



## ACCoLades

*Collegiality Newsletter of the  
American College of Construction  
Lawyers*

*Issue # 50   November 20, 2019*

### **PRESIDENT'S UPDATE**

The fall Board Meeting took place in Austin, TX over the past weekend. We discussed numerous items of interest to the Fellows including:

- The appointment of the ACCL Nominating Committee members to serve with Doug Oles, our Past President. (Robbie MacPherson and Deb Ballatti have graciously agreed to fill those spots.)
- A recap of the planning for the upcoming 2020 annual meeting in Tucson which, by all accounts, should be enjoyable and informative for the attendees.
- Growth considerations for next year's Membership Committee (to be chaired by Anne Gorham) and the appointment of two replacement

members in accordance with the requirements of the Bylaws.

Future Board meeting dates of April 18 (Chicago), August 22 (Sun Valley, ID or Jackson Hole, WY) and December 5 (San Francisco, CA).

- The possibility of establishing an ACCL Endowment for educational and training purposes.
- Our 2019-20 Actual Income and Expenses vs. the Budget (which will reflect most income and expenses accruing after the first of the year to include dues and meeting registration fees and ongoing expenses).
- Updating and upgrading the ACCL web site to include personal and professional information on



current Fellows and to permit their ability to edit that information.

As previously reported, Kathy Barnes, the Program Chair, has assembled informative and interesting topics for presentation at the plenary and committee sessions. Likewise, spouses' activities are planned with very helpful feedback from those who plan to participate.

You should have received the annual meeting brochure issued in early November. You are reminded to promptly make room reservations at the Lowes Ventana Canyon Resort as soon as possible to avoid last minute booking issues and resulting frustration.

Charles Sink reports that preparation of the winter edition of the Journal is well underway. We expect Charles to pass his "Journal Editor's Mantle" to others following release of the winter edition. Meanwhile, please express your appreciation to Charles for his dedicated efforts over the past few years.

John Heisse and Jim Schenck, the Program Chair, are already planning the March 18-21, 2021 Charleston, South Carolina Annual Meeting and program. Jim has scheduled a Planning Committee Meeting for 7-8 AM Saturday

during the Tucson meeting. Please feel free to provide input during that meeting and also make sure to reserve the annual meeting dates on your calendar.

The next Board meeting is scheduled for February 20, 2020 in conjunction with the Tucson meeting. If you have an item you wish the Board to consider at the meeting, please drop me a note and we'll place it on the agenda.

You and your family have our best wishes for enjoyment of the Holiday Season.

- *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

32<sup>nd</sup> Annual Meeting

March 18-21, 2021

Charleston, South Carolina

## **NEWLY ELECTED FELLOWS**

Following a detailed investigation by our Membership Committee and a detailed review and discussion by



the Board of Governors, the Board voted to elect the following to Fellowship in the College:

1. Bruce G. Alexander  
West Palm Beach, FL
2. Jayne A. Czik  
Brooklyn, NY
3. Richard P. Flake  
Houston, TX
4. Nicholas K. Holmes  
Manchester, NH
5. Anthony L. Meagher  
Baltimore, MD
6. Hon. Carol N. Park-Conroy  
(Honorary)  
Alexandria, VA
7. Cassidy R. Rosenthal  
Lexington, KY
8. Richard J. Tyler  
New Orleans, LA
9. Sharon Vogel  
Toronto, ON, Canada

The ACCL would like to extend a heartfelt congratulations to the New Fellows and we look forward to learning more about them in our upcoming January issue of ACCoLades.

## COLLEGIALLY CORNER

**Bill Geisen -**



In October, Sandy and I spent two incredible weeks in Greece. I tried to get Sandy to acknowledge that I remind her of a Greek god, but she couldn't manage to utter those words. Go figure! Nonetheless, we enjoyed a trip of a lifetime.

**Doug Jones** - I have been appointed by the President of Singapore to be an International Judge of the Singapore International Commercial Court effective 1 November 2019. Details of the Court and the other International Judges can be found at:

<https://www.sicc.gov.sg/>

I am looking forward to combining this role with my ongoing practice as an international arbitrator.



**Jim Groton** - At the annual meeting of the Construction Lawyers Society of America in September, Ed Meyerson and Mabry Rogers presented me with CLSA's Lifetime Achievement Award.

Also, in its September 30 issue, Atlanta's legal newspaper, The Fulton County Daily Report named me as a "Georgia Trailblazer" in recognition of my pioneering work in developing and advocating the use of proactive pre-dispute and pre-escalation techniques for preventing disputes in construction and other commercial relationships.

**Gordon Jaynes** - Click [here](#) for a copy of a paper presented as a keynote address at an annual Global Arbitration Report conference.

Written by Chris Seppala of White & Case Paris, it is "look back" over his career plus a bit of "look ahead". Chris is perhaps most widely known as Legal Adviser of FIDIC and being intimately involved in preparation of FIDIC's Conditions of Contract for use on international engineering and construction contracts, and the arbitration of disputes under them.

I thought his address may be of interest to ACCL Fellows because of its perspective on the huge

changes which have occurred in the international engineering and construction industry following the "oil price revolution" of 1973. Chris identifies four key events and two of them involve two ACCL Fellows (Honorary). It is well written and gives a vivid picture of a young Chris arriving in Paris from New York City and beginning his discovery of a new scene in which he tries to find his way as "a foreign lawyer."

**Roberto Hernandez** -



Gaby and I celebrated our 20th anniversary last October. We thank God for all these years and feel blessed by our two daughters: Ana Gaby and Ximena.



**Allen Gibson –**



Here are some photos from a recent excursion to Kentucky. Wendy and I were with Dave and Deb Ballati celebrating Dave's 70th birthday with Buck Hinkle and Anne Gorham who were celebrating their 20th wedding anniversary! We were also joined by Beth Boulton for a fun week of playing golf, visiting horse farms, traversing the Bourbon Trail (picture from Buffalo Trace

Distillery) and attending the horse races at Keeneland (2nd photo).

**John McGuinn –**



Karen and I celebrated our 50th wedding anniversary on September 27th. Here's the photo with Karen holding our wedding certificate. One of us kept it for 50 years (hint: it wasn't me).

**Josh Leavitt –** For the third straight year I acted as national co-chairperson of PLI's annual Commercial Real Estate Institute presented in New York, Chicago and San Francisco, moderated the two-day Chicago session and was a presenter on the "Construction Issues" panel. I also published an article in Bloomberg Environment titled "New Legal Cases Show Need to Adapt to



Climate Change” as part of my continuing interest in liability of construction industry participants for failure to adapt to climate change.

**Clifford Shapiro -**



I’m feeling great and looking forward to seeing everyone at the next annual meeting. I’m also enjoying serving as an arbitrator and mediator, and speaking more often about ethical issues that can arise in the ADR context (including a plenary session at the American College of Coverage Counsel earlier this year). But the best recent event (by far) was a bike trip to Italy that included a separate visit to the Quintarelli winery – who knew

wines from Veneto could be so good?

## **EDITOR’S NOTE**

Happy Autumn to everyone. This issue of the ACCoLades is filled with interesting reports from many of our Fellows. A particular note is a congratulations to Fellow Rick Lowe on his election as judge on the City of Philadelphia’s Court of Common Pleas.

I hope that everyone will enjoy a happy and safe Thanksgiving holiday with family and friends. My best wishes to you.

*John H. “Buzz” Tarlow*  
jtarlow@lawmt.com  
406-586-9714