



ACCoLades

*Collegiality Newsletter of the
American College of Construction
Lawyers*

Issue #55 January 26, 2021

PRESIDENT'S UPDATE

What a long, strange trip it's been.

(Truckin',
The Grateful Dead)

As I write this, my last "President's Update" during the 21st hour of the 21st day of the 21st year of the 21st Century, looking back on the Groundhog's Day that was 2020—a year that seemed at least 600 days long—I'm filled with hope that 2021 will be the antithesis of 2020, and look forward to when we can gather, without masks or social distancing, and share hearty laughs (and even hugs and kisses) without fear of life-threatening consequences. When plans made will be plans realized, and celebratory occasions can be celebrated to the fullest. Those days

are not at hand yet, but they are hopefully close, and cannot come soon enough.

Before they arrive however, we will hold our 2021 Annual Meeting via a Zoom-based platform between Tuesday, March 16 and Sunday, March 21. Tuesday's activities will be exclusively for our new Fellows, with an orientation session followed by a reception for the new Fellows and Past Presidents in which our Past Presidents will welcome this year's class into the fold. Because most of us are spread across three time zones, we have chosen to hold our substantive sessions for a few hours each day from Wednesday through Saturday. Although some of our committees will meet before each day's sessions, our substantive

calendar will run from 3 -6 pm EST Wednesday; noon - 5:30 pm EST Thursday; noon - 4:30 pm EST Friday; and noon - 2:30 pm EST Saturday. The New Fellow Induction will occur on Saturday afternoon, after the program. Our In Memoriam session and Annual Business Meeting will occur on Sunday between 2 and 4:15 EST. We are also planning on a Zoom cocktail reception on Thursday after the program (we will randomly assign everyone to small groups for 15 or 20 minute conversation, after which we'll shuffle the deck and re-assign each of you to different group a couple more times), and are encouraging the groups that usually get together for dinner on Thursday night to plan zoom get togethers after Friday's sessions. And, of course, Karin is planning a parallel (but much shorter) calendar of spouse events. A program announcing all of this is in the works and should reach you in the coming weeks. While the extended schedule is likely to mean that many of you will miss a session or two, I hope you all will be there for the Induction and welcome our new class of Fellows—Anne Gorham, who will introduce each of them to the rest of us, has some tricks up her sleeve to make this a uniquely engaging induction.

While we are contracting with “Pathable”—a meeting hosting platform—to provide the software and robust technical support for the meeting, the economics of a virtual meeting are obviously much different than an in-person meeting (for one thing, you'll be drinking your own cocktails and eating your own food!). Therefore, we can get away with setting the tuition dramatically lower than in past years. Our pricing will be as follows: \$200 for each Fellow and Honorary Fellow, \$50 for each Spouse, and Emeritus Fellows and their Spouses can attend for free. However, the logistics of working with Pathable make it critical that everyone register well in advance, so please do so promptly upon receiving the formal program materials.

I can't say enough about the job Jim Schenck has done in planning this meeting. He has essentially planned at least three meetings, as we moved from in-person, to virtual over 2-3 days, to virtual over 5-6 days, with some portions being pre-recorded and some portions live. I know from personal experience the challenges of organizing and pulling off an Annual Meeting in-person, and am therefore very aware that Jim's burden this year has made that of his predecessors

look like child's play. We all owe him great thanks; if you are one of the speakers he has enlisted, please do your best to make his remaining work as painless as you can.

Watching yesterday's Inauguration Ceremony reminded me that I will soon "graduate" to Past President status, and that four of our long-serving Board members will be retiring from their posts as well. It is hard for me to believe that the terms of Paul Bruno, Lee Davis, Jeff Ford, and Carol Patterson are coming to an end – each of them brought energy, thoughtfulness, and humor to the Board, and imparted sage counsel in addressing the various issues that came before us, and we want to express our sincere gratitude and appreciation for their time, energy, and enthusiastic participation in management of the College over the last three years.

Similarly, Dave Lane will be concluding his 5-year term on the Executive Committee, where he served as Treasurer, President-Elect, President and Immediate Past President. I didn't know Dave well when I joined the ExComm as Secretary, but quickly realized how much I could learn from his quiet, steady, open-minded, and gracious style of leadership. I doubt he

appreciates how much he taught me, and how much I relied upon his counsel, but the fact is that his hard work and example were an inspiration to me and provided a model for me to try to emulate this past year. Speaking for the Board and ExComm, we will miss Dave at our meetings but look forward to continuing to seek out his advice in coming years. Please express your appreciation to Dave when you see him next.

Our last "torch passing" involves this newsletter. I'll leave the announcement of our new editor for Buzz's note below, but I must thank Buzz Tarlow and his incredibly patient and talented legal assistant, Jenna Moseman, for their years of service in publishing ACCoLades. ACCoLades is the thread that ties us together between meetings, and it's thanks to Buzz and Jenna that we have been able to stay connected.

If you find the prospect of a virtual meeting in 2021 disappointing, take heart in the knowledge that, God willing, 2022 will have us returning to the Montage in Laguna Beach, California. President-Elect Anne Gorham and Program Chair Eileen Diepenbrock are already hard at work vetting program ideas for the meeting, and a return to the

Montage is always an occasion to be sure to reserve on the calendar (February 18 – 20). While Eileen’s planning is well underway, she welcomes your input on topics.

Finally, while this year has been a “long, strange trip,” it has also been rewarding, watching as your Board and Executive Committee, with the very able assistance of Donna Passons and Bill Seward, traveled truly uncharted territory, making decisions that none of us wanted to make, but which we knew in our hearts were for the good of the College. That’s all you can ask of a Board.

Making hard decisions is never pleasant, but the process tends to bind the decision-makers more closely together, and for that reason I feel incredibly blessed to have had the honor to lead this College, at this time, with this Board, Executive Committee, Donna and Bill through this year. And I hope we never have to take this trip again.

Stay safe, healthy, and sane!

- *John Heisse, President*

FUTURE MEETINGS OF INTEREST

HOLD THESE DATES for future ACCL Meetings:

32nd Annual Meeting

March 16-21, 2021

No travel required!

33rd Annual Meeting

February 18-20, 2022

The Montage

Laguna Beach, CA

NEWLY ELECTED FELLOWS



Sarah Biser – Some people plan their career in advance and follow their road map. Others fall into it by accident. My path was the latter. As youngster, I had a few large objectives. My dad was a PhD in math and philosophy, and my grandfather a PhD in economics. I decided that I would

become an economist – somewhat like my dad, but not too much. My dad was a disagreeable sort and I had a vague idea that all mathematicians/philosophers were disagreeable – just like him. I was determined to avoid that. My desire to become an economist increased every time someone asked if I really meant to be a home economist. No. That wasn't what I meant. To be honest, I did not dream of becoming a construction lawyer. My brothers played with erector sets, while I made and sewed my own clothes and baked cookies. Construction was not on my radar screen.

I also wanted to be a lawyer, because an uncle – whom I never meant – went to law school in Germany, and then in the US. I thought that if he tried so hard to be a lawyer, then I should consider that profession, too. The years went by. I became a long-term student. First, in grad school for an MA international economics, then grad school for a PhD in economics. I found graduate school to be a solitary experience where students appeared to languish for years and the women never got married. That wasn't for me, so I applied to law school. What a change. Hundreds of colleagues who talked and argued day and night. What a

perfect profession for me. My study group from first year are still my closest of friends 35 years later.

I was positive that I disliked dispute resolution. I would never go to court – too much arguing and fighting – even for me. Corporate law – securities law – that was what seemed right for me. For 8 years or so, I practiced mortgage-backed securities at a large firm.

Then, two things happened that changed my life. The first was that I went to court one day for a family friend. The court was located in Freehold, NJ, a town I had been to dozens of times. I left an hour early, but was so nervous about being in court that I got lost and arrived an hour late. I ran into court, didn't know where to sit, and didn't know what to call the judge. Everyone could see I was a novice. But I won – perhaps because the judge had pity on me. Winning was terrific and I loved the thrill of being in the courtroom. I didn't know it at the time, but my professional life was about to change.

A short time later, lightning struck again. I went to a local women's bar association meeting, and again arrived late. I ran in and sat next to the person who happened to be that evening's speaker -- the wonderful

and charming Robbie McPherson. He spoke about dispute resolution that evening (Yes Robbie, I do remember). Afterwards, to be polite, I asked him what he did. A construction lawyer, he said. I had never heard of field. I knew of real estate lawyers, mortgage backed securities lawyers, corporate lawyers, divorce lawyers and litigators. But a construction lawyer – what was he talking about?

I put his card into the far reaches of my purse – expecting that it would soon disintegrate. But, at the same time, one of my best friends was building a miniature golf course at his amusement center and the “mountain” at the course was crumbling. She asked me to help her, which I did, but not without looking for that card, and bringing my new friend, Robbie MacPherson on board. That was our first case together.

Two years later, Robbie asked me to come work with him – but I had to be screened by one of his partners – someone by the name of Rubin. I never heard of him but, if he was Robbie’s friend, how difficult could this Rubin guy be?

I remember the day I met Robbie’s colleague, whom you know as Bob Rubin, in Battery Park in lower

Manhattan. I didn’t know it then, but I became a construction lawyer that day. Now, twenty-five years later, after working for most of that time at Bob’s side, I cannot imagine practicing any other area of the law.

One of the problems Bob always had with me was ordering lunch late. He has to eat at 12 pm – Chinese food (chicken and shrimp) – and not a moment later. He always threatened to terminate our relationship over tardy lunches – but so far, he hasn’t carried out that threat.

Also by chance, in Battery Park twenty years ago, I met my husband, also named Bob, and also a lawyer. We have four children together, one new greenhouse filled with flowers and herbs and a drip irrigation system I control with my phone, one over-used bread maker, and the best two beagles in the world, Falafel and Pepper.

I am honored and humbled that you have selected me to be part of ACCL. Bob Rubin has told me for decades what a great and honorable group this is. He has never been wrong.



Gregory Cashion – I am a native of Lincoln County, Tennessee where my ancestors settled in the 1760's. We were part time farmers and I spent most of my weekends working on the farm. I was very active in the Boy Scouts of America (Eagle Scout, 1972) and worked as a water skiing/sailing instructor for four years at Boxwell Reservation, the BSA Middle Tennessee Council summer camp on Old Hickory Lake.

I attended the University of Tennessee at Knoxville for both my undergraduate and law school degrees. While earning my Bachelor of Science in Civil Engineering degree, I was in the co-op program and worked for CFW Construction Company, Inc. I performed some assignments for Palm Pitts, the in-

house counsel for CFW. Mr. Pitts, a civil engineer turned lawyer, sparked my interest in the law. In my junior year in Civil Engineering school, I met an interesting and intelligent female architectural student in my CE 3210 structures class. Beth and I were married before we graduated college in 1979.

Upon my graduation from Civil Engineering school, I worked for another construction company, Charles Blalock & Sons, Inc. Later, I attended law school and continued to work part time for Blalocks. I worked primarily as a project engineer on the construction site of the 1982 World's Fair in Knoxville which was adjacent to the law school. I was the law student with the muddy boots.

After graduation from the University of Tennessee College of Law in 1983, I joined the law firm of Manier Herod Hollabaugh & Smith in Nashville. After working 15 years for Manier Herod in surety and construction law, the Construction Law Section of Manier Herod started the boutique construction law firm of Smith Cashion & Orr.

Outside of practicing construction law for the last 38 years, I have a love and passion for the outdoors.

I enjoy cycling, snow skiing, white water rafting, hiking and backpacking. I am a former Scoutmaster and presently serve on the Board of the BSA Middle Tennessee Council. My most memorable achievement in Scouting was taking a crew of 12 (8 scouts and 4 adults), which included both my son, Lee (Eagle Scout, 2013), and my daughter, Molly, on a 120 mile backpacking adventure at the National BSA Philmont Scout Ranch in northern New Mexico. Below in a photograph of us when we summited Mount Baldy in July of 2012.



Molly (32) earned a Master's Degree in Sustainability from Arizona State University and continues working for ASU in the School for Sustainability as a program director and teacher. Lee (25) graduated from Emory & Henry College in 2018 and has resided in Alaska for

the past three years working for a construction company on the North Slope most of the year and on a commercial salmon fishing boat in Bristol Bay in the summer. I have been blessed with a great wife and children and I have always enjoyed the practice and camaraderie of construction law.

Thank you for inviting me to join the ACCL. It is an honor. Beth and I look forward seeing old friends and forming new friendships with you.



Christopher Dunn - I have an admission to make right off the bat. I struggled a bit finding a way to introduce myself to you professionally without getting into the woods some personally. The issue is my start in construction law actually began as result of some personal hardship, which I cannot easily uncouple from the lawyer

part of me. I do want to be genuine and sincere with you here though, because I am thrilled and honored to be an ACCL fellow. I am looking forward to discovering friends I have yet to meet.

So here is a hopefully concise version.

In the spring of 2000, I was a 30 year old associate working at mid-sized litigation firm in Nashville. I was in my third year of practice, and I was beginning to feel like I was getting my sea legs. At the time, my wife, Carol, was pregnant with our twins. Back then, she was actually the construction lawyer in the house, working as an associate for a Nashville construction lawyer named Greg Cashion.

As Carol's pregnancy reached the 5th month, we unfortunately ran into serious complications and our twins, John Patrick (Jack) and Rosemary, were born very early at 24 and 26 weeks, respectively. Each weighed a pound and a half at birth, and both endured long stays at a Nashville NICU. Both experienced significant traumas while in the NICU. Jack suffered some brain damage common to prematurity that impacted his cognition. Rosemary suffered a complete and permanent spinal cord injury,

leaving her paralyzed below her chest.

Even before the kids were born, Carol had planned to take some extended time off before returning to practice, but Jack and Rosemary's daily needs were so great that we had to nix those plans and tell Greg that we didn't know when or if she could return. Greg was very understanding (anyone who knows him would expect that), but he had a practice to run in a busy construction boutique, and he started looking for Carol's replacement.

I liked Greg and his partners. They were good, didn't take themselves too seriously, and tried a lot cases. They also didn't seem to be as stressed as a lot of lawyers I had met. Carol and I discussed me taking over Carol's spot and decided to approach Greg about it. The idea worked for Greg and his firm, Smith Cashion, and I moved into Carol's office a few weeks later. This move allowed us to stay with our health insurance company, (no small matter) and it gave us a source of consistency in our lives when we were really coping with a lot of change and worry about the future. It helped me to be in a place where people understood our situation

and saw us as people rather than merely income producers.

Early on, I could tell that I liked the work but couldn't put my finger on why. The days went quickly for me, and I was in a good environment to ask greenhorn questions. Two years flew by in a flash. About then, I had a case against a large firm in town known as Waller Lansden. At the end of the case, they approached me about moving to continue my practice there. I was instantly torn. I had a very good friend at Waller, and I knew he really liked it there, but I felt badly about leaving Smith Cashion. Greg and I talked about it and discussed how the job would likely be different (owner and developer clients, as opposed to contractors or design professionals) and how it might present an opportunity to build a practice. Greg made clear that our friendship was not at risk. That helped me leave a good position for another job that would be higher risk, but that also might allow me to find my own path in the world.

A 5th year associate, I accepted Waller's offer on Good Friday, 2002. I had caught a real break.

While at Waller as an attorney in my 30's, I endured a lot of black and blue learning. I spent a lot of time

out of my comfort zone learning the fundamentals of the major industry form contract documents, as well as the sharper edges of Tennessee's Construction Lien Laws and Prompt Pay Act — all of the basic blocking and tackling that a capable construction lawyer needs to know on an almost reflexive basis. I began to feel a little more conversant on the other dialects and languages a construction lawyer needs to know: land use and zoning basics, construction insurance, suretyship, arbitration legislation and common law, etc.

During this time, two groups of mentors emerged in my life. These people ended up really shaping me as a lawyer and a person. One group was local; the other national.

The local group consisted of three (3) industry veterans I had the good fortune to meet separately in the Nashville area. The first, a veteran architect and a member of the AIA Documents Committee; the second, a highly successful insurance broker with decades of insuring projects under his belt; and the third, a hard charging contractor with the heart of a teacher beating inside his chest. All three were in their 60's and were self-assured professionals who gave of themselves generously to me.

These three — the architect, the broker, and the contractor — became a source of enormous help to me as I started to bridge the gap between knowing “the law” and actually understanding the motives of the parties to a modern project. This was so helpful to me, and I loved it. Hearing about these motivations and about the tug and pull felt by the human beings involved in projects was endlessly interesting to me, and these guys had seen it all. I could tell them about my cases, and they would then predict where things were headed and why. The discussions often took place in local eateries and included graphics and diagrams on paper or napkins, which my visual mind ate up. In time, they also helped me understand the potential clients within 30 minutes of my office, both those to pursue and those to avoid. I was incredibly fortunate to have had their counsel on the ground in Nashville.

My second set of mentors came from another source: the American Bar Association’s Forum on the Construction Industry. I began attending Forum events in 2005, and my early impressions were two-fold: (1) man this group is large, and (2) these people are really, really into each other. I decided to find out

why, and I dove into the Forum’s Division 12 (Owner’s and Lenders) and attended every meeting the Forum offered. Waller was great about it, and I began to meet lawyers from across the US that were wrestling the same issues I was on a daily basis. They lived in California, Illinois, Arizona, Kentucky, Ohio and Florida. I loved that geographic diversity, and I grew so much professionally from meeting them and developing friendships that quickly moved from purely professional to meaningful, personal relationships. I wasn’t the only member of my family who loved the Forum either, as both Carol and Rosemary began traveling with me on planning retreats where they also made their own construction law based friendships. I owe a great deal to the Forum.

Mentors aside, there is a final group that has meant a lot to me — my younger colleagues at Waller, some of whom are now becoming successful young partners. Seeing their growth and having the benefit of their talent and skill has been both rewarding and so important to me. I could not have built a practice without them. Being in the trenches with people you trust and respect and like is vital to me and is

one of the best parts of practice. The human connections one gets to make as a lawyer are what keep me coming back. I think the practice of law attracts positive, action oriented people who mirror the “get it done” people we represent. That’s very American feeling to me.

Enough of the law stuff. I could not have done any of it without my wife, Carol, being such a spectacular and dedicated mother to our twins. On many days over the last twenty years, she had to wear multiple hats requiring a huge range of ability and patience. She could be a health insurance coverage lawyer, nurse, teacher, mediator, and wheelchair mechanic in a 24 hour span. There is no question she had the tougher job, and given that she was the A student to her husband’s B+, that probably was for the best. Carol was instrumental in Rosie doing the things she needed to pursue her dream school – Notre Dame – where she is currently a junior and loving her time and friends there. Jack, too, has found a good fit at a Nashville area school where he has never meet a stranger and is known as the guy who always has a sympathetic hug at the ready if someone is having a tough day. With Jack, we have decided that we can be fine because he is. With about

a 6-7 year old’s view of the world, he is the least stressed of anyone at our home, day in and day out. Sometimes we are jealous!

I grew up in Upstate New York. I cut a lot of grass and shoveled a lot of snow in my youth. I was the oldest of four with exceptional parents who wanted me to be busy and spent at the end of the day. At a young age, I developed a passion for whitetail deer and the places they lived. Their tracks in the snow in the woods were always a massive draw for me, and I loved to follow them to see how they moved across the landscape. In time, that translated into a passion for big game hunting and the wild places where deer and elk and bear are found, both east and west. Hunting and being outdoors serve as a great diversion to me and a balance to the office environments where we attorneys spend a lot of our time looking at monitors and devices. I eat a good bit of wild game, most of which has only touched my hands. I go through a lot of firewood from October through April, and to me a warm fire is the perfect way to unwind at the end of the day.

I am very grateful for the opportunity to become a fellow in the ACCL. It is deeply meaningful achievement to me because of

the longstanding traits in the membership – high skill, integrity, and deep capacity for friendship. I look forward to meeting you – as soon as we can.



Marion Hack – First, I would like to thank you all for allowing me to be part of this wonderful organization. It is an honor to find myself in such esteemed company.

And now a little about me I was born in John Steinbeck's hometown of Salinas, California and attended his high school. My father was a Lt. Col. in the US Army Medical Corp and a veteran of 2 wars, WW2 and the Korean conflict. He was born in 1916 so as you can probably adduce I was one of his last children, #7 of eight (after three marriage but who's counting). After his tour in the service, he set up private practice in Salinas and worked part

time for the California Department of Corrections. Our weekends were filled with traveling to California's finest extended stay institutions, such as Folsom, Soledad, Vacaville and San Quentin. As you can imagine a courtroom does not seem all that daunting in comparison.

I decided that Salinas did not hold much allure for me and thus I escaped at the age of 17 to the University of Southern California where I found myself a bit of a fish out of water. I showed up to sorority rush in outfits that I had hand sewed because as you can imagine, with 8 kids, there was not much to go around. Even with this questionable start, I managed to get into a sorority and loved the USC experience.

After SC, I worked for a condo developer in Beverly Hills and worked my way up to VP of Construction in a very short period of time. That was really because everyone quit or was fired but it was my first construction experience and I learned how to read plans, process change orders and go toe-to-toe with some charming contractors. This lead to my going to law school at the University of Pacific's law school McGeorge and finally ending up at Gibbs, Giden, et. al. where I

met Ken Gibbs who has been a great influence in my professional career.

Along the way, I met my husband Josh Richmond, who was a screen and TV writer for 20 years. (He sold many things but nothing was made unfortunately, but he has a great WGA pension!). After deciding that writing for The Disney Channel was one road too many, he went back to school to be a psychanalyst and now instead of being a writer he is treating them.

We have two children, Abra (15) and Haskell (10). If you are familiar with John Steinbeck's greatest work, "East of Eden", the name Abra will be familiar to you. Abra has decided that golf is her thing and with a 240-yard drive and a scratch handicap, my weekends are filled driving around to tournaments. Haskell, being terminally cute, did a couple of commercials and Gap Kids ads and is now majoring in Fortnite. He is also enjoying baseball and ants (yes we have an ant colony).

One of things we have done this year is get into fly fishing. We visited the Capitol Reef section of Utah several times this year and done quite well. Hopefully we will be able to go to Montana soon. Both kids are fluent in French and

complain heavily about my French so we plan to go to France once we get the ok to travel so I can embarrass myself in front of them. I like to crochet in my spare time and especially when I am waiting for jury verdicts. Not only do my clients get a good result but also a scarf. I also love to hike but the kids think hiking is akin to the Bataan Death March so Josh and I usually go alone. We are lucky to have a lovely home in the desert, Indian Wells, which we retreated to for much of 2020 until the heat became too much.

I would like to thank Eileen Diepenbrock, Robyn Miller and Ken Gibbs for setting me on this path and I look forward to meeting all of you at the next meeting.



William Hill – For as long as I can remember, there are three things that spark joy and inspiration in me. I’ve always had a curiosity for how things work and are built, I love being outdoors (coming from eleven generations of Mainers, the cold doesn’t bother me anyway) and I have a great appreciation for the law.

I think the legal fascination might have been ignited early. At 9 years old, childhood friends and I wondered what would happen if you balanced a smoke bomb on the windowsill of the staff quarters at the historic Colonial Inn that sat in the center of my hometown of Concord, Massachusetts -- and then lit it. There was a fire engine, and apparently witnesses. The juvenile officer arrived at our backyard

hangout, held up the evidence in his hand and asked: “Willy, did you throw this cherry bomb into the Inn?” My defense was not aided by my response: “No, Officer, that’s not a cherry bomb, it’s a smoke bomb.”

Things improved from there on the legal front and I have managed to stay on the right side of the law. I am very proud of the work I have done representing construction clients, in Massachusetts and nationally. I truly enjoy my work and believe that helping my clients stay out of trouble, get out of jams, and build great projects is a pretty good thing. I am also thankful that my Boston-based law firm, Mintz, where I’ve been for 30 years, has supported both my practice and my passion for several non-profit organizations. Most recently, I conceived and helped launch a national non-profit “Building for Good” with my dear friends, Robbie MacPherson, Steve Lesser, Andy Ness and Kristine Kubes, all fellow past chairs of the ABA Forum on Construction Law. Building for Good pairs pro bono construction lawyers with charities and non-profits with construction law needs. Earlier in my career, I knew the rewards that came from helping, pro bono, organizations like the Greater Boston Food Bank and the Elizabeth Stone House (a

Boston domestic violence shelter) build and improve their facilities. Launched in 2019, Building for Good is now providing those volunteer opportunities for other construction lawyers.

During high school and college breaks, my jobs were in construction. I was a laborer: lots of demolition, framing, carpentry and - for the sake of project safety - avoided anything that exploded. I loved the physical work and being outdoors. But I often say it's much safer to practice construction law than hang off a building. I enjoy solving problems and helping people. To that end, I've been lucky enough to merge my passion for the outdoors and helping people in my volunteer work.

A love of hiking inspired me to volunteer with the Appalachian Mountain Club, as a board member and, for a time, chairman of the AMC's board. I helped shepherd the 90,000 member conservation and recreation Club through a time of great expansion, including in the state Maine where the Club, through purchase or partnerships, put nearly one million acres into conservation protection. All of my three children hiked the White Mountains as toddlers, teens and adults. I am grateful that my family

spent so many hours on the trail together. At Christmas, my kids love to pull out the photo albums and laugh at my expense. It's true, I never travel without a compass, water and a first aid kit and I NEVER get lost (ask my kids or my wife, Jane). My son, Mac, loves to tell the story of a hike on Mt Washington with me when he tripped and cut his head on a rock. We happened to be hiking with a doctor and I happened to have a well-stocked first aid kit. It's a great family story to remind us of the ties that bind. There was also a magical hike up Mount Kilimanjaro with my eldest daughter, Paige, when she was 15. Our precious time together in the wilds of Africa will forever be a part of my moveable feast. And just about nothing that I've included here would be possible without the patience and support of my wife of 35 years, Jane. You should meet her.

I am honored to be inducted into the America of College of Construction Lawyers and can't wait for you to ask me about my grandchild!



Daniel King - My introduction to construction law was during my “unpaid” internship the summer after my first year of law school with the law firm formerly known as Locke Reynolds LLP (now Frost Brown Todd LLC). The Chair of the firm’s Construction Law Practice Group (Terry Brookie) asked me to present a summary of two recent decisions by the Indiana Court of Appeals relevant to these attorneys, which just happened to include Mr. Hugh E. Reynolds, Jr. I was admittedly terrified but equally appreciative of the opportunity. For several hours during each of the days prior, I briefed these two (likely mundane) opinions and prepared as diligently and thoroughly as I knew how in anticipation of being interrogated by a group of seasoned construction lawyers.

Then tragedy (or at least what seemed so at the time) struck! The

night before the BIG presentation while eating BBQ ribs, I significantly chipped my front tooth (which then and now is mostly fake due to a childhood injury). Not wanting to scare off my potential employers by presenting to them with a half-broken front tooth, I scheduled an emergency dental appointment first thing the next morning. The dentist did a tremendous job of mending my fake canine on short order, but unfortunately he was a little too heavy on the Novocain injections. After the dentist appointment, I returned to the office for final preparations before the BIG show and, with a drooping and drooling smile, I gave a summary of those two (unremarkable) cases.

After graduating from law school and the firm being none-the-wiser about my dental issues (among other things), I was hired to join the Construction Law Practice Group and continued to practice with these fine lawyers for approximately 18 years. In 2019, I transitioned to an in-house position with The Skillman Corporation, an employee-owned construction management firm operating in the Midwest with offices in Indiana and Michigan.

Now to the most important aspects of my life...my wife, Missy, and son, Bo! Towards the end of my third

year in law school, I stumbled into my future wife at “Triple Nickel Night” (a/k/a 15 cent beer night) at a local bar in Bloomington, Indiana. Missy was finishing her undergraduate studies and was soon bound for Chicago. I had already accepted a job with the law firm in Indianapolis. Despite initially heading to different cities, we were able to rejoin in Indianapolis and were married a few years later. From the time I met her, Missy has and continues to be supportive of me, my quirks, and foibles. But, more importantly, she keeps me grounded with her wit and compassion. Missy enjoyed a career as a corporate event manager for several years, traveling both domestically and internationally for a variety of industry meetings. She is now pursuing her Masters of Nonprofit Administration from the Mendoza College of Business at the University of Notre Dame and is active with Paws & Think, a charitable organization dedicated to jointly serving at-risk canines and those with disabilities and special needs in Central Indiana.



Missy and I are very proud of our son, Boden (Bo), who is now seven years old. We take great pleasure in watching him grow and experience life. Like most kids his age, Bo has endless energy and an unsatiable appetite for activities, which include hockey, soccer, fishing, biking, swimming, etc. Oh, and he enjoys school, especially lunch and recess.

On the weekends, you will likely find me fishing or otherwise doing something (really anything) outdoors. Although not often, I enjoy upland bird hunting when the opportunity presents itself, skiing with the family, and playing golf when time allows.



Andy Manuel - I've always been around construction. One of my grandfathers was a Swedish brick mason; one of my uncles was a WWII-vet civil engineer; and my father, a school administrator (principal and superintendent of public schools), was always doing home DIY projects. My undergraduate education started in the University of Cincinnati's co-op engineering program and, after transferring to the University of Houston (more on that below), I graduated with a BS in Mechanical Engineering in 1984. After graduation, I worked for ten years for Brown & Root in Houston as a mechanical engineer/project manager on a variety of projects but mostly petrochemical facilities in Texas and Louisiana. I became a Professional Engineer in 1989. I

loved working on projects, and I worked with some top-notch construction professionals on some challenging projects which has proven to be invaluable experience.

Starting in 1990, while working full time at Brown & Root, I attended the University of Houston's Law School in their part-time program. As I approached graduation, I knew that I wanted to practice construction law and was fortunate to obtain an interview with Greensfelder, Hemker & Gale in St. Louis. Among others, I interviewed with Jim Hawkins and Tim Thornton, and they decided to take a chance on me. Since starting in Greenfelder's Construction Practice Group in 1994, I have been fortunate to work with and learn from wonderful people who are also outstanding construction attorneys like Jim, Tim, Jim Scott and many others.

The more interesting part of my life, and that of which I am most proud, is my family. My wife, Lee Ann, and I grew up in Ohio and dated in high school (but weren't high school sweethearts). We became engaged while both of us were undergraduates, and after she received her degree in economics from the University of Miami (Ohio), she took a job at a bank

in Houston (which is when I transferred to the University of Houston). She supported us while I finished my engineering degree. In this “before kids” period, we loved playing golf, watching the Houston Rockets and eating Mexican food.

Starting our family was an active time in life. Our first daughter came when I started law school; our second daughter came during finals half-way through; and our third daughter was on the way when I graduated. We have treasured memories of raising our energetic family including summer vacations in northern Minnesota visiting extended family and canoeing in the Boundary Waters. All of our daughters are now through their undergraduate programs (economics at Northwestern, actuarial science at Illinois, and marketing/economics at Wittenberg) and gainfully employed. Thankfully our daughters take after my wife – they are all bright, fun and love to cook. One daughter lives in Seattle (which we love to visit), and the other two live in St Louis. Two daughters are married (we had a Covid wedding in the backyard last summer). There are three grand-dogs.

When it’s just Lee Ann and me in our now “empty nest” period, we like to hike, fish (a favorite outing is trout fishing in southern Missouri), and travel when we can (hurry up vaccines!). My other interests include riding a gravel bike on the trails around St. Louis and following the Cardinals.

Throughout the course of my legal career, I’ve admired and greatly respected the Fellows in the ACCL that I’ve had the good fortune to meet. I am honored and grateful to be invited to join the College. Lee Ann and I look forward to meeting everyone.



Eric Nelson – I was born in Southern California. My father was a mathematician working in the

defense industry, and my mother was an opera singer. They are both now enjoying retirement in the same house where I grew up. My sister, along with her husband and kids, live in the LA area, as well. I ended up attending Cal Poly, San Luis Obispo, primarily to play soccer, and secondarily to actually go to school. From Cal Poly, I left California and moved to Virginia for law school at Washington & Lee. Although there was a little initial shock of going from a metro area of roughly 14 million to a town of 4,000, I really enjoyed Lexington, Virginia and my time in law school.

My goal after law school was to work in Washington, D.C. I clerked with the Department of Justice after my first year and planned to return to the area for my second-year summer clerkship. But based on an opportunity in Atlanta, I ended up at a small to mid-size firm (Varner Stephens Wingfield & Humphries) for my second year summer. Enjoying the firm and practice, and more importantly, based on meeting my wife-to-be that summer, I took a full time position with the firm in 1992. I was immediately placed in the firm's construction practice group.

My wife (Chere - short for Cheryl) and I married in 1992, and moved

to the North Atlanta suburb of Roswell. Chere is originally from Vestavia Hills, Alabama (a suburb of Birmingham) and did her undergraduate and graduate work in special education at the University of Alabama. She has taught in Alabama, Virginia, Texas, and finally Georgia. Within a few short year after getting married, we adopted two children, Taylor and Colin.

As some of the construction work started to dry up at Varner Stephens - largely due to the economy - I found myself doing more general commercial litigation, and even some transaction work, which I didn't enjoy as much as construction law. Because of that, I left the firm in 1998, and moved to Smith Currie, at the urging of a colleague and friend who had taken a position there. I became a partner at Smith Currie in 2001. I just took over the managing partner position in 2021, for a five-year stint.

Both of my children are now grown. My daughter is a special education elementary school teacher in the metro-Atlanta area; and my son lives and works just outside of Hunstville, Alabama.

Chere and I stay active with a variety of things. We are involved

in leading a small group for young marrieds at Fellowship Bible Church in Roswell. We also work with an Atlanta-based group that assists young adults in Romania, who are aging out of orphanages. Our work with this group has us in Romania typically once a year, but also involves working with them stateside throughout the year.

Most of my remaining leisure time is taken up with either cycling, reading, or picking up the guitar now and then. I've been cycling - previously racing, now recreationally - for over twenty years. As for reading, I spend the bulk of my time in theology and history. The guitar has been an on-off relationship, with it currently being on the upswing. Chere and I also enjoy traveling and try to make it overseas at least once or twice a year, with this year being an obvious exception.

It is a great honor to be invited to join the ACCL. I'm looking forward to hopefully gathering together in person, with everyone soon.



Ronald Stuff -

I've been in and around construction my entire life. My father was a carpenter. I was born and raised in a remote part of Montana where my "job" as a 7-year old was to clean up the basement workshop at the end of each day. By the time I was a teenager, I was framing and hanging sheetrock. Fresh sawdust is one of my favorite smells.

I attended Georgia Tech and it was natural to study civil engineering, specifically structural design. I aspired to build high rises and sports stadiums. Did I mention that I graduated in 1982? Prior to the 2007-09 recession (and of course, today), the 1981-82 recession was the worst economic downturn in the United States since the Great Depression. I got a job designing and building sewage treatment plants. One makes do.

The best thing in my life happened to me at Georgia Tech – I met Elizabeth Schlag a fellow Tech student studying biology. I think that the story of how we met is kind of interesting. It was either interesting enough or they were desperate enough that the alumni magazine, Georgia Tech Engineers, published it. If you're a glutton for punishment the next time ACCL meets in person, I'd be happy to share the story with you over drinks. Suffice it to say it involves rats, a lab assistant, goggles and a pair of rubber gloves.



After four years of either living in construction trailers or working at the design table, I applied to law school. Elizabeth, and her three-degree pedigree from Tech (B. Bio. '82, M.S. Appl. Bio. '84, Chem. E. '86), had some reservations about being married to a lawyer. Nonetheless, our fortunes were

good, I got accepted into Harvard and we ventured north to Cambridge.

Following law school I spent 13 years in private practice. First at Latham & Watkins in San Diego and then Parker Poe Adams & Bernstein in Charlotte.

A cold call from a headhunter on a crisp, Carolina-blue morning in 2001 changed my life. I'd known Fluor Corporation since I was in college. They were looking for in-house counsel. My legal practice had always involved some construction matters but it would have been dishonest to call me a "construction lawyer." Over the next 20 years I would have the privilege of truly becoming one.

In 2014, the opportunity arose to become General Counsel at Sundt Construction. Randy Nye, another ACCL Fellow, was retiring. I cannot thank Randy enough for the opportunity. No position has ever been as rewarding.

Now to that which matters more than all the above – the family. Despite being married to a lawyer, and not an engineer, Liz has hung in there. We celebrated 38 years together in September. We're blessed with three children. Shelby, 25, an entomologist. Kate,

22, a theatre major at Northern Arizona University, and Jacob, 19, a sophomore in Mechanical Engineering at Clemson.



As both a couple and a family we love the outdoors. Liz and I trekked across various European countries, Greece and Nepal; then we had the kids. As a family we've hit trails from Canada to Costa Rica. Now that the kids are nearly through college, we're looking forward to getting back to our bucket list - post-pandemic, New Zealand and Patagonia are calling.

Ever since coming to work in-house for engineering / construction companies, it feels like I've come home. I tell folks "This is as close as I'll ever get to building anything again." That's mostly true. I don't golf. I'm not a car guy. What I do love is building stuff - especially furniture. My woodshop, which has doubled as my home office during the pandemic, is my sanctuary. There are few troubles that cannot

be soothed somewhat by making smaller pieces of wood out of big ones. The smell of sawdust is never far away.

I am equal parts honored and humbled to be a part of the College. I've had the privilege of meeting many ACCL Fellows during my career and look forward to the day when I can meet the rest of you in person.



Robert Symon - I was born and raised in Johnstown, PA, a small blue-collar town near Pittsburgh. You may have heard of Johnstown due to the great flood of 1889. It was the failure of Pittsburgh's wealthiest families (Carnegie, Mellon, Frick) to maintain a recreational dam, which ultimately failed, killing over 2000 people. In 1936, another flood led

FDR to fund concrete river walls along the river and the notion that Johnstown was “flood free”. However, in 1977, after more than twenty inches of rain fell, another dam burst and the water rose above the walls. The new slogan became “flood free my \$#!” I often think about the Johnstown floods and the devastation that can occur from design and construction defects and the need to put safety first at all cost – especially in the world we live in today.

As the son of a steel worker, I was raised to work hard no matter the sport, job, or dilemma. I truly believe that hard work pays off and can beat intellect. My mother taught me how to get along with “all” people and that success in life came from relationships built on education so off I went to college. I attended Washington and Jefferson College in Washington, PA and graduated in 1988 with a B.A. in Accounting. I was also a member of Alpha Tau Omega Fraternity where I first met fellow ACCL member Albert “Albe” Bates and we became fraternally linked and friends until this day. I also played basketball at W & J and made a little spending money as a gardener for the President of the college and his wife. Upon graduation, I enrolled

at Cleveland State School of Law in Cleveland, OH. It was a difficult transition for me. You do not grow up in western PA and not become a Pittsburgh Steelers fan. Putting aside the miserable weather, I could not take the Cleveland Browns fans and quickly departed never to return.

During my junior year at Washington and Jefferson College, I met my future wife Karen who is also from Johnstown. Upon her college graduation, she moved to Gaithersburg, MD for a job as a teacher at an elementary school. Following my first year of law school, I headed to Maryland for a job to be with her for the summer. I found a position at the World Bank Fund Federal Credit Union in Washington, DC.

When tuition reimbursement was part of the employment benefits, I found myself applying to law schools in the Maryland area as a transfer student. I enrolled at the University of Baltimore Law School as a night student and worked full time. I traveled nightly from Washington, DC to Baltimore. At ten o’clock, four nights a week, it was Led Zeppelin o’clock. It was hard, but worth it as I look back.

When I was in law school, admittedly I had no idea what type of law I wanted to practice. At that time, Karen would babysit on weekends for families at her school. One weekend she babysat for a family in Potomac, MD. Unbeknownst to me, the patriarch of the family was the named partner of a small boutique law firm in Washington, DC. He was very interested in my story and by the time Karen and I left I had an interview scheduled for a law clerk position at his firm the following week. I will never forget getting back into the car from my discussion and Karen asking what kind of law the firm practiced. I told her government procurement law. She asked, "What kind of law is that?" I answered, "I have no idea."

Looking back on my thirty years of practice in the government contract and construction law practice areas, I could not have been luckier that day in Potomac picking Karen up from babysitting. The only day I was luckier is when Karen said "yes" to marrying me which coincidentally was also thirty years ago. Karen and I have remained in the Montgomery County Maryland area and have two children (twins). Our son Luke (22) is a 2020 graduate of Clemson University

and will soon begin a job with Merrill Lynch/Bank of America in Baltimore. Our daughter Jillian (22) is a 2020 graduate of the University of South Carolina and has just started a job in New York City as a recruiter for Nigel Frank. This past August, we welcomed a new addition to our family--Quinn--an English Cream Golden Retriever. In my spare time, you will find me on the golf course--preferably in Hilton Head Island, South Carolina, where Karen and I own a home. I am also a member of the Maxwell Football Club, a non-profit organization that recognizes and honors all levels of football talent (professional, collegiate, and high school) and player achievement both on and off the field. Finally, of note, my cousin is Michael Symon. Many of you may know him as an Iron Chef from the Food Network or other television appearances. No, I cannot cook like Michael but I do know how to practice construction law.

COLLEGIALITY CORNER

Andy Ness - I recently published an article on Neutral Evaluation, an ADR technique that is getting increased attention as a cost-effective means of breaking settlement deadlocks due to the parties' having widely differing views of the merits of their dispute.

The article is titled "Neutral Evaluation: Another Tool in the ADR Toolbox," and appears in the Fall 2020 issue of "The Construction Lawyer", the journal of the ABA Forum on Construction Law.



Chris Noble - My wife Chris and I have gotten ourselves into another acting gig. Instead of moving back to Maine for three months to perform in a show (as we did in 2019), we are joining all of you on-line arbitrators and mediators in putting on a virtual production: a Zoom-enabled offering of "Mastergate," a goofy tongue-in-cheek sendup of the Iran-Contra hearings, written by the creator of the M*A*S*H TV series and just as relevant today as it was 30 years ago. I play a witness and Chris plays a lawyer (better than I did for 40 years). If you rush, you can catch it on January 29 or 30 at 7PM EST. Tix are available at www.newsurrytheatre.org.

David Ratterman - I am board secretary of a foundation that

supports academic publications of thirteen public and private universities and two historical societies in Kentucky. Our mission is focused primarily on the cultural history of our region.

Service of a "no-knock" warrant gone terribly wrong, leading to the death of an innocent young woman in Louisville earlier this year, unleashed a summer of pent of anger, resentment, and, sadly, intolerance in our streets. In that time of resentment, our foundation board thought hard about how we could do our part, connect our primary mission in a way that would help promote social justice, elevate our civic discourse, and perhaps start to heal our cultural divide.

We discovered that, even though it's an integral part of both Kentucky and American history, African American history isn't widely taught in our state's public schools. Important names, events and policies central to the issue of race have been minimized or left out of the teaching of history in Kentucky and nationally, creating an educational and cultural void that has contributed greatly to bias, intolerance and conflict. Consequently, we have engaged a consortium of nationally-

recognized historians, educators, and curriculum development specialists and have initiated what we hope will be a groundbreaking long-term program to introduce and support the much more comprehensive and accurate teaching of Black history and culture into our state's public schools – not as a separate subject, but as an integral element of American history. This program is being designed for all students in elementary, middle and high schools; and will place Black history and culture in their proper context, including the fundamental questions they raise about respect, acceptance and appreciation of our diversity.

We are garnering support from larger foundations in and beyond our region and believe that this program may be a prototype suitable for application in other regions of the nation. In the process, I have discovered a very fulfilling means of applying my time in semi-retirement, leaving younger lawyers to ponder such mysteries as concurrent delay and unknown underground conditions, and deal with the parties who have brought those mysteries to bear.



Richard Tyler – Susan and I have become first time grandparents with the birth of Sophie Marguerite Triot Tyler on January 10, 2021. Sophie is beautiful, the parents a little overwhelmed by how something so small requires so much attention, and the grandparents are over the moon.



In other news, my article "Kicking and Screaming: Joinder of Non-Signatories in Arbitration

Proceedings," was published in the AAA's Dispute Resolution Journal last Fall (Vol. 75, No. 1).

Richard Smith - Think positive; stay negative.

Clif Shapiro - My big news is that as of January 1, 2021 my multi-year quest to open my own ADR firm will finally happen, and I will be providing arbitration, mediation and counseling services as Shapiro Dispute Resolution LLC. I've also been busy speaking. Among other things, on December 11, 2020, I was on a national panel of mediators and arbitrators for a virtual program titled Living in A Virtual World: Best Practices For Construction Mediations and Arbitrations, and on November 11, 2020 I spoke about insurance coverage and resolving construction disputes at the annual University of Kentucky Construction Law Institute, which was held virtually and where Bill Geisen was the program chair and moderator. I look forward to seeing everyone virtually in 2021 and then IN PERSON in 2022!

Tom Stipanowich - I recently ended fourteen years leading Pepperdine Law School's Straus Institute for Dispute Resolution, during which the Institute was

voted #1 by peers in the U.S. News and World Report rankings a dozen times. I am still a Professor of Law and hold the William H. Webster Chair in Dispute Resolution at Pepperdine, as well as an arbitrator and mediator affiliated with JAMS.

My career contributions are covered in a chapter of the new book EVOLUTION OF A FIELD: PERSONAL HISTORIES IN CONFLICT RESOLUTION (DRI Press 2020), a compendium of narratives by leaders in the field of conflict resolution, available at <http://ssrn.com/abstract=3750308>.

The editors' summary states:

"Grounded initially in his practice as a construction lawyer, Stipanowich's . . . multi-faceted career—as lawyer, teacher, scholar and director of both an internationally-known non-profit and a university center-- also demonstrates the opportunities that exist in the field of conflict resolution to play the roles of entrepreneur, leader, institution-builder, and systems architect."

Two of my recent writings include multiple quotes from ACCL colleagues:

Arbitration, Mediation and Mixed Modes: Seeking Workable Solutions and Common Ground on Med-Arb, Arb-Med and Settlement-Oriented Activities by Arbitrators, to be published in volume 26 of the HARVARD NEGOTIATION LAW REVIEW (2021). Link:

<https://ssrn.com/abstract=3689389>

Multi-Tier Commercial Dispute Resolution Processes in the United States, a chapter in MULTI-TIER APPROACHES TO THE RESOLUTION OF INTERNATIONAL DISPUTES: A GLOBAL AND COMPARATIVE STUDY), and is linked at <https://ssrn.com/abstract=3601337>

My scholarship is a major influence on international practice guidelines being developed by the International Task Force on Mixed Mode Dispute Resolution, an initiative co-sponsored by the International Mediation Institute, the College of Commercial Arbitrators, and Pepperdine's Straus Institute.

I am also working with co-authors on the 4th edition of their popular book and materials RESOLVING DISPUTES: THEORY, PRACTICE AND LAW (Aspen Publishers /

Wolters Kluwer). My research on Abraham Lincoln as a problem-solver and manager of conflict is focused on two articles in progress.

Doug Jones - In October I was elected an Honorary Benchers of the Honourable Society of Gray's Inn.

From my perspective it is a singular honour to be amongst such past and present company (For a list of Honorary Benchers current as at August this year see <https://www.graysinn.org.uk/sites/default/files/HONORARY%20MASTERS%20OF%20THE%20BENCH%20%20-%2011%20August%202020.pdf> and for a Historical List of Honorary Benchers since 1883 see <https://www.graysinn.org.uk/sites/default/files/documents/history/Gray%27s%20Inn%20-%20Archives%20and%20History%20-%20Honorary%20Benchers.pdf>.

These include Sir Winston Churchill, President Franklin Roosevelt, Lord Denning, US Supreme Court Chief Justice Earl Warren, Justices Frankfurter, Ginsburg, Sotomayor, Kagan, and Prince Charles

Also, in Who's Who Legal 2020 I was chosen as a Global Elite Thought Leader in both Construction and Arbitration

Nick Gaede –

A Memorial for Frank A.
McFadden

A Truly Remarkable Lawyer and
Friend to Many¹

How It Started. This is a report on some legal history, and some personal serendipity history.

First, some legal history thanks to our recently deceased ACCL Fellow, one-time fellow lawyer, one-time client, friend and mentor, Judge Frank A. McFadden. On a recent visit Frank gave me a file dealing with the formation of the Public Contracts Law Section of the American Bar Association, of which many of our Fellows are members. It made for interesting reading. Until the early 1960s the ABA Administrative Law Section had a Public Contracts Committee. At the Committee's meeting on October 20, 1961 the topic for discussion was

"The Program for Establishing a Public Contracts Division" as part of the Administrative Law Section. The chair of the Committee was Gilbert Cuneo, a name familiar to many of us. Frank McFadden was a member of the Committee. Overton

Currie was also a member of the Committee.

At the Committee meeting on January 12, 1962 the Committee approved by-laws for the proposed Public Contract Law Division of the Administrative Law Section. At its annual meeting in August of 1962 the Administrative Law Section voted to have the Committee become a Division of the Administrative Law Section. The first officers of the new Division were Gilbert Cuneo, Chair and Walter Pettit and Frederick Sass as Co-chairs; again, names familiar to many. Messrs. McFadden and Currie continued as active members, with Overton being Vice-Chairman of the Southeast Area. In its report of the year 1962-63 the Division reported a membership of 262 members, which was a significant increase from the 78 members of the Committee.

At its mid-year meeting on February 16, 1964 the Administrative Law Section adopted a resolution supporting the Public Contracts Law Division becoming a separate section of the ABA. Then at its August 1965 convention the ABA Board of Governors and House of

¹ I drafted this note before Frank died and before he had a chance to review. If he had reviewed, the note would be different,

because as Frank often said, and surely practiced, "For a lawyer, purgatory is a draft without a red pen."

Delegates approved the application to create the Public Contracts Law Section. By letter dated September 1, 1965 section chair Geoffrey Creyke (another familiar name) confirmed that Frank McFadden was appointed Regional Chairman for Region No. 4 (Southeast) of the new Section of Public Contract Law.

Second, some professional serendipity for yours truly. I was five-year associate at the Bradley Arant firm and Frank McFadden was the partner responsible for the Blount Brothers Construction account. I did some work with Frank on a missile silo collapse in Tullahoma, Tennessee, but was primary in labor law with some general litigation. Frank had a mid-level partner as his lead assistant for Blount and other construction and public contract work. In 1969 Frank was appointed to the federal bench and I was asked to become the second lawyer for the Blount account which I agreed to do. Shortly thereafter the more senior lawyer on the Blount account left the firm and there I was a very junior partner responsible for the account for one of the firm's largest clients. This led to many challenging matters and certainly advanced my career as a construction and public contract lawyer for Blount and other

clients, including Westinghouse and Euro Disney.

In 1982 Frank retired from the federal bench and became an executive and legal counsel for Blount. He was in that position until 1995. During that time, we worked together on many matters including a \$2 billion university project in Saudi Arabia and multiple projects in Iran that had cases before the US-Iran Claims Tribunal. Serendipity indeed: Expanded my horizons and allowed me to have such a talented man as a client, friend, and mentor.

EDITOR'S NOTE

Hi Everyone -

This will be my last issue as editor of the ACCoLades. It has been a lot of fun and I appreciate everyone who has sent in a submission. When I took over as editor five or six years ago from Alec Moseley, I was happy to take on the project, but now it is time to introduce you to our new editor. He is Roberto Hernández-Garcia, our wonderful College Fellow from Mexico City.

The conclusion of my term as editor of the ACCoLades requires only one act. And that act is to offer my full and wholehearted "thank you" to my wonderful legal assistant Jenna Moseman. Every single part of the

ACCoLades that has been good over the last five years is directly related to her efforts. So, Jenna, on behalf of the entire College, let me offer you our very sincere thanks for all of your time and work on ACCoLades.

And with that, I want to welcome all of the New Fellows to the College and congratulate everyone who has worked so hard on the upcoming electronic Annual Meeting. I am looking forward to seeing all of you there, at least via zoom, and definitely look forward to our next in person Annual Meeting next year.

Jenna and I will be working with Roberto and his assistant María on the next issue as a collaborative effort. After that time, Roberto will be undoubtedly improving the ACCoLades with every issue. I wish him the very best.

John H. "Buzz" Tarlow

jtarlow@lawmt.com

406-586-9714