



## ACCoLades

*Collegiality Newsletter of the  
American College of Construction  
Lawyers*

*Issue #48 July 16, 2019*

### **PRESIDENT'S UPDATE**

It is with some sadness that this message is being drafted in the wake of Tim Thornton's tragic death. Tim was an esteemed colleague, a recently appointed member of the ACCL Board of Governors and a good friend to those of us who got to know him. He will be missed at our Board and annual meetings.

Today we also learned of Harry L. "Buck" Griffin's passing at age 84. Buck was a founding ACCL fellow and a mainstay of our organization. We all benefited from his wisdom and experience, especially those fellows he trained to be highly

knowledgeable and experienced construction lawyers.

John Clark, an ACCL fellow from 1994 to 2016, also recently passed on at age 82 in Colorado. He was a valued member of the College during his tenure and left many with fond memories of his presence.

The Board is scheduled to meet over the first weekend of August in Denver. Highlights of the meeting will be the Friday night Rockies-Giants baseball game and the election of the 2020 class of new fellows. John Heisse and the other members of the Membership Committee will report on the

results of their strenuous candidate vetting process. All candidates are highly regarded members of the construction bars in a variety of geographical areas and are worthy of our consideration. As in the past, ACCL fellows will be notified of the Board's decisions to permit an opportunity to submit additional comments prior to communicating the decisions to the candidates.

Another Board meeting agenda item will be the 2020 annual meeting in Tucson. Kathy Barnes, the Program Chair, has worked diligently with the fellows and others to identify and develop informative and interesting topics for presentation at the plenary and committee sessions. We should be close to finalizing the program by the end of the Board meeting.

Kathy, Donna, Mary Beth and I traveled to the Loews Ventana Canyon Resort in late May to help plan the meals, fellow/spouse activities and to assess the meeting, reception and dining facilities. The resort has been refurbished since we met there in 2005 and we know you will enjoy it. We also visited a

few potential venues for Saturday afternoon activities and will issue a survey of the options to solicit your feedback in hopes of identifying those of greatest interest. Due to the relative remoteness of the resort (on the side of a mountain), most of the activity venues will require transportation so your input will be important.

Charles Sink and John Heisse recently facilitated a conference call with several Fellows willing to assist Charles with the Journal and eventually assume his responsibilities as editor-in-chief. Charles has acted as a "one-man show" for some time now and deserves our appreciation for his excellent efforts. He will soon be issuing the summer edition of the Journal and will assist the new volunteers as they work toward issuing the winter edition. If you have a chance, please compliment Charles for all his hard work over the past few years.

Finally, if you have an item you wish the Board to consider at its upcoming meeting, please drop me

a note and we'll place it on the agenda.

- *Dave Lane, President*

## **FUTURE MEETINGS OF INTEREST**

**HOLD THESE DATES** for future ACCL Meetings:

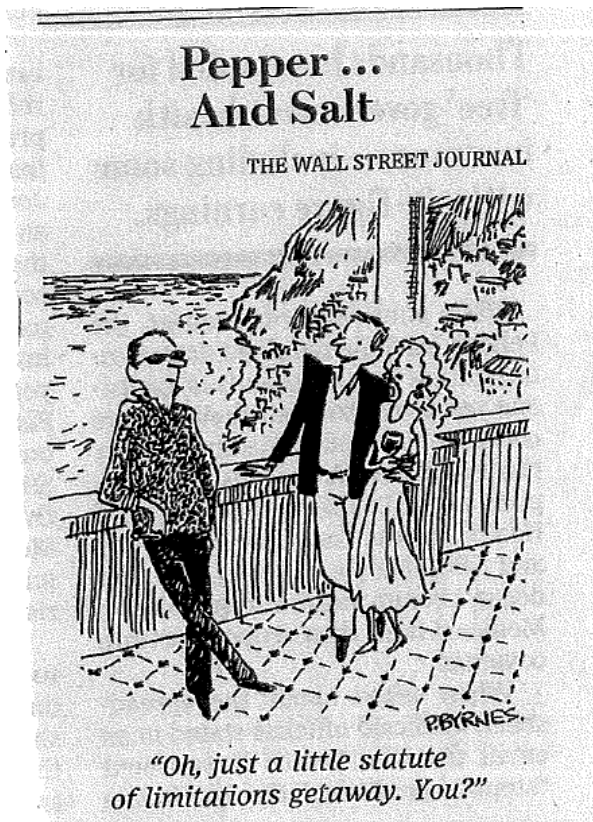
31<sup>st</sup> Annual Meeting

February 20-23, 2020

The Loews Ventana Canyon Resort  
Tucson, Arizona

## **COLLEGIALITY CORNER**

**Ben Shapiro -**



**Ken Kupchak -**



As persons age their judgment comes into question, it is said. Offered as Ex 1: Cornell University's Class of 1964 has, at its 55<sup>th</sup> reunion, elected to a five-year term, as its President, the furthest Class Member from the Ithaca Campus, yet still located in these United States, Moi! (Rumor has it that, rather than Class hats, we will all be sporting Cornell logo ALOHA shirts as souvenirs of our 60th.)

**Frank Riggs -** in June Bethany and I attended the ceremony in Normandy marking the 75th anniversary of the D-Day landing in France during WWII and then attended the first of the US



National Team's soccer victories at the Women's World Cup.

**Joseph McManus –**



Don Marston and I were invited to present at the XII Dublin Forum on International Dispute Resolution with The Chartered Institute of

Arbitrators (CIArb) in Dublin, Ireland last month. Both of us are Fellows with CIArb.

The Dublin Forum is described as follows in the invitation: Participation is limited to no more than 30 attendees, each specially invited because of their active interest and engagement in international arbitration and mediation... with each topic introduced by a panel of three or four speakers and then opened for round table discussion. This year's Forum has attracted colleagues from jurisdictions across the world including Malaysia, Indonesia, Russia, Spain, England & Wales, Scotland, Ireland, Canada, and the USA.

Discussion topics included:

- Investor State Dispute Resolution and Opinion 01/2017 and the future of EU
- The revision of the ICSID Rules
- Update on UNCITRAL Working Group II (Dispute Settlement)
- The Prague Rules

- The experience of construction adjudication in established jurisdictions and its extension to new jurisdictions
- Institutional, regional and country updates

#### **John Bulman -**



The ACCL was well represented at the IBA-VIAC competition in Vienna!

**Steve Lesser** - This year I am Chair of the Florida Bar Board of Legal Specialization and Education. This Committee oversees the 27 specialty areas of certification including construction law. Florida has the largest specialization program in the country.

**Ross Altman** - I have met the irresistible force, and in April joined our colleagues at Laurie & Brennan,

LLP. New contact information can be found in my updated ACCL profile

**Stanley Sklar** - I was recently appointed to the Illinois State Bar Association Alternative Dispute Resolution Council, an invited group of ADR practitioners. I recently participated in its annual CLE program where I presented a session entitled "The Mediation Has Failed-Now what?" In addition, I will be authoring a column from time to time for the ISBA Section Newsletter - Ask the Arbitrator! My first column will address many of the fallacies relating to commercial arbitration.

**Richard Smith** - Linda and I just celebrated our 50<sup>th</sup> wedding anniversary.

**Roberto Hernández** - I want to share that last semester I was working as Dispute Board Adjudicator for two projects in Peru, related to major sport facilities for the Lima 2019, Pan American and Parapan American Games. These DABs were under the English NEC3 contracts.

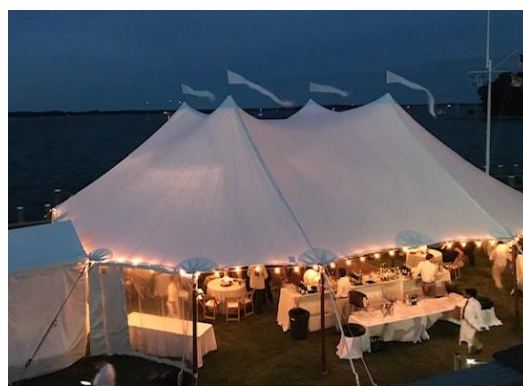


**Joe Kovars –**



On June 8, 2019, our son Adam married Alicia Bronzino at the Chesapeake Bay Maritime Museum in St. Michaels, MD. It was a beautiful and emotional event in an amazing setting by the water. Our other son, Michael, was able to

return from Buenos Aires to attend. Vickie and I are so happy to welcome Alicia into our family. We are still enjoying the afterglow.



**Don Marston** - The Professional Engineers Ontario published the following press release on May 13, 2019:

For his contributions to the engineering profession's high standards of professional practice and ethics, Donald Lewis (Don) Marston, JD, P.Eng., FEC, FCIArb, of Toronto, has been named an Officer of the Professional Engineers Ontario (PEO) Order of Honour. He was inducted into the Order at a gala on May 3 in Toronto.

Both a lawyer and a professional engineer, Marston assisted in the development of PEO's professional practice exam (PPE), creating the exam's law component in the early 1980s when the PPE was added as a licensure requirement. During this time he also wrote the book *Law for Professional Engineers, Canadian and Global Insights*.

In 1993, Marston was asked to join a task force reviewing licensing requirements for those in government, industry as well as for consulting engineers. This led to him reporting and making recommendations to PEO

Council on proposed changes to the definition of professional engineering.

A former member of the Ethics Committee and a 12-year member of PEO's Enforcement Committee, Marston's experience as an engineer and lawyer, and his ability to articulate complex issues in simple language, have made him a valuable contributor on many PEO initiatives.

During his influential tenure as a PEO volunteer, he says his most rewarding volunteer experience has been the collegiality and camaraderie of working with other committed volunteers.

The Order of Honour pays tribute to individuals who have rendered conspicuous service to the engineering profession. The rank of Officer is bestowed upon those who have served the profession for many years and whose sustained leadership has contributed greatly to its operation or improvement in its status.

Tom Abernathy –



In late May and June, Calland and I enjoyed three wonderful weeks in Southern Italy: Naples, Capri and the Amalfi Coast. Then, we went to Greece where we sailed the Greek Isles on Windstar (see picture) which was highlighted when we arrived in Turkey with a candlelight dinner at the library in the excavations at Ephesus (see picture). A great trip which we highly recommend.

Buzz Tarlow –



I am happy to announce that I am producing and hosting a podcast entitled *Construction Law Today* for the American Bar Association Forum on Construction Law. The podcast is available on iTunes, The Google Play Store, and Podbean.

The first four episodes of the podcast are now available and contain interviews of ACCL Fellows: George Meyer, Dan Brennan, Robbie MacPherson, and Stephen Hess.

Please let me know if you have any interest in appearing on the podcast, suggestions for interesting topics, or any other feedback about the podcast.



## **EDITOR'S NOTE**

It has been a sad month for the American College of Construction Lawyers with the loss of so many noted Fellows. I, like so many of you, appreciate the comradery and collegiality shown by the many e-mails sent in connection with these sad losses.

On a brighter note, I hope that you will enjoy this issue which describes the summer activities of many Fellows. As always, it is an interesting collection of adventures involving so many of us.

My best wishes to all of you for a safe and happy summer season.

*John H. "Buzz" Tarlow*

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