



ACCoLades

*Collegiality Newsletter of the
American College of Construction
Lawyers*

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PRESIDENT'S UPDATE

There is little new to report since the November issue of ACCoLades. Perhaps the most significant development was the Nominating Committee's (Doug Oles, Robbie MacPherson and Deb Ballatti) completion of its work and its submittal of these ACCL Officer and Board nominations:

- Anne Gorham as President-Elect;
- Shelly Ewald as ACCL Treasurer, replacing Anne Gorham in that role;
- John Bulman to continue his service as ACCL Secretary;
- Albee Bates to continue his service as Board member for the remaining term of deceased

Fellow, Tim Thornton, until 2022; and

- Barbara Werther, David Buoncristiani, Helmut Johannsen and George Meyer to serve as Board members until 2023.

Doug Oles will be concluding his 5-year term on the Executive Committee at the ACCL business meeting on Sunday, February 23. Doug's hard work and leadership in resolving a variety of issues and his focus on the future of the College have been an inspiration to those of us who have served with him on the Executive Committee and the Board. We shall miss Doug at our meetings but know he remains fully committed to participating in

and assisting our planning and management of ACCL activities as we go forward. Please express your thanks to Doug when you see him in Tucson.

We also wish to express our sincere gratitude and appreciation to the retiring Board members (Jody Debs, Robert Preston Brown, Buck Hinkle, and Robbie MacPherson) for the time, energy and financial resources each devoted to attending the quarterly Board meetings and their active participation in the management of the College over the past three years. Their final Board meeting will be held February 20 in Tucson.

The Board will meet again the morning of February 23 in Tucson. Future Board meeting dates are April 18 (Chicago), August 22 (Sun Valley, ID or Jackson Hole, WY) and December 5 (San Francisco, CA).

We all look forward to welcoming the new Fellows at the upcoming annual meeting at the Loews Ventana Canyon resort in Tucson. You will enjoy reading about each of them in this issue of ACCoLades.

Incoming President, John Heisse, and Jim Schenck, the Program

Chair, are in the early stages of planning the March 18-21, 2021 Charleston, South Carolina annual meeting and program. Jim has scheduled a Planning Committee Meeting for 7-8 AM on Saturday, February 22, during the Tucson meeting. Please feel free to provide input during that meeting. Make sure to reserve the 2021 annual meeting dates on your calendar.

We look forward to a terrific annual meeting and program next month and hope to see you there!

- *Dave Lane, President*

FUTURE MEETINGS OF INTEREST

HOLD THESE DATES for future ACCL Meetings:

31st Annual Meeting

February 20-23, 2020

The Loews Ventana Canyon Resort
Tucson, Arizona

32nd Annual Meeting

March 18-21, 2021

Charleston, South Carolina

NEWLY ELECTED FELLOWS

Bruce Alexander –



Bruce Alexander is a license attorney in Florida since 1984. Having practiced exclusively as a construction litigator from 1984 until 2010, Bruce's practice is now dedicated 100 % to serving as a mediator, early neutral evaluator, arbitrator and private judge for construction claims, typically involving multiple parties and detailed evaluation of insurance policies impacting the potential outcome of disputes. Bruce is AV-rated by Martindale Hubbell, Top Tier designation from Chambers and is the recipient of the Florida Bar Lifetime Achievement Award in the area of construction law, amongst other accolades and

designated achievements, honors and awards. Bruce received his Bachelor's degree from Brown University and his JD from Case Western Reserve University. Bruce is Board Certified by The Florida Bar in Construction Law. When Bruce is not working, he enjoys time at his home in Waynesville NC, visits with his family in France, along with reading, cycling, exercise and skiing.

Jayne Czik –



I was born in Brooklyn, way before it was hip, and have lived in the NYC metropolitan area all my life, except a short stint in Las Vegas from 1993-1994. In college, I dual majored in Political Science and Women's Studies at NYU and

dreamed of working at the State Department and/or becoming an activist for women's issues. Following graduation from Cardozo Law School in 1987, I became an associate at firm focused on international trade law. Notwithstanding that the firm treated me well, had signature clients and was in a great location, next to Rockefeller Center, I learned that international trade law wasn't for me.

Fortunately for me, my father was a principal in BIB Construction Co., a construction company that focused on public sector (HVAC and GC) construction and the company needed someone to work internally with their outside counsel on ongoing claims. In 1989, still a recent law school graduate, I began working at BIB. I initially spent my time going through project files, meeting with counsel and project staff to assist with claim preparation and eventually took on more responsibility. Shortly after I began, the General Superintendent made it clear that to have any credibility, I needed to understand construction methods and materials. That's when I went back to school, alongside craft labor in an apprenticeship program, and ultimately enrolled

in NYU's Diploma Program in Construction Management. Given that I had spent my childhood Saturdays visiting construction sites with my father, I guess it's not surprising that my career took this turn. In 1992, shortly after my son Dylan was born, my father retired, and BIB wrapped up the work in progress. Just because my father dissolved his company, after spending three years working in the construction industry, there was no turning back. I was committed to developing my knowledge of construction and construction law.

In 1995, I was hired by Brownstone Publishers, Inc. to be the Editor of Construction Company Strategist. Looking back, this was the ultimate job. As Editor, I brainstormed, researched and wrote all the editorial content for a national monthly newsletter that provided practical business management and legal strategies for construction professionals and attorneys. To perform my job, I basically read as much I could on construction related news, topics and recently decided cases relating to construction law, went to construction law conferences such as the ABA Forum on Construction Law, the Superconference, AGC conferences, etc. The best part of

my job was developing “sources” for articles and working with my Advisory Board, which included construction law giants such as Robert Rubin, Stan Sklar and Richard Lowe. It was while working at Brownstone that I was fortunate to develop a national network of super knowledgeable construction attorneys and professionals as both advisors and friends. Shout out to Robbie MacPherson, Jeff Cruz and Bob Rubin, three of my dearest personal and professional friends and mentors since my Brownstone days.

Unfortunately, Brownstone decided to sell Construction Company Strategist to another publishing house and I had to decide between going along with my newsletter to a new publishing house, remaining at Brownstone and editing a newsletter on the recently enacted “No Child Left Behind” legislation, or moving on to a new position elsewhere. Following my position at Brownstone, I returned to work as a practicing attorney as opposed to an Editor. However, I have continuously been interested in editing and have been very fortunate that the ABA Forum on Construction Law provided me that outlet, first as Editor of the Hard Hat

case write ups and then as Editor of the Under Construction newsletter.

Fast forward, since 2004, I have worked in a General Counsel role focusing primarily on public sector construction law in the New York metropolitan region and can’t imagine doing anything else. Currently, I am a Vice President and General Counsel at Citnalta Construction Corp., a company that I am grateful and proud to have the opportunity to work at. Although this bio is intended to introduce ourselves and our family, I would be remiss not to mention Citnalta because it is truly like working with family. And circling back to my college dream of being a women’s issues activist, currently, as the Chair of the Public Policy Committee for a New York based advocacy group, the Women’s Builders Council (WBC), I am fortunate in that I’m able to work with WBC on its mission to open doors wider for women and minorities in the construction industry.

Now to turn to the truly personal, my ex-husband and I have two children together, a 27-year-old son, Dylan, who works in finance and a 21-year-old daughter, Julia, who will be graduating college in May with a dual major in

Communications and Art History. Both my kids went to University of Michigan (Go Blue!) and notwithstanding that their dad and I both come from construction family backgrounds and continue to work in construction, so far, neither of them are interested in the industry. They both have an awful lot of personality and I take advantage of any chance I get to spend time with either one of them.

I also spend a lot of time with my brother, Tom Czik, and his family, who all live nearby. Tom also practices construction law and has been a steadfast sounding board no matter how crazy my ideas are – personally and professionally.

I was introduced to my “significant other,” Chuck, in July 2004 by mutual friends and it was one of the best things that ever happened to me. Chuck is an avid guitar player, tennis player and medical malpractice attorney, in that order. I should mention that I don’t have the best eye hand coordination (that’s why I’m a cyclist and yogi) and not a tennis player ... and a pretty poor golfer. On one of our early dates, Chuck rented an indoor tennis court. I could tell he was trying not to let on as to how disappointed he was that I stunk at tennis. Later, when I realized how

big and an important part of his life tennis is and that he continued to date me even though tennis together wasn’t in our cards, I realized Chuck must really like me. Chuck has three children, a 28-year-old son, a 25 year-old-daughter and a 23-year-old son (who played tennis for University of Iowa – a Hawkeye). Although, we are not quite the Brady Bunch, I would say that we are very lucky to consider ourselves one big happy family.

I am truly honored to be elected as an ACCL Fellow. I am looking forward to seeing old friends and meeting new ones in Tucson.

Richard Flake -



I am a fifth generation Texan, born on Galveston island and my family dates to the 1840’s on the island. I was one of six siblings and four

of us actually slept in the same bed for a good part of my childhood. I look back on that now and it seems hard to believe. My father ran his own small electrical contracting business, so I have been around construction literally all my life. His work was mostly residential and very light commercial, and all 5 of the boys worked in the family business. Being at the lower end of that food chain, I was always the one with the shovel or sent under the house or into the hot attic for my assigned scope of work, while upper management (i.e. everyone older than me) supervised. While I did my work diligently, it was this experience that forged my love of formal education, as I thought it the best way to get an “inside” job.

I’ve made some good decisions and many bad ones over the years. A good decision was to attend the University of Texas, as I bleed burnt orange. A terrible decision was to graduate in three years, while everyone else was on the five-year party plan. In retrospect, this still ranks as the worst decision of my life to date. After law school, I was a prosecutor for a few years, and it was an excellent experience to be around a courthouse setting every day. I got the break of my professional life when at a relatively

young (and frankly, inexperienced) age I became the general counsel of a top 300 ENR commercial general contractor in the mid 1980’s – a bad time in the industry and the economy. I experienced and learned quite a lot in those six years, and I was lucky enough to interact with the best construction lawyers in our region, many of whom are now Fellows in this fine institution. I still do not know how I got that job. The company was an old-line Texas company built by salt-of-the-earth people and had been in business 35 years at the time of my arrival. A few year’s prior, it was purchased by a large French conglomerate, along with several other similarly sized companies in the States, and I interviewed for the position with the top French manager in charge of the U.S. operations. Having led a very sheltered life up to that point, this was probably the first Frenchman I had ever met, and while extremely intelligent and fluent in English, he had a thick accent. I did not understand a single word he said during the entire interview and just nodded my head when I thought it was appropriate. Fate took a hand, I guess.

After the inside gig I spent the next twenty-five years attempting to guide and control my longtime

friend, partner and ACCL Fellow Gregory Cokinos in building a darn good construction law firm. I would say with all modesty that I provided the “intellectual balance” for the firm. Anyone vaguely familiar with the rivalry between the University of Texas and Texas A&M, and with even a passing acquaintance of Mr. Cokinos, will understand and agree with the previous statement. I have been in a solo ADR practice for the last three years and while I do miss the firm environment, I am loving this part of my professional life. I continue to lecture at the University of Houston in their undergraduate construction management program.

The best decision I ever made was to marry my wife Anita, who has somewhat unbelievably put up with me for nearly 32 years. She worked as a graphic artist for an international oil field company for many years, took time off (well spent!) to raise our daughter, then spent 20 years as a middle school art teacher. She retired a few years ago, but still retains her “teacher voice,” which is useful when I am not paying attention, a condition with which I constantly struggle. She is an accomplished artist in her own right and spends some of her time these days painting and creating.

We have one child, Allison, who continues to make us proud. Another good decision I made was to put a golf club in my daughter’s hands at an early age. That decision was repaid by an athletic scholarship and many fun family trips to watch her play collegiate tournaments. After a couple Master’s degrees, she is now successful in the financial investment field, but also maintains a popular golf and travel blog on social media. I believe she is what is known as an “influencer” in that field.... I guess I should figure out what that means? Another outstanding by-product is that she and I take fun, interesting (and expensive!) golf trips together and have played at some of the great locales in the U.S. We are headed to Ireland and Scotland this coming summer and I can’t wait.

In addition to my interest in golf, I also play in a competitive 55+ hardball baseball league (softball is for sissies). This last season I batted .416 and, while I am quick to say I have not looked up the stats, I believe Ted Williams and I are the only ones to hit over .400 since 1941. That is my story and I’m sticking to it. I also own a small fishing bait company with one of my brothers. We sell soft plastic baits for in-shore

game fish under the trade name Big Nasty Baits. Whenever I see lawyer friends walking by our booth at a fishing convention they sometimes inquire as to whether I can make more money as a practicing lawyer than selling fishing baits. I always reply... "yes I can, but it's not nearly as much fun."

I am so very humbled and thankful to be invited to join this great organization, and Anita and I are looking forward to reacquainting with old friends and making new ones. See you all in Tucson!



Nicholas Holmes -



Two boys build a special home-away-from-home

As the son of an architect, I grew up with blueprints, site visits and change orders. The first project I undertook on my own was a design-build project in a residential section of Madison, Wisconsin. The project was so successful that it was published in a feature article in the Wisconsin State Journal in 1968.

Soon after that project was completed, our family moved to upstate New York. After graduating from high school and taking a gap year to work and backpack around Europe, I attended Cornell University where I majored in history. After my sophomore year, I interned as an investigator for the Public Defender's Office in Washington, DC which is how I first became interested in the law. After graduating from Cornell in

1981, I returned to Wisconsin where I attended the University of Wisconsin School of Law. During my third year I had my first jury trial, and I was hooked – I loved the challenge of presenting my client’s case in a way that was both easy to understand and persuasive.

Although I enjoyed Madison, my heart was still back East, so after graduation I moved to New Hampshire and took a job with the Public Defender Program. For the next twelve years I focused on criminal defense work, trying many cases to verdict, including a number of homicides. In 1990 I co-chaired the defense of a brutal double murder which was the first case in New Hampshire in which DNA evidence was used. Interestingly, it was the defense that was the proponent of the DNA evidence as it showed that the signed confession our client had given the police (after more than 23 hours of interrogation) was in large part a work of fiction.

I joined a small litigation boutique in Manchester, N.H. in 1996 and soon found myself drawn to construction and engineering cases. My transition to the world of construction law was cemented in 2004 when I attended my first meeting of the ABA Forum on the

Construction Industry (sic) in New Orleans.

During my career as a construction attorney I have been blessed with more than a dozen “once in a lifetime” cases. From two geothermal powerplants in the Salton Sea Known Geothermal Region of Southern California, to an LNG facility on the moors of Wales; from a biomass power plant in Berlin, New Hampshire to a transmission line in Kings Mountain, North Carolina; my work on construction cases has taken me to varied and interesting locations, and offered me incredible challenges.

I have remained active in the Forum since my first meeting, first as a member of the steering committee of Division 1 and later as Chair of Division 1. I currently serve on the Governing Committee and am the Chair of the Forum’s Diversity and Inclusion Committee. The Forum has been a great source for learning more about the construction industry, and has provided an opportunity to give back to others through writing, mentoring and leadership. My involvement in the Forum has led to many friendships, including some with attorneys I met back at my first meeting in New

Orleans fifteen years ago, and many who are Fellows in the ACCL.



I met my wife Brigitte in the summer of 1986 at a two-week “trial camp” at Mercer College in Macon, Georgia. She was a public defender in Alaska, and I was a public defender in New Hampshire. I knew she was the one for me because right after trial camp she was heading out on a two-week backpacking trip in the Brooks Range north of the Arctic Circle. We fell in love and after a one-year long distance relationship, Brigitte moved to New Hampshire, we got engaged, and married in 1988.

Brigitte and I have two children and an awesome black lab (Sydney). Hank, our oldest, lives in Washington, DC where he sells sophisticated client relations management software to organizations throughout the US. Our daughter Hillary recently earned her MBA from Johns

Hopkins University and now lives in the Philadelphia area where she is engaged in a two-year management development program at Cigna Insurance.



I am active in several community organizations and enjoy adventures in the outdoors as a way to escape from the pressures of work. In recent years my friends and I have gone backpacking in the Wind River Range of Wyoming, canoed in the Boundary Waters of Northern Minnesota, hiked throughout New England, and even went on a llama supported trip in Yellowstone.



I am honored and humbled to have been elected as a Fellow of the ACCL. I am also truly grateful to all of the Fellows who have mentored and guided me over the course of my career. Brigette and I look forward to meeting all of you in February in Tucson

Anthony Meagher -



Born and raised in the suburbs of Baltimore, apart from four adventurous college years in Texas, I have lived here all my life. I was fortunate to grow up at a time when the Orioles were thrice World Champions and had the winningest record in baseball for 25 years (believe it or not); and the Colts were Champions too (twice). Sports always have been a big part of my life, both playing and rooting for the home teams.

After returning to Baltimore for law school at Maryland, I took the first and only job of my legal career at

Piper & Marbury, then Maryland's largest firm, but a far cry from the size it has become as DLA Piper. A couple of years into practice, I received some great advice that I should consider developing a specialty. My responsible partner mentioned an area of his practice – construction – with which he would be happy to let me run. I did; and 31 years later here I am, very grateful for that advice.

In 1989, when I was a first-year lawyer at Piper, my wife Kim and I met – on a Tuesday night, at a bar downtown, after an Orioles' game. It had to be destiny because there were so many opportunities for us not to have even met that night, let alone end up married, including shy me almost failing to ask for her number as we parted. But alas, I did. And here we are, 27 years of marriage (28 by the time we get to Tucson) and five children later. Kim taught in Baltimore City schools for several years and has done the incredible job of running our household ever since. She also spent a few years between the births of our first three and our twins working in development at a private school and doing other consulting work. Over the years, Kim has volunteered and served extensively at the Baltimore Ronald McDonald

House and our church, among many other places. She is incredibly creative, has the biggest heart for others of anyone I know and doubtlessly is the person I admire most. I am so blessed to have her as my partner in life.

Our greatest accomplishments have been in the time we have spent entrusted with the lives of our children—three boys and two girls, ages 27, 25, 24 and 18 year-old twins. Our eldest, Tristan, will graduate from Wake Forest Law School this year and return to Baltimore, where he accepted a job as an associate at DLA Piper. Our second son, Tyler, is married and is Vice President of Operations for an international manufacturing company in Baltimore. Our eldest daughter, Allie, lives and works in Richmond, Virginia. She has a degree in film from the VCU School of Arts and works for a non-profit. One of our twins, our daughter Ammy, is off to a great start as a freshman at Elon. The second, our son Kellen, is making his college decision very soon. He seems destined to join the other four in heading south for college, but time will tell. Raising our children has been an immense responsibility, but also an incredible blessing.

An empty nest on the horizon, going from a house full of seven people to soon just the two of us has been an adjustment. It is much quieter. But, we do have three dogs who raise quite a ruckus whenever the mailman or a delivery truck comes down the drive. We look forward to what lies ahead, especially the end of paying for college. We love to travel, particularly when it allows us to bring the family together. I have long since traded in my cleats for skis and golf clubs. For nearly a decade, I also have led Men's Ministry at our church, which I plan to continue. We look forward to having some more time for these pursuits.

Back when my mentor recommended that I develop a specialty, he also wisely encouraged me to get involved in industry groups. That year (1992 I believe), I attended a Fundamentals of Construction Law program in San Antonio, where I first met Allen Gibson (faculty member) and Anne Gorham (fellow attendee). I have been active in the Forum ever since. I also called the then head of the Litigation Section of the Maryland State Bar to try to get involved locally in the Construction committee of that section. Within a couple of days, I received a letter

extending congratulations, as I had been appointed the Chair of the then largely dormant committee. Happily, Construction is now its own, active Section of the Maryland State Bar and I am proud to be the fourth Fellow from Baltimore. As a result of “getting involved,” I have met so many great people who have helped me along the way and touched my life, not just as professional colleagues but as friends. So many of them are Fellows and I am deeply grateful and honored to join them and the rest of the Fellows, whom I look forward to getting to know, in the ACCL.

Hon. Carol Park-Conroy -



I am from the Midwest, a native of Eau Claire, Wisconsin and a

graduate of the University of Wisconsin at Madison. After graduating from college, I found myself teaching first grade at the American Community School in Buenos Aires, Argentina. It was my first travel experience outside the U.S. and I took every opportunity to travel in Argentina and other South American Countries.

Upon my return to the U.S., and specifically to Washington, D.C., I decided to go to law school and graduated from George Washington Law School in 1975. There weren't very many women in my class. However, things were improving and by the time I graduated, the number of women enrolled in law school had increased substantially. The job market for women lawyers was a tough one, but I was fortunate enough to land a law clerk position with a Federal District Court Judge.

I had picked up a serious travel bug during my time in Argentina, and after completion of my clerkship, I traveled throughout Europe for three months. My travels included a two week stay in the former Soviet Union, long before trips there were common.

The clerkship helped focus my view of the legal world and I decided to pursue a career in litigation. So, I

joined a law firm, intent on trying cases, and when the firm's litigation work began to dry up, I moved on to the Department of Justice, Civil Division, Commercial litigation Branch. It was a great job. The workload was crushing, but it was nonstop litigation and that is what I wanted to do. It was while at DOJ that I began to handle construction cases and before long I was asking for, and being given, more construction case assignments.

In 1989 I was approached by a former DOJ colleague and encouraged to apply for a position as an Administrative Judge on the Armed Services Board of Contract Appeals (ASBCA). The timing was right. I applied, was selected and ultimately served as an ASBCA judge for 23 years. It was another great job. The Department of Defense, the Air Force, Army, Navy and the many other related defense agencies spend huge amounts of money on construction projects. The inevitable construction disputes often ended up at the ASBCA and I always had a large number of construction cases on my docket. My work as an ASBCA judge was challenging and rewarding. It became more diverse when the ASBCA developed an Alternative Dispute Resolution

(ADR) program in the mid-90's and I began to mediate cases in addition to deciding them. I fully embraced ADR and became one of the ASBCA's most vocal advocates of the program.

It was with mixed emotions that I decided to retire in 2013. Again, however, the timing was right and I joined JAMS where I am a Dispute Resolution Neutral. I handle predominately commercial and construction matters, many involving federal government contracting issues. I am a member of the JAMS Global Engineering and Construction Group.

My husband, Coleman Conroy, retired from a career in the legislative branch of the federal government on the House side of the U.S. Congress. Before taking his last position as Chief of Staff to a democratic member from Pittsburgh, his hometown city, he worked for congressmen from Chicago.

Over the years I have continued to indulge my passion for world travel, having now visited many countries and experienced the wonders of their diverse cultures. I travel both with my husband and with a group of close women friends (who are a bit more adventuresome

than he is). The photo of Coleman and me was taken in the Ramon Canyon on our recent trip to Israel and Jordan.

While it is hard to pick a favorite place, Africa, in particular Botswana, and South East Asia, in particular Myanmar, are certainly high on the list. And, no surprise, South America is very special to me. Someplace along the way I learned to play golf and truly enjoy the game, as difficult and frustrating as it can be. I recently took bridge lessons and am hoping to improve my skills with time.

My thanks to all for the honor of being included among the ACCL Fellows. I look forward to the golf tournament and to seeing old friends and making new ones in Tucson.

Cassidy Rosenthal -



I am a native of Lexington, Kentucky. I attended college at DePauw University in Greencastle, Indiana. After graduating from a small liberal arts school, I, like many of my classmates, set my sights on law school. Before starting law school, I took a year off to travel and see the world. On December 26, 1998, I flew to London, England. My only plan was to meet a college friend at the Victoria tube station near the McDonalds. I'd never been to London before, and at the time, we did not own cell phones. Luckily, the plan worked, and a week later, we'd found jobs and a place to live. I spent six months working in London while traveling throughout Europe.

I returned to law school at the University of Kentucky, where I met my husband, Lee. I spent my second summer at King & Spalding in Atlanta, but ultimately decided to stay home and work for Stites & Harbison, PLLC in the Construction Service Group. I was fortunate to be mentored by Buck Hinkle and Anne Gorham. Buck's red pen bled all over my work for years and he taught me that "instant" was for coffee, not briefs. To this day, I can't stand the word. Anne trained me to draft contracts and included me in numerous client development

opportunities. I've had the privilege of trying cases, in court and arbitration, as well as drafting and negotiating contracts for a variety of clients—from large corporate owners to contractors and subcontractors.

While I am proud of my professional accomplishments, my greatest joy is my family. Lee and I will celebrate our 15 year anniversary in June. I adore our three children and enjoy I spending my evenings and weekends working on science fair projects, math homework and spelling tests. I never miss an important event at their school and can often be found driving carpool. Lydia, 12, loves spending time with her friends and keeps us busy with her travel soccer team. Webb, 9, is a competitive gymnast who spends 13 hours a week at the gym. Elliott, 5, is my "bonus" baby and he loves board games and every sport he's played so far—tee ball, soccer and basketball. I often sacrifice sleep to keeping up with these three and my career, but I wouldn't have it any other way.

I am honored to be joining the ACCL and look forward to meeting all of you in Tucson.

Richard Tyler -



I am a native of Fairfield, Connecticut, and the middle child of parents who were born and raised in Worcester, Massachusetts. My mom was incredibly smart and graduated from UMass with a biology degree, but, as was typical of the times, she was a homemaker for most of her adult life. After my parents became empty nesters, she taught high school biology for a number of years. My dad lived the corporate executive life for 26 years, following which he helped found the Business School at Fairfield University where he taught until he was 79 years old.

My childhood was pretty uneventful, if you don't count my father's dismay over the fact that I became a Yankees fan. Being of

frugal Yankee stock, in my early teens I did odd jobs around the neighborhood for spending money: cut grass, raked leaves, sanded down a boat, and caddied. When I turned 16, I landed one of the most consequential jobs of my life: lawn mower mechanic in a hardware store. In addition to picking up valuable skills like cutting glass and threading pipe, I learned the importance of a strong work ethic as well as customer relationship skills, both of which I like to think I carried into adult life. There's not much difference between a customer knocking on the door with half his toilet in hand (and a panicked look on his face) 5 minutes after closing, and a client calling at 8:00 pm with a legal problem.

Following family tradition, I attended Georgetown University for college and then law school. Fascinated by Watergate, I started with an undergraduate major in American Government and later picked up a second major in Economics out of concern that the former would qualify me to drive a taxi if I didn't get in to law school. Highlights during college were playing varsity lacrosse for 3 years and being a member of the Student Entertainment Commission, which enabled me, among other things, to

work many on-campus concerts, including 2 Springsteen concerts during his unofficial "Lawsuit Tour" in the Fall of 1976.

When I attended, Georgetown's law school was in a terrible part of town, and I lived near the undergraduate campus. After dinner and on weekends I would study in the undergraduate library, which is where I met my wife, Susan. It was not love at first sight. We agree our first encounter was her mistaking me for a college freshman and asking me to take my conversation outside because I was making too much noise talking to people. We disagree, however, on the particulars. She'll be happy to supply her version of events.

Over the course of the ensuing months mutual friends kept introducing us, which produced eye-rolls and responses of "Yes, we've met." With the passage of time, we both eventually got over our first meeting, started dating, and the rest, as they say, is history. We married December 30, 1982, primarily so our college friends could spend New Years' Eve in New Orleans. The day of our wedding, both mothers sat us down and explained that they expected us to be together for fifty years – so far

we've made it to "37 short years."



We are blessed with two awesome boys. The eldest, Patrick, is a chief resident in emergency medicine at Beth Israel Deaconess Hospital in Boston and is married to Alexa Triot, a fellow resident he had the good fortune to meet during their first days at BID. At the conclusion of his residency he will become an attending physician at the hospital. Andrew is a mechanical engineer and has worked in product design and installation for an international industrial conveyor manufacturer for the last 3 years. He is moving to Denver in February to get a master's degrees in mechatronics (which I understand is the current name for "robotics") and project management. Andrew's significant other, Thao Anh, is already in Denver where she is

pursuing a doctorate in psychiatric pharmacology.



Susan is a commercial real estate partner at Jones Walker, and a member of the American College of Mortgage Attorneys. I keep telling her that I need to retire so I can support her in her work (and improve my short game). So far she isn't taking the bait.

Professionally, I had it in my mind that I wanted to work in D.C. I had an interesting first year of practice working for a small firm where I did legal work for the National Hot Rod Association. Coincidentally, one of the matters I worked on was the lease of a dragstrip outside Baton Rouge where the NHRA held its "Cajun Nationals" event. In the late Winter of 1982 I went to New Orleans to visit Susan and see Georgetown play in the Final Four.

I interviewed with several firms for the sole purpose of writing off the trip on my taxes, but I received an offer from my current firm for more money than I was making in D.C., and again, the rest is history. As Susan says, "I came for love and money." And, I will add, no snow.

When I started at Jones Walker, the firm had a General Litigation Section that handled all litigation that wasn't maritime or covered by insurance, so I had exposure to a variety of subject areas. My introduction to construction occurred in 1986 when a utility client was hit with a securities lawsuit claiming that the company had misrepresented the costs and delays associated with the three nuclear power plants it had under construction. As a newly-minted partner I was placed in charge of the 30 paralegals who were manually coding documents, and I worked closely with the cost and schedule expert to develop training materials. I had found my calling.

The great Yankee catcher Yogi Berra is credited with saying, "You can observe a lot by just watching." As I learned my craft, I had the good fortune of practicing in the same city with three outstanding construction lawyers and College Fellows: Charlie Seemann, Danny

Shaw, and Bruce Shreves. I did in fact "observe a lot by just watching" them, and I am grateful to have had the opportunity to learn from them (even if some of the lessons were painfully acquired through an adverse result).

As far as outside interests are concerned, the Fellows who know me through the Forum will attest that I am an enthusiastic if average golfer depending on how much I am playing. Susan is a pretty good tennis player. I am not. Over the last seven years we developed a passion for cycling trips. So far we have taken trips in Nova Scotia, France, Italy, Ireland, Denmark, and Sweden. We love being outdoors, out of cell phone range, and, if possible, 5 or more time zones away.

Thank you for inviting me to join the ACCL. Susan and I look forward to years of meetings and friendship.

Sharon Vogel –



When I graduated from the University of Toronto Law School, I had not imagined that I would become a construction lawyer. But 27 years later, here I am.... I think that if you asked my law school classmates, they would have predicted that I would end up as a public interest advocacy lawyer, perhaps working at an NGO somewhere, but not in an office downtown Toronto.

During my articles at what was then Borden & Elliot in Toronto, Canada, I was very lucky to fall under the mentorship of Ken Scott, an amazing teacher and one of the best construction lawyers Canada has ever seen. I was fortunate that Ken took me under his wing and allowed me to participate in some

terrific cases, including a tunneling case, that we took through trial and appeals up to the Supreme Court – I was hooked.

Ken worked closely with Bruce Reynolds and early in my career I started working with Bruce. We formed a collaborative and exceptional working partnership that continues to this day and I am very grateful for his guidance and support. Borden & Elliot merged with a number of other Canadian firms and became Borden Ladner Gervais and while there I had the chance to work on solving some complex legal puzzles involving a diverse range of significant projects. But what I have enjoyed most is working with some of the brightest legal minds in the country, including of course, Bruce, and outstanding clients.

Over the course of my career, I have taken a couple of sabbaticals to spend time in New Zealand, first to get my master's in law and then to work on a book on construction insurance. It was a wonderful experience for me and my family to spend time in such a beautiful part of the world and I am now teaching an intensive course on international construction law at the University of Melbourne law school one week a year, so I

have the opportunity to return there annually and teach a diverse group of masters students which I very much enjoy.

Two years ago, Bruce and I made the decision to leave Borden Ladner Gervais, the firm where we had practiced for 25 and 35 years respectively and where we had many great colleagues and friends, including ACCL Fellow Jeff Vallis. The toughest part of leaving BLG was no longer having the opportunity to work with such accomplished lawyers like Jeff.

We joined John Singleton, who had established Singleton Urquhart in 1982 in Vancouver, a strong construction firm. John is a powerhouse in this space and founded an incredible firm where the vibe is astonishingly positive. We launched the Toronto office of Singleton Urquhart Reynolds Vogel and it has been an energizing experience.

In terms of my personal life, I met Tom in our final year of law school and we have been together since. Tom is generally the brightest guy in most rooms, but no one ever knows it because he does not feel the need to display his prodigious knowledge on a myriad of topics ranging from sports to geography.

We have two wonderful daughters who are the joy of my life. Isobel is in her third year engineering at the University of Toronto and Katherine is in her final year of high school. As a family, we enjoy hiking, cycling, camping, and travelling. We also love spending time at our family cottage in Muskoka where our extended family congregates to eat too much, loll on the dock, and play cards. I am on the board of Habitat for Humanity and Tom and I and the girls have participated in builds in various parts of Ontario and in Chile which we have found to be a hugely rewarding experience.

I am very grateful to be invited to join the ACCL and look forward to getting to know all of you in Tucson and to participating in the College.

COLLEGIALITY CORNER

Howard Ashcraft – Not slowing down... I am now a D.E. instructor with the Porsche Club of America. I teach students how to drive their cars at full speed on closed race courses. In between teaching sessions, I drive my own car in the advanced/instructor group. (D.E. is “Driver Education”, which means you aren’t racing—no winners or

losers – although your lap times might be quite similar.)

Doug Jones –



Above is a photograph of my swearing in as an International Judge of the Singapore International Commercial Court by Her Excellency the President of Singapore Halimah Yacob.

I will be combining this role with my practice as an international arbitrator.

Larry Schor – Susan and I spent from December 14 through January 5 going from the ridiculous to the sublime and back. Which is difficult to define. We spent 2 1/2 days in Dubai and Abu Dhabi going from the 125th floor of the Burj Khalifa in Dubai to the most impressive Sheikh Zayed Mosque and the fabulous 2 million square foot UAE new presidential palace, the Qasr Al

Watan, in Abu Dhabi. I suggest that all of the readers go online to see how fantastic these buildings truly are.

We spent the next 18 days touring India and covered both north and south which involved no less than seven in- country flights on at least one airline, Spice Jet, that made us think twice before we got on board. We visited Delhi, and the house where Gandhi was assassinated; Varanasi, the holiest city for the Hindus during which we watched cremations held on the banks of the river from a boat on the Ganges, something we will never forget seeing; Agra and the Taj Mahal, which we found to be equal or better than the fantastic descriptions we have read; Jaipur, with its marvelous palaces to go along with the textile and jewelry shops; and Udaipur, with its lake palaces. All of these are located in the north part of India and fairly far from the Himalayas. The biggest issue we had was breathing the polluted and cold air. We frequently had to use masks to filter out some of the pollutants and to get a lot closer to places than we expected in order to see the details because of the smog,

etc. A number of people on the tour did get respiratory illnesses.

We then traveled south to the city of Kochi (formerly Cochin) which was one of the primary spice sources that the Europeans sought to reach in the 1500s and 1600s. We saw the original grave of Vasco da Gama, the Portuguese explorer who made it around Africa to get to India. The air was a lot clearer down here as well as at the Kumarakom Lake resort at which we spent two days. The temperatures were about 40° warmer down south as well. We ended the trip in Mumbai, formerly a spice port and fishing village that has become one of the primary financial cities in the world. Unfortunately, although the temperatures were in the 80s, we were back into the polluted air which prevented a good view from one side of the city across the water to the other side. Here, we even went on a walking tour through the famous slum pictured in the movie "Slumdog Millionaire." We were astounded to find out that almost 1,000,000 people lived and worked in this slum and that the productivity of the products they produce is approximate \$1 billion annually.

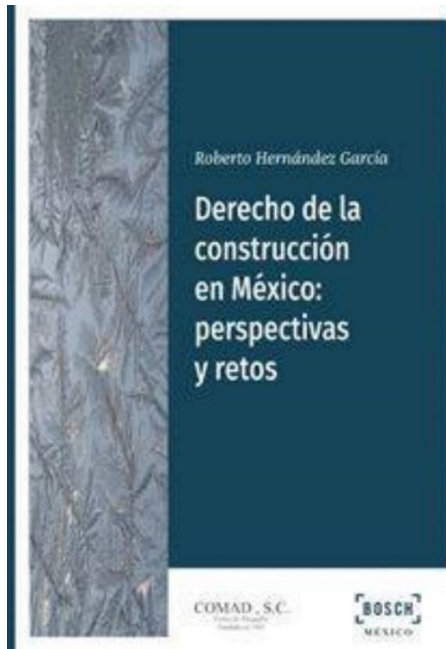
Overall, we found the trip to be amazing and, at the same time, difficult and tiring. We stayed in excellent Oberoi hotels primarily and were surprised each time we drove down streets in clearly poor areas of the cities to then turn into an entrance behind a wall and be in these marvelous hotels. A major topic of discussion was whether the extent of poverty among the 1.3 billion people in India is so pervasive that, when combined with the caste system that prevents people from rising socially, will prevent India from progressing the way China and other countries have.

Bruce Shreves -



Jackie and I at the end of the big game on January 13th!

Roberto Hernández –



With great happiness I share to my ACCL fellows, that the first Construction Law book in Mexico was published recently and I was the author. The name of the book is “Construction Law in Mexico: perspectives and challenges.” It was published by the prestigious Spanish Publishing house Bosch/Wolters Kluwer with the participation of our law firm, COMAD and is now available online at:

<https://tienda.wolterskluwer.es/p/derecho-de-la-construccion-en-mexico>.

This book is a general description of the actual status of construction in Mexico, issues in connection with

public and private construction and matters such as dispute resolution, technology and anticorruption in the sector. I will bring 10/15 copies as gifts to the Tucson meeting for all those that are interested in having it. So, send me an email to rhernandez@comad.com.mx if you are interested and I will bring it to you to our annual meeting subject to space. Sorry that I will not able to bring to ALL the fellows, since it would need an import/export permit and all related procedures, and I don't want to make angry the US Customs office...LOL.

Steve Jackson –



The first week in November I took a seen day raft trip down the Colorado River in the Grand Canyon. Finished the journey with a mule ride up and out from Phantom Ranch. It was a great

adventure with spectacular scenery, but often very wet and cold in the rapids. The mule ride wasn't for anyone with a fear of heights.



Jeffrey Ford – For the sixth year in a row I, as a resident in Peckar & Abramson's Dallas office, have been ranked by Texas Supers Lawyers in the Top 100 Texas lawyers

Randy Hafer –



As a kid I loved building model airplanes – had them all over my room. Recently, I have enjoyed continuing that passion on an adult level. For the past year I have been building – with maximum factory assistance – a 2-seat, carbon fiber, very fast custom airplane. I get out to the facility in Uvalde, TX about one week a month in between arbitrations and other

client work. As a pilot, I have learned much about aircraft construction, systems, and aerodynamics, but nothing can approach the education – and thrill – of actually bonding a wing together, installing the retractable landing gear, and brainstorming with the experts on the engine and avionics. Some photos are above. Projected completion is mid-March. Cindy says she won't fly in anything I built, but we'll see

EDITOR'S NOTE

Welcome to all of the new Fellows! It looks like we have an outstanding group this year and I know that you will join me in an enthusiastic “hello” to the American College of Construction Lawyers.

This issue is always my favorite one of the year where the new Fellows get to talk a little bit about themselves. I have read their submissions and they are well worth your time.

I will look forward to seeing you at our Annual Meeting in about a month.

John H. “Buzz” Tarlow

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