



AMERICAN COLLEGE
of CONSTRUCTION LAWYERS

30th Annual Meeting



February 21-24, 2019

The Vinoy[®] Renaissance St. Petersburg Resort
St. Petersburg, Florida

THURSDAY, FEBRUARY 21, 2019

- 2:00 – 6:00 p.m. Registration Desk Open**
- 3:30 – 4:00 p.m. ACCL Executive Committee Meeting**
- 4:00 – 5:00 p.m. ACCL Board of Governors Meeting**
- 5:30 – 7:00 p.m. Welcome Reception: Wine & Cheese (Casual Dress)**
- 7:00 p.m. Dinner Mixer**
 Fellows and guests are invited to form your own dinner parties and enjoy the many restaurants in the surrounding area. A restaurant list including choices from St. Petersburg and the surrounding areas will be provided in advance. Transportation is on your own. (New Fellows have an arranged dinner with the Executive Committee.)

FRIDAY, FEBRUARY 22, 2019

- 7:30 – 5:00 p.m. Registration Desk Open**
- 7:30 – 8:30 a.m. Fellows Breakfast**
- 7:30 – 8:30 a.m. New Fellows Orientation Breakfast**
- 7:30 – 8:30 a.m. Past Presidents Breakfast**
- 7:30 – 8:30 a.m. Diversity Committee Breakfast**
- 8:00 – 3:00 p.m. Spouse/Guest Hospitality Suite Open**
 The Hospitality Suite will remain open until 3:00 pm each day for relaxing and catching up with friends. Breakfast will be served at 8:00 a.m. Introduction of New Fellow Spouses will take place at 8:30 a.m. *See Spouse/Guest Program for details and optional events.*
- 8:40 – 9:00 a.m. Introductory Remarks**
 Opening remarks, including introduction of New Fellows and Program Chair.
Douglas S. Oles, ACCL President
Terrence L. Brookie, Program Chair
- 9:00 – 10:00 a.m. PLENARY ONE – Cutting to the Heart of a Complex Case: Telling Stories that Matter to Juries that Care**
 Prof. Charles Rose is the Director of the Center for Excellence in Advocacy at Stetson University College of Law. Prof. Rose is a nationally and internationally recognized expert in persuasion. He will discuss how to cut through the complexities of complicated cases that may be problematic when it comes to finding the ultimate “phrase that pays.” Together we will experience the joys of storytelling through the lens of psychology, rhetoric and mythology. Attendees will leave the session with concrete plans empowering them to discover the words that work on behalf of their client’s story. Come prepared to leave with a vision of storytelling in the courtroom that will transform the power of the stories you tell on behalf of others.

Presenter: Charles Rose, Gulfport, FL
- 10:00 – 11:00 a.m. PLENARY TWO – Ethical Issues in Joint Venture Representation and Damages Presentation**
 When representing joint venture parties, it is critical to fully understand ethical obligations owed to all interested parties and what to do when those interests diverge. The panel will discuss best practices in managing issues such as engagement letters, client communications, billing and differing goals and strategies.

The panel will also address ethical obligations when presenting damages claims. Separate and apart from strategic considerations, attorneys must clearly understand the ethical boundaries for advocacy on issues of damages, and whether those boundaries differ depending on whether the forum is litigation, arbitration or mediation. The panel will discuss the obligations of construction neutrals upon encountering damages presentations that “push the envelope.”

Presenters: R. Harper Heckman, Greensboro, NC
Denise C. Puente, New Orleans, LA
Stuart H. Sobel, Coral Gables, FL

11:00 – 11:15 a.m. Refreshment Break

11:15 – 12:15 p.m. PLENARY THREE – Safety for Outside Counsel: Tips and Trends

Every private practitioner needs to know about safety issues facing their clients and how to aid them in avoiding problems rather than just reacting to them. Safety issues can affect the ability of companies to market, win, plan and execute work. A panel of experienced in-house counsel will educate us on contract clauses, requirements, imposed duties, and the detriments and benefits of such language. The panel will also review the costs of compliance and potential consequences of partial compliance or failure to satisfy safety requirements. The importance of a “safety culture” will be addressed and how the private practitioner can add value to clients before safety challenges arise.

Presenters: Paul A. Bruno, Dallas, TX (Moderator)
Ronald R. Stuff, Sr., VP and General Counsel, Sundt Construction
Kevin T. Colby, Princeton, NJ

12:15 – 12:30 p.m. In Memoriam: Tribute to Carl Sapers and B.C. Hart

Fellows and guests are invited to celebrate the lives of our departed Fellows and friends, Carl Sapers and B.C. Hart. This celebration will honor their outstanding contributions to the profession and to the College.

Presenters: Marvin T. Fabyanske, Minneapolis, MN
Christopher L. Noble, Cambridge, MA

12:30 – 2:00 p.m. Fellows’ Collegial Luncheon

2:00 – 2:15 p.m. Transition Break

2:15 – 3:15 p.m. PLENARY FOUR – Design-Assist: What is it, What Are the Problems, and What are the Solutions?

What is design-assist? The scope and nature of design-assist often is uncertain and can be difficult to define. This panel will explore how design-assist is being used, problems encountered in using design-assist, and will offer suggestions on putting a better model in practice.

Presenters: Jeffrey R. Cruz, New York, NY
Joel D. Heusinger, Denver, CO

3:15 – 3:30 p.m. Refreshment Break

3:30 – 4:30 p.m. COMMITTEE PROGRAMS:

PUBLIC CONTRACTS – Year in Review

Committee Chair: Shannon J. Briglia, Vienna, VA
Vice-Chair: James F. Archibald, Birmingham, AL

Renowned government contracts lawyer and commentator, Jim Nagle, will delve into the best and most interesting public contract cases, legislation, new regulations and other publications of the past year in this fast-paced, illuminating review. If there are changes to the Federal Acquisition Regulation or federal case law that might impact your practice, you will learn about them here. This presentation promises to provide both education and entertainment, followed by a short but lively discussion on the hot topics of the public contracts industry.

Presenter: James F. Nagle, Seattle, WA

FRIDAY, FEBRUARY 22, 2019 (Continued...)

INSURANCE

Committee Chair: Jocelyn Knoll, Minneapolis, MN

Vice-Chair: Daniel S. Brennan, Chicago, IL

The ever-increasing use of technology on construction projects holds both great promise and potential risk. Internet-connected machinery (earth movers, robotic welding machines and robotic masonry machines) and wearable devices, among other things, are becoming more commonplace. On the upside, these devices (part of the Internet of Things "IoT") should deliver productivity improvements, financial efficiency and safety improvements. On the downside, these technological advances might be hacked or otherwise compromised, causing delays, defective work, property damage, personal injury and theft of information from the owner, the contractor and subcontractors. This presentation looks at how various insurance policies (CGL, builders risk and cyber insurance) might respond (or not) to cover (or not) an occurrence or loss arising from the IoT on construction projects and what construction industry participants can do to mitigate the risk.

4:35 – 5:30 p.m. SPECIAL COMMITTEE AND TASK FORCE MEETINGS:

ACCL Journal Committee

Professors Committee

In-House Counsel

Task Force on P3

Task Force on Aid to Developing Countries

6:00 – 10:00 p.m. Cocktails, Dinner & Dancing (Casual Dress)

To help us celebrate the 30th Anniversary of the College, we welcome back Recording Artist Stephanie Urbina Jones for an evening of dinner, music and dance.

SATURDAY, FEBRUARY 23, 2019

7:00 – 12:30 p.m. Registration Desk Open**7:15 – 8:30 a.m. Fellows Breakfast****7:30 – 8:30 a.m. 2020 Annual Meeting – Planning Committee Meeting****7:30 – 3:00 p.m. Spouse/Guest Hospitality Room Open**

Breakfast served at 8:00 a.m. The hospitality suite will remain open until 3:00 p.m.

See Spouse/Guest Program for details and optional events.

8:30 – 9:45 a.m. PLENARY FIVE – Can We Steal from International Arbitration to Improve Domestic Construction Arbitration?

The ADR and International Committees have combined to present a high level interactive discussion on improving domestic construction arbitration. This session will discuss whether the principles and procedures utilized in international arbitration can be used to improve the efficiency and lower the cost of domestic construction arbitration while not reducing the quality of the award.

Presenters: Adrian L. Bastianelli, Washington, D.C. (Moderator)

Shelley L. Ewald, McLean, VA

John W. Hinchey, Atlanta, GA

Thomas J. Stipanowich, Malibu, CA

Wendy K. Venoit, Boston, MA

9:45 – 10:00 a.m. Refreshment Break

10:00 – 11:15 a.m. PLENARY SIX – One-Sided Contracts: Adverse and Unintended Consequences

When drafting and negotiating contracts, there is a natural inclination to transfer risk to other parties. At some point, such risk transfer may become oppressive and even counter-productive. Indeed, published and anecdotal data indicate that terms pertaining to liability are heavily negotiated, yet many terms that drive project success are not given similar attention. This session will discuss criteria that may cause a contract or provision to be perceived as one-sided, the unintended and adverse consequences that may arise, and whether such provisions make sense. The panelists will draw on their experience in the design professions and construction industry, both domestic and overseas, to further discuss whether contract terms are commonly misaligned, i.e., do contract negotiations neglect issues and terms that facilitate project success, what are we really trying to accomplish with one-sided terms, and whether there are other approaches that can produce desired results without the same potential for adverse consequences. The session will conclude with identifying contracting principles and guidelines to which contracting parties can adhere as a way of reducing risk allocation imbalances.

Presenters: Ross J. Altman, Chicago, IL (Moderator)
 Lynn R. Axelroth, Philadelphia, PA
 Michael C. Loulakis, Reston, VA
 Deborah Bovarnick Mastin, Miami, FL
 Richard W. Pearse, Porto Alegre, Rio Grande do Sul, Brazil
 James J. Scott, St. Louis, MO

11:15 – 12:00 p.m. HOT TIPS/HOT TOPICS

Committee Chair: William G. Geisen, Covington, KY
Vice-Chair: Timothy R. Thornton, St. Louis, MO

Hot Tips promises to be as educational and entertaining as ever, with an interactive and lively discussion on several hot topics selected by Fellows. Our committee chairs will facilitate the discussion with the audience and carve out time for last minute additional topics raised by the audience.

12:00 p.m. Adjourn Saturday Sessions



From the Chihuly Collection in Downtown St. Petersburg, FL

SATURDAY, FEBRUARY 23, 2019 (Continued...)

12:30 p.m. AFTERNOON ACTIVITIES BEGIN

12:30 – 3:00 p.m. **Lunch Cruise on *StarShip III***

All aboard for food and fun! Embrace your inner-mariner as you board the fully air conditioned, luxury Yacht *StarShip III*. With the sun on your face and the wind in your hair, your afternoon will feature top quality service and breathtaking views of Tampa Bay. *StarShip* is America's first dining yacht to be recognized by AAA with a three-diamond rating and was acclaimed "Best Event Facility" in 2010 by South & Central Tampa Tribune readers. Take part in this unforgettable excursion by reserving your spot on the registration form. (Limited to 75 participants.) Cost is \$85 per person. *Advance registration is required on the registration form.*

12:30 p.m. **Golf Tournament (Shotgun Start)**

The golf tournament will be held at the The Vinoy® Renaissance Resort & Golf Club's Vinoy Course (600 Snell Isle Blvd., St. Petersburg, FL 33704, approximately 1.7 miles, 5-minute ride from hotel) with a shotgun start at 12:30 p.m. Transportation to and from the Vinoy Course is provided via shuttle. Please plan to arrive at the course by 12:10 p.m. The fee is \$215 per golfer and includes green fees, cart, balls and prizes. Lunch is on your own. The ACCL Golf Committee will assign players to foursomes and communicate the pairings prior to the event. Fellows, spouses, and guests are welcome to play in this golf tournament. *Please indicate your interest in playing on the registration form and include payment with your registration fee.*

Golf Chair: Jotham D. Pierce, Jr., Portland, ME

2:00 – 3:30 p.m. **Tennis Tournament**

Join the Fellows, spouses and guests for tennis. This tournament will be held at the tennis courts on property at The Vinoy® Renaissance Resort (501 5th Ave., NE, St. Petersburg, FL 33701) beginning at 2:00 p.m. The fee will be \$25 per player. Equipment rental is on your own. The play will be social, mixed doubles, round robin format using four game sets. After each set, the players will change partners for the next set. *Please indicate your interest in playing on the registration form and include payment with your registration fee.*

Tennis Chair: Mark J. Heley, Minneapolis, MN

3:15 – 5:00 p.m. **Dalí Museum Excursion**

The man. The master. The marvel. Salvador Dalí is one of the most celebrated artists of all time. His fiercely technical yet highly unusual paintings, sculptures and visionary explorations in film and life-size interactive art ushered in a new generation of surrealist expression. His symbolism is not always obvious, and we are pleased to offer you a docent-led tour of an outstanding collection. The Salvador Dalí Museum houses the largest collection of Dalí's works outside Europe. It includes 96 oil paintings, over 100 watercolors and drawings, 1,300 graphics, photographs, sculptures and objets d'art, and an extensive archival library. Permanent collection displays are rotated periodically, and several temporary shows are mounted each year. (Limited to 60 participants.) Cost is \$30 per person. *Advance registration is required on the registration form.*

***Self-Guided/Self-Paced Bike Tour (Available Any Day/Time)**

Coast. Explore. Enjoy! St. Pete Bike Share offers hundreds of comfortable bikes at your disposal. With convenient hubs located all throughout the city, sunshine, waterfront trails and amazing sites await. Popular rides include the St. Pete Mural Tour, St. Petersburg Waterfront, and the Downtown & North Bay Areas. The Coast Mobile App will provide you with suggested routes and additional information on pricing and locations. Cost varies but is approximately \$8 per hour. Visit the website at www.coastbikeshare.com/stpete to learn more about this program and to download the app. **Note: The self-guided bicycle tour is not an ACCL organized event. This information is provided for your information and convenience only.*

7:00 – 8:00 p.m. **FELLOWS AND GUESTS RECEPTION** (*Black Tie Attire*)

8:00 – 10:30 p.m. **FORMAL DINNER**

- **Recognitions and Awards**
Douglas S. Oles, ACCL President
- **Formal Introduction of New Fellows**
David G. Lane, ACCL President-Elect

SUNDAY, FEBRUARY 24, 2019

7:15 – 10:30 a.m. **Registration Desk Open**

7:15 – 9:00 a.m. **Fellows and Spouse/Guest Continental Breakfast**

8:00 – 9:00 a.m. **PRACTICE TRANSITION – Panel Reflection on the Development of Construction Law Through the First 30 Years of the ACCL**

The ACCL was established 30 years ago. To help celebrate the 30th anniversary of the College, a panel of Founding Fellows will discuss the evolution of the practice of construction law over the past 30 years from their unique perspectives. As always, spouses and guests are encouraged to attend.

Presenters: *Leslie K. O'Neal, Winter Park, FL (Moderator)*
Howard G. Goldberg, Baltimore, MD
Deborah S. Griffin, Boston, MA
Paul M. Lurie, Chicago, IL
Steven M. Siegfried, Coral Gables, FL
Steven G.M. Stein, Chicago, IL

9:00 – 9:15 a.m. **Refreshment Break**

9:15 – 10:00 a.m. **ACCL BUSINESS MEETING**

- Election of New Board Members and Officers
- Committee and Task Force Reports
- Remarks by President Lane
- Adjourn 30th Annual Meeting

10:15 – 11:30 a.m. **Board of Governors Meeting**

HOTEL INFORMATION

For the convenience of conference registrants, a block of rooms has been reserved at The Vinoy® Renaissance St. Petersburg Resort, 501 5th Ave NE, St. Petersburg, FL 33701. Please reserve your room by calling the hotel's Group Reservation Office at 1-(888)-789-3090 and asking for the 'American College of Construction Lawyers' group rate or visit <https://book.passkey.com/go/AmerCollConstLaw2019> to book your reservation online. **To ensure availability please make your reservation as soon as possible. The reservation deadline is January 30, 2019.** After that date, or when the room block is exhausted, the hotel will assign rooms on a space and rate available basis only. The conference rates are \$229.00 plus tax for a standard single/double or \$259.00 plus tax for a Tower single/double. The \$30 resort fee is waived for our group. A one-night deposit is required at the time of reservation. Please note in the event of room cancellation, the deposit is refundable if notice is received by the hotel at least 72 hours prior to arrival. Cancellations within 72 hours of arrival will incur a cancellation fee of one night's room and tax.

SPOUSE/GUEST PROGRAM & OPTIONAL EVENTS

FRIDAY, FEBRUARY 22, 2019

- 8:00 – 3:00 p.m. Spouse/Guest Hospitality Suite Open**
The Hospitality Suite will remain open until 3:00 pm each day for refreshments, relaxing and catching up with friends.
- 8:00 a.m. Breakfast**
- 8:30 a.m. Introduction of New Fellow Spouses**
- 10:10 – 3:30 p.m. Spouse/Guest Excursion: Museum of Fine Art, Chihuly Collection, Glass Blowing Demonstration (Optional Ticketed Event)**
- Your extraordinary day of events begins with a leisurely stroll to the nearby Museum of Fine Arts. This beautiful museum boasts an encyclopedic collection of art from around the globe and across the centuries. Almost 5,000 years of civilization are represented by more than 20,000 objects. The permanent collection includes works by Monet, Morisot, Pearlstein, Willem de Kooning, Rodin, O'Keefe and many others, as well as ancient Greek and Roman, Asian, African, and art of the Americas.
- Two interior gardens, one devoted to sculpture, encourage reflection. An intimate second-floor gallery displays changing exhibitions from private collections or other institutions. The Museum's photographic collection is one of the most significant in the Southeast. The MFA has been repeatedly named the best art museum in the Tampa Bay area. After a docent-led tour of this amazing venue, you will enjoy lunch as a group.
- Following lunch, you will hop onto a privately chartered LOOPER trolley to visit the Chihuly Collection. A stunning collection created by the world's pre-eminent glass artist is the first installation of his art in a building designed specifically for that purpose. Each space has been designed to complement the works that it contains, producing unique visual experiences.
- Your visit will conclude with a glass blowing demonstration as you watch skilled artisans create one-of-a-kind pieces. Following this demonstration, you will again board the LOOPER for an informative tour of downtown St. Petersburg before returning to the hotel. Cost is \$60 per person. *Advance registration is required.* (40 registrant maximum.)

SATURDAY, FEBRUARY 23, 2019

- 7:30 – 3:00 p.m. Spouse/Guest Hospitality Room Open**
- 8:00 a.m. Breakfast**
- 9:00 a.m. Bridge (Optional Ticketed Event)**
The ACCL will once again offer bridge for spouses and guests. Wendy Gibson has kindly offered to organize this session. You may either suggest a group of four, or we will work to set up a group that you can join. *Please advise of your interest with an advance RSVP.*
- 9:00 a.m. Mahjong (Optional Ticketed Event)**
Following up on the ACCL's initial exposure to mahjong at Monarch Beach, Terry Thornton has kindly offered to lead another session in St. Petersburg. She will assemble groups for those who already know how to play, but there will be basic instruction for those who are new to the game. Games will be supplied according to the number of spouses/guests who sign up in advance and there is no charge for participation. *Advance RSVP is required.*
- 10:00 – 11:30 a.m. Book Club ("The Girl with Seven Names" by Hyeonseo Lee) (Optional Ticketed Event)**
Start reading the book now so you can discuss it with your friends. *No cost to attend but advance RSVP is required.*
- 11:45 a.m. Adjourn to Saturday Afternoon Activities (See program schedule for details.)**

REGISTRATION FORM: ACCL 30TH ANNUAL MEETING

February 21-24, 2019 | The Vinoy® Renaissance Resort, St. Petersburg, Florida

REGISTRANT INFORMATION

Name: _____

Company/Organization: _____

Address: _____ City: _____

State/Province: _____ Zip/Postal Code: _____ Country: _____

Phone: _____ Fax: _____ Email: _____

Special Dietary Restrictions: _____

CONFERENCE REGISTRATION & OPTIONAL EVENT SELECTIONS

Fellows Conference Fee: \$975 \$ _____
(Does not include accommodations or incidentals. Registrants should pay the hotel directly for these expenses.)

Committee Programs you plan to attend (*select one*):

Friday: Public Contracts Insurance

Printed Conference Materials: Conference materials on USB are included with your conference registration. Some sessions may have hard-copy handouts onsite. The binder of conference materials is also available for purchase for an additional \$50..... \$ _____

Spouse/Guest Fee: \$495 *Name of Spouse/Guest:* _____ \$ _____
(Includes food & beverage for hospitality suite, Friday/Saturday/Sunday breakfast, Thursday reception and reception/dinner on Friday/Saturday nights.)

Friday Spouse Activities:

Spouse/Guest Excursion to MFA/Chihuly/Glass Blowing: \$60/person \$ _____

Saturday Spouse Activities: (*Check event times to ensure you don't double book!*)

Bridge: Free (RSVP Required) *or* **Mahjong:** Free (RSVP Required)

Book Club: Free (RSVP Required)

Saturday Group Activities: (*Please list names below if selecting separate events.*)

Lunch Cruise on StarShip III: \$85/person \$ _____

Dalí Museum Excursion: \$30/person \$ _____

Golf Tournament: \$215/person \$ _____

Tennis Tournament: \$25/person \$ _____

TOTAL DUE \$ _____

Advance registration is required for all events. Payment is due with your registration fee.

PAYMENT INFORMATION

TOTAL DUE (from front)..... \$ _____

Make check payable in U.S. Dollars to "American College of Construction Lawyers"

Please charge my: American Express MasterCard Visa

Credit Card #: _____ Exp. Date: _____ Sec. Code: _____

Name on Card (Please Print): _____

Billing Address (include zip code): _____

Authorized Signature: _____

CANCELLATION/REFUND POLICY

Refunds less a \$50 processing fee will be granted to registrants who cancel on or before 30 days prior to the first day of the meeting. If notice is received after 30 days and before 7 days prior to the first day of the meeting, refunds will be granted less a \$150 processing fee. *No refunds will be granted thereafter.* In some cases optional event tickets must be pre-purchased or guaranteed by the College on a specific date. Such tickets will not be eligible for refund after that date regardless of when the cancellation notice is received.

To register by mail send the completed registration form & payment to:

ACCL 30th Annual Meeting
PO Box 4646
Austin, TX 78765

Fax to: (512) 451-2911

Register Online at: www.accl.org



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