jim for all of their hard work, and valuable advice. We truly cannot thank them enough.

A MESSAGE FROM THE ACCL FOUNDATION

The ACCL Foundation is fully organized and has applied for 501(c)(3) status. Donations to the Foundation are deductible for federal income tax purposes while the application is pending.

The Foundation was organized in part as a vehicle for honoring deceased Fellows. The passing of beloved colleagues in 2021 reminds us of that purpose.

Current Foundation officers are Buck Hinkle (President), Deborah Ballati (Vice President), Jody Debs (Treasurer) and Mike Less (Secretary).

Please contact any of them if you have questions.



Future Meetings of Interest

Hold these dates for future ACCL Meetings:

33rd Annual Meeting

February 24-27, 2022

The Montage

Laguna Beach, CA.

34th Annual Meeting

February 23-26, 2023

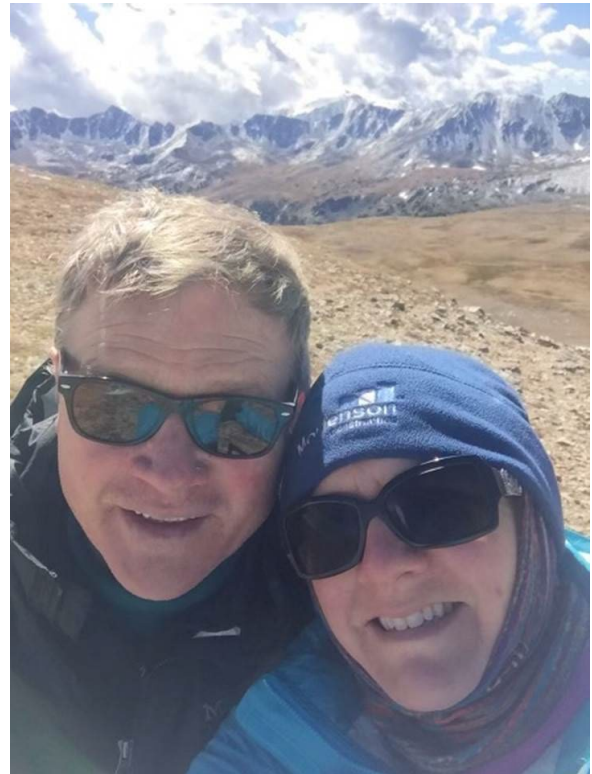
The Hyatt Regency

Coconut Point in Bonita Springs, Florida

Meet our new Fellows!!!

Editor's Note: New Fellows were featured in the prior issue of ACCLades as well.

Dwight Larson



"Heather has been my rock and our children have been the center of our lives together."

I am finding the task of introducing myself to this group a rather daunting task, but here goes, from the beginning I grew up in a small town in North Dakota where my father owned and operated the local grain elevator, Bismarck was the big city, and Minneapolis was at the outer edge of the universe. After graduating from the Washburn High School (with a grand total of 27 in my graduating



class) I attended Bismarck Junior College (how's that for pedigree!) and the University of Idaho, where I sought, found, and loved the mountains, and where I graduated with a bachelor's in civil engineering.

My two years in Idaho kicked off a decade in which I wandered a lot. My first job out of college was with a consulting engineering firm in the high desert of Elko, Nevada. After a few years there I decided to load up my backpack and take a year off to see the world, shooting my wad from my first real job in the process. Among other things during that year, I had the wonderful experiences of visiting China just as it was opening to foreigners, trekking to the Everest base camp in Nepal, and working on a kibbutz in Israel for two months.

After my return I landed in Denver (mountains again), where I took a job with an engineering firm and where I expected to live the rest of my life. The universe had other ideas, however, and the abrupt cancellation of the enormous oil shale project on the Western Slope of Colorado put an end to the boom in Denver, along with most work for civil engineering firms, and I packed myself off to the Maryland suburbs of D.C. to work for

yet another engineering firm. For those familiar with the area, the nine months I was in the D.C. suburbs included the emergence of the cicadas—three cycles ago. (For the uninitiated, the cicadas emerge in great swarms every 17 years, most recently in 2021.)

While in D.C. I decided to study law and my wandering ended when I moved to Minneapolis to attend the University of Minnesota Law School. Upon graduation in 1991 I took a position as an associate at the firm of Leonard, Street & Deinard (now part of the Stinson firm). I had a great experience there learning how to practice law, and during that time met Heather, a fourth-grade teacher who became the love of my life. Heather and I will celebrate our 25th anniversary in June. We have raised five wonderful children together (well, not quite—we still have two in high school and one in middle school). Our children include two adopted boys who were born in Guatemala. Heather has been my rock and our children have been the center of our lives together.

In 1997, I took the opportunity to take a position at Honeywell and learned the art of the in-house practice of law.



I also experienced the negative pleasure of being part of an acquired company when Honeywell was acquired by AlliedSignal (which assumed the Honeywell name going forward). A few years later—in 2004—I had the great fortune of landing a position with Mortenson Construction. There I had the pleasure of working closely with Tim O'Brien (who, while still a partner at then-Faegre & Benson, supported Mortenson full-time) until his retirement. Since that time we have grown the legal department to thirteen terrific professionals who support a thriving business. I was appointed to the position of general counsel late in 2016.

The photo is of Heather and me on an attempt to hike to the summit of Missouri Mountain, one of Colorado's 53 fourteen-thousand-foot peaks. We didn't quite get there—somehow those fourteeners have gotten harder since I was in my 20s—but as with the rest of our lives together we had a wonderful adventure.

I am honored to be part of the College, and I look forward to getting to know each of you.

Collegiality Corner

H. Fielder Martin



"I passed out my new business cards which read "H. Fielder Martin - Retiring Attorney-Aspiring Golfer." Note the term "retiring" vs. "retired."

After 58 years of practice, I officially retired as Senior Counsel with Baker Donelson August 31st. Almost two years of COVID-protocol made the



transition from office to home a bit easier, but not painless.

To give me something to anticipate, Dannie, my wonderful bride of 57 years, planned a sizeable and meaningful retirement party.

Included were attorneys with whom I had practiced over the years, many golfing buddies to play with more in the future, and many friends - some of more than 50 years and several from out of state.

As a surprise she had Nitrograss, a four-piece Blue Grass band, come down from NC and midway in the evening called on me to audition as a fifth member for the band.

I surprised many of our friends by playing my guitar and singing "I Didn't Know God Made Honky-Tonk Angels" and then buck dancing to "Rocky Top." Needless to say, the band returned without a fifth member.

I passed out my new business cards which read "H. Fielder Martín - Retiring Attorney-Aspiring Golfer." Note the term "retiring" vs. "retired."

It is hard to stop practice cold turkey, so I now am handling some arbitrations cases for AAA, available for mediation, continuing to golf, and, to Dannie's glee, becoming more skilled and helpful around the house.

Don't know how I ever had time to work!

In November, Dannie and I finally took a long postponed two-week trip to Spain and Portugal that was highlighted by a week cruising the Douro River. We look forward to more such travel in the future, but because of the spike in COVID Omicron we will miss the College this year but look forward to next.

Do stay in touch: my new e-mail: hfieldermartin@gmail.com.

In the interim, Dannie and I extend our best wishes to all.

Bill Franczek



Deserved recognition!

Bill was selected to become a member of the "Virginia Lawyers Hall of Fame", and will be inducted in a ceremony in Richmond, VA on February 22, 2022.



Vandeventer Black partner, William E. Franczek, was selected by [Virginia Lawyers Weekly](#) as part of the 'Hall of Fame' honorees for 2022. According to the publication, this prestigious award is given to attorneys with outstanding career accomplishments and their significant contributions to the development of the law, the bar, quality of justice, and to the commonwealth of Virginia.

More of this incredible news on: <https://www.hrchamber.com/news/article/january/12/2022/franczek-selected-as-a-member-of-the-virginia-lawyers-hall-of-fame-for-2022>

Steve Nelson and Lee Shidlofsky

Co-presented on complex multi-party construction defect mediations at the 2022 AGC Surety Bonding and Construction Risk Conference in Bonita Springs, Florida.

John Cook



Job Move and alongside every great man is a wonderful woman! Congrats Debbie!!!

The New Year meant a new location for my practice. After 28 years at my prior firm, I kicked-off 2022 with a move to the Washington DC office of Fox Rothschild LLP. I updated my contact info in the ACCL directory if anyone needs to find me. In family news, my wife, Debby, has been selected to become the Chairperson of the Board of the Aplastic Anemia and MDS International Foundation, a non-profit organization devoted to supporting patients with and finding cures for rare bone marrow failure diseases. This well-deserved honor is the culmination of many years of Debby's dedicated service to this cause.



Gregg Bundschuh



*Forget Greg's "horse power;"
check out Sarah's dog
power!!!!!!*

Sarah and I will be leaving the ACCL Annual Meeting for a bit of an adventure that will require trading in our formalwear for something warmer.

Sarah will be a volunteer for the 50th running of the Iditarod Trail Sled Dog Race in Alaska (Northern Route) beginning on March 5. I will be a mere spectator.

She will have duties at the ceremonial start in Anchorage, the restart in Willow and one of the checkpoints. Before the race start, we plan to check out the Northern Lights from Alyeska and attend the Fur Rendezvous winter festival – known locally as the Fur Rondy.

Doug Jones



A couple to admire!

Our admired friend Doug shares with us: *"I am delighted to advise that my wife Janet Walker has been appointed to the Order of Canada as advised in her Chambers website below:*

<https://www.atkinchambers.com/professor-janet-walker-appointed-to-the-order-of-canada/>"

The Order of Canada is one of Canada's highest honours created in 1967 to honour *"people whose service shapes our society, whose innovations ignite our imaginations and whose compassion unites our communities"*. Appointments are made by the Governor General of Canada on the recommendation of the Advisory Council for the Order of Canada.



Bill Geisen



Bill and Sandy's Excellent Adventure!

Last October, Sandy and I vacationed for two wonderful weeks in beautiful Hawaii. In our first visit to the islands, we stayed in Kauai, the Big Island and Oahu, with Kauai being our favorite due to its lush mountains and breathtaking scenery. During our trip, we took some incredible hikes, saw a live volcano and encountered God's handiwork, which is omnipresent throughout the islands. As a result of our visit to Hawaii, I might be jumping on Ken Kupchak's bandwagon to hold a College meeting there!

Gregory P. Parsons

"This month I was accepted to the American Arbitration Association's panel of construction arbitrators".

Wendy K. Venoit

*A career move and well deserved recognition of her achievements!!
Congrats!!!*

Wendy Venoit will be joining Cozen & O'Connor as a Members/Shareholder and will be opening a new Boston office for the firm.

Wendy Venoit has been named a 2021 Massachusetts Lawyer of the Year for her recent victory in an international arbitration where her client was awarded \$237 million.

Roberto Hernández - Garcia



At the end of 2021, I was blessed with three great news:

1. After an exhausting 3 days examination I became certified as a



FIDIC Dispute Board Adjudicator, becoming the first Latin American lawyer in the history of FIDIC to obtain this certification and to be included in the prestigious “President’s List”.
<https://fidic.org/president-list>

2. I was included in the ICDR (AAA) roster of arbitrators.

3. I was also honored by Best Lawyers as the Lawyer of the year In Construction Law in Mexico City for 2022.



Thanks to our 2022 conference sponsors!

We are pleased to report that we have 12 sponsors for the 2022 Annual Meeting.

These firms have each generously contributed \$5,000 toward our meeting. They will receive signage at the reception desk and on the ballroom screen at breaks. No representatives from the firms will attend the meeting.

If you work with any of these firms, please let them know how much we appreciate their support of the College





SOCOTEC

Thornton Tomasetti

**Thanks to each and
all of them for their
support!!**

Editor's Note

When I did the first call for submissions for this edition, I received the following note from Joe Canterbury: *"Roberto: Attached is a photo of me assisting in the commissioning of my grandson in the Army on Dec. 17th. I am very proud of him and share my pride with my fellow Fellows. Happy New Year, Joe"*.

When I opened the file and saw the picture (which you can see in the front page) I felt something in my throat and noticed I wanted to cry. I showed the picture to Gaby, my wife, and she had the same feelings. Can a "simple picture" transmit so many emotions?

I discussed this with Gaby. We reached to the conclusion that the picture captures what life is all about. Humankind has been living for thousands of years not because of tools, technology, and other material elements, but because the love that we have for the others.

It is hard to imagine the level of love and pride that Joe and his grandson have for each other and how that



moment will be part of their lives forever.

When I received that picture, I was sure that no other would be selected (sorry to all of those that send after trying to get the position, but I'm sure that you will concur with me.)

Thanks Joe for sharing this awesome personal and family moment with your fellows (and you are on the front page too!!!.)

Staying with the theme of love and commitment, I would like to express my admiration for Anne Gorham, our soon-to-be Immediate Past President. I cannot imagine being a President of such an incredible, (but quite demanding organization), in such difficult times. She had to make very difficult decisions (even with personal health issues at home), and complex decisions are not always popular.

Knowing Anne for some years in personal and professional matters, I know that all her decisions were done with a large doses of reflection and strategy and, most of all, love, in order to keep our College growing and going further, and also minimizing the risk of financial damage to our College, when everything was confusing. That is how great leaders act in uncertain times.

Dear Anne: thanks for your hard work and your commitment to our organization. We will always thank you for being such a great leader in the storm.

Look forward to meeting you either in Laguna Beach or elsewhere soon!

Roberto Hernández-García
Editor
(Mexico City)

