

ACCL History: The 17th Year (2006-2007)

The College's seventeenth year focused on: (1) the organization and presentation of the first ACCL Princeton Symposium held at Princeton University, (2) the formation and publication of the first *Journal of the American College of Construction Lawyers*, (3) the renewed focus on diversity in the College's fellowship, (4) the establishment of multi-year strategic plans regarding primarily future symposia and activities to be sponsored by the College, (6) the completion of the *History of the College in Its First Sixteen Years*, and (7) the preservation of the College's values, collegiality, and momentum.

At its business meeting on Sunday, February 26, 2006, at Sanibel Harbour Resort in Fort Myers, Florida, the College elected as President, Philip L. Bruner of Minneapolis, MN; as President-Elect, Joseph F. Canterbury, Jr. of Dallas, TX; as Secretary, John W. Hinchey of Atlanta, GA; as Treasurer, Steven G.M. Stein of Chicago, IL; and as Past-President, A. H. "Nick" Gaede Jr. of Birmingham, AL.

The College also elected new Board of Governors members Ava Abramowitz, Waterford, VA; Patrick J. O'Connor, Minneapolis, MN; Louis Pepe, Hartford, CT; and William Purdy, Jackson, MS. They joined on the Board of Governors continuing members elected in prior years, including Steven Arbittier, Philadelphia, PA; Adrian Bastianelli, Washington, D.C.; Stephen Butler, San Francisco, CA; Mark Friedlander, Chicago, IL; David Ratterman, Louisville, KY; G.A. "Tony" Smith, Atlanta, GA; Richard Smith, Vienna, VA; and Patricia Thompson, Miami, FL. The official photograph of the 2006-2007 Board of Governors is shown below.



The American College of Construction Lawyers
2006 – 2007 Board of Governors

Steven A. Arbittier Philadelphia, PA <i>(Front Row)</i>	A.H. "Nick" Gaede, Jr. Past President Birmingham, AL	John W. Hinchey Secretary Atlanta, GA	Philip L. Brumer President Minneapolis, MN	Joseph F. Canterbury, Jr. President Elect Dallas, TX	Steven G. M. Stein Treasurer Chicago, IL	Richard F. Smith Vienna, VA		
Louis R. Pepe Hartford, CT <i>(Back Row)</i>	Adrian L. Bastianelli, III Washington, DC	David B. Ratterman Louisville, KY	William R. Furdy Jackson, MS	Ava J. Abramowitz Woodford, VA	Mark C. Friedlander Chicago, IL	G.A. "Tony" Smith Atlanta, GA	Stephen D. Bulter San Francisco, CA	Patrick J. O'Connor, Jr. Minneapolis, MN
Patrick H. Thompson Miami, FL <i>(Not Present)</i>								

The Board of Governors met five times during the 2006-2007 year. Its organizational meeting was held on Sunday, February 26, 2006, at the Sanibel Harbour Resort, Fort Myers, Florida, at which committee appointments and meeting schedules were established for the coming year. The Board appointed Deb Ballati, San Francisco, CA, as Chairman of the 2007 Annual Meeting Program. The Board also confirmed as standing committee chairs and co-chairs, and as Task Force chairs and co-chairs the following Fellows:

New Member Nominating:

Chair: Joseph F. Canterbury, Jr.

Diversity:

Chair: Ava Abramowitz

Co-Chair: Jeanne Forneris

Documents:

Chair: Julian F. Hoffar

Co-Chair: Christopher L. Noble

Insurance:

Chair: Dean B. Thomson

Co-Chair: Gregg E. Bundschuh

International:

Chair: David M. Buoncristiani

Co-Chair: George Anthony Smith

Private Dispute Resolution:

Chair: Allen L. Overcash

Co-Chair: Steve D. Nelson

Bylaw/History/Archives:

Chair: David R. Hendrick

Co-Chair: David B. Ratterman

Education/Professors:

Chair: William R. Allensworth

Hot Tips:

Chair: Stuart H. Sobel

AAA/NCDRC:

Chair: Steven A. Arbittier

Alliance/CII:

Chair: James P. Groton

New Fellow Mentoring:

Chair: A. Holt Gwyn

ACCL "Taking Positions":

Chair: Mark C. Friedlander

Co-Chair: Ava J. Abramowitz

The Board's spring meeting was held on Saturday, May 6, 2006, at the offices of King & Spalding in Washington, D.C. The meeting was preceded on Friday evening by a Board and local fellow reception and dinner at Washington's Cosmos Club, and was succeeded on Saturday evening by a Board dinner at the University Club. At the meeting, the Board heard reports on the progress of the ACCL Journal, the ACCL Princeton Symposium, the ACCL history project, the 2007 annual program, a "white paper" project, and the development of a policy and procedures manual under Steve Stein.

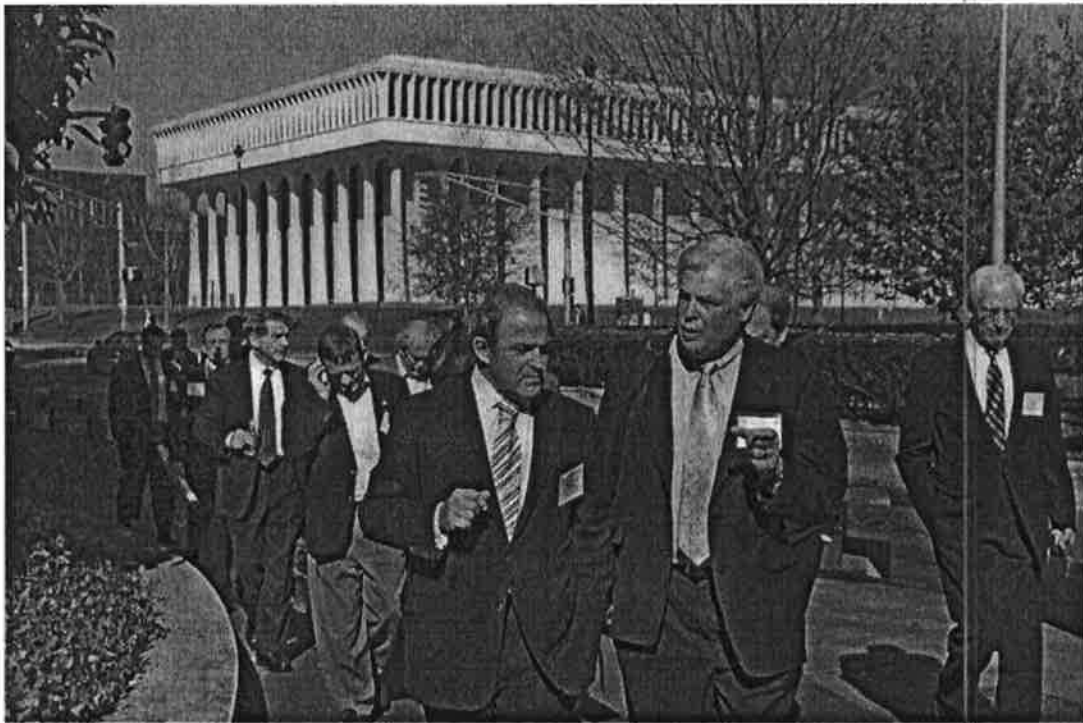
The summer board meeting was held on August 26, 2006, at the Minneapolis offices of Faegre & Benson. Prior to the Board meeting, the Executive Committee considered long-range plans for the College, including membership criteria, potential roles for the College to play in the construction industry, current and potential new projects, possible future liaisons, future program themes, additional publications, and regional meetings. At the Board meeting, the Board monitored the progress of the College's numerous activities and elected to Fellowship eight new Fellows. Following the Board meeting, the Board treated to an old fashioned Minnesota barn dance at the home of Phil and Ellie Bruner. As reflected in the following photos, a good time was enjoyed by all.



On November 2-3, 2006, the College sponsored the first “ACCL Princeton Symposium” at Princeton University, Princeton, New Jersey. The Symposium was held in cooperation with Princeton’s School of Engineering & Applied Sciences and the Woodrow Wilson School of Public and International Affairs. Over 125 senior industry executives, academics, and Fellows of the College attended this event. A Record of Proceedings of this Symposium was published as the May 2007 special edition of *The Journal of the American College of Construction Lawyers*.

The Symposium faculty included four university deans from Princeton’s Engineering & Applied Sciences School and Woodrow Wilson School, Virginia’s Darden Graduate School of Business, and Cal-Berkeley’s Engineering School; the Commanding General of the U.S. Army Corps of Engineers; the Vice Chair of the U. S. National Science Board; the President of Transparency International USA and former U.S. Deputy Secretary of State for Economic, Business and Agricultural Affairs in the Bush I and Clinton Administrations; senior executives from Bechtel, HOK, Willis, and Parsons-Brinckerhoff; President of the Surety Association of America; ACCL Fellows Mr. Justice Sir Vivian Ramsey and Professor Tom Stipanowich; and defense strategist Tom Barnett.

During symposium sessions, spouses toured the Doris Duke Gardens and Princeton University’s Art Museum. The evening cocktail reception and dinner were held at Princeton University’s Prospect House, the historic home of Princeton’s presidents. Photographs of the Symposium are preserved on the College’s website and in the back of the *The ACCL Journal’s* Record of Proceedings.







The Board's winter meeting was held on December 8, 2006, at the Hyatt Tamaya Resort in Santa Ana Pueblo, New Mexico. The Board focused on future symposia and events and continued to monitor the

numerous ongoing activities of the College. Of particular note, the Board recommended to the College that the Bylaw membership cap of three attorneys or five percent of the total number of attorneys engaged in the full-time/teaching of construction law, whichever is greater, be raised, and the Board placed the issue on the College's business meeting agenda for final consideration by the College Fellowship in February 2007.

The 2007 annual meeting of the College was held at the Ritz-Carlton Laguna Niguel, Dana Point, California. Program Chair Deb Ballati oversaw an excellent program that covered extensive committee sessions, and included plenary sessions on construction industry risk evaluation, on dealing with disasters (such as hurricanes, terrorist attacks, etc.) and on "Hot Tips." The meeting marked the publication of the long-awaited *ACCL History: The First Sixteen Years* and the first issue of the *Journal of the American College of Construction Lawyers*.

Special multi-year contributions by Fellows were recognized. Steven Nelson received the Past-President's Award for his founding efforts and faithful oversight of the ACCL website. Special recognition was accorded to David Hendrick and Larry Schor for their leadership in completing the *ACCL History*, to Adrian Bastianelli for his leadership as first Editor-in-Chief of the *ACCL Journal*, and to Katherine Gurun and John Hinchey for organizing and chairing panels at the ACCL Princeton Symposium. Photographs of the 2007 annual meeting are displayed on the College's website.

The College inducted seven new Fellows at the 2007 meeting: Steven Charney of New York, Gregory Cokinos of Texas, Kenneth Gibbs of California, Andrew Ness of Washington, D.C., Michael Tarullo of Ohio, Timothy Sheehin of New Mexico, and Gerald Stovall of Kentucky. In addition, Gordon Jaynes of the United Kingdom was inducted as an Honorary Fellow.



(L-R) President Phil Bruner, Mike Tarullo, Gerald Stover, Andy Ness, Steve Charney, Gordon Jaynes, Greg Cokinos, Ken Gibbs, Tim Sheehin, President-Elect Joe Canterbury.

Respectfully submitted,

Philip L. Bruner

President (2006-2007)

THE NINETEENTH YEAR – 2007-2008
(INCLUDING 2008 ANNUAL MEETING)

Joe F. Canterbury, Jr.

My term as President started with receipt of the gavel from Phil Bruner at the February 2007 Annual Conference at the Ritz Carlton, Laguna Niguel. We had just honored Phil on completion of his term as our President the night before and, although pleased to follow Phil and our other past presidents, I had some trepidations and concerns for the coming year. Those concerns were quickly relieved at the Board of Governors Meeting when I considered the Board and Executive Committee members for the coming year. In addition to me, the Executive Committee consisted of John Hinchey (President Elect), Phil Bruner (Immediate Past President), Steven Stein (Treasurer), and Robert Smith (Secretary).



The Board of Governors was comprised of some outstanding Fellows in addition to the Executive Committee members including, Ava Abramowitz, Pat O'Connor, Lewis Baker, Patricia Thompson, Adrian Bastianelli, Stuart Sobel, Lou Pepe, Mark Friedlander, Allen Gibson, John Heisse, Stephen Butler, Bill Purdy and Tom Stipanowich.



I had earlier asked my friend, Steve Nelson, to serve as Program Chair for the 2008 Annual Meeting, and knew I could rely on him and Donna Passons and her able staff to plan and handle most of the details of the 2008 Annual Conference. With this team, I thought that it would be a good and productive year for the College – and it was in spite of a few bumps along the way.



COLLEGIALITY

Prior to accepting the office, I had decided that continued and improved “collegiality” among all Fellows, which surpasses “civility”, would be my main goal for the coming year. In my comments to the Fellows attending the 2007 Annual Business Meeting, I stated that intention as follows:

Greetings and Best Wishes to All Fellows: It is my honor to succeed our tremendous leader, Phil Bruner, who has done an outstanding job for us. I look forward to a good year for the College and its members. We have many exciting initiatives such as BIM, ideas for future conferences the promotion of our Journal etc.; however, nothing is more important than preserving and increasing the COLLEGIABILITY that sets us apart from other professional groups. We consistently draw 92% plus of our membership to our meetings, which keeps us in check when we oppose each other at the bargaining table, courthouse, hearing room, or even our discussions with opposing views of what the law is or should be. As we grow, we must not lose that collegiality, which has brought us to this point. Therefore, I am asking that each ACCL Committee have one mid-year meeting to sharpen skills, increase knowledge and maintain collegiality. I ask that the Chair of each committee send me a recommendation for your successor. I will soon appoint new Chairs and notify you of the appointments. We will also have 2 new Task Forces – one on Diversity headed by Ava Abramowitz and the other on BIM to be headed by Pat O'Connor.

In addition to mid-year committee meetings, I encourage Fellows within geographic areas to gather at least once a year for a meal or social gathering and to notify me when such events occur. (I had the pleasure to attend such a social gathering of the Atlanta Fellows and had a most enjoyable time. Two of those in attendance commented that they were across the street from each other but had not visited or talked since the annual meeting 4 months earlier.) We will also try to schedule Board Meetings for a maximum inclusion of as many Fellows as possible to attend Board dinners and meetings.

I will appreciate any recommendations of how we can maintain and improve our collegiality as we continue to grow in size. Also if anyone has any ideas for better and quicker educating and integrating our new Fellows and future Fellows into our sense of collegiality, please advise me.

The Board and membership responded during the year. Collegiality was sustained, and hopefully improved, by the implementation of “Interim Reports” I sent to all Fellows which, by the end of the year, developed into “College News and Notes”, thanks to the good work of Allen Gibson, Jr., who served as the first editor. Other initiatives were committee

meetings and local social gatherings of Fellows in various cities during the year. Also, efforts were made to better integrate new members with an orientation breakfast under the direction of Holt Gwyn. More time was allotted for visiting and conversation by Board members, past Presidents, local Fellows, and guests before and after our Board meetings. By the end of the year, I felt that collegiality would continue to be the distinguishing feature of our College from other professional groups.

ACCL JOURNAL

Adrian Bastianelli, the first editor of the ACCL Journal, introduced Volume 1, Issue 1, at our 2007 meeting and continued improving it with the help of the Editorial Board.

DIVERSITY

Following up on the work of Ava Abramowitz and Jeanne Forneris during Phil Bruner's administration, the Board approved the creation of a Diversity Committee under the leadership of Ava as Chair. This Committee worked diligently during the year, and has done so since then to better achieve diversity with fully qualified minority and female Fellows, all to the betterment of the College.

BIM

Building Information Modeling (BIM) was coming of age in 2007. A Task Force was created, with Pat O'Connor as Chair. That Task Force was an early participant with the National Institute of building Standards (NIBS), the American Institute of Steel Construction (AISC) and The Associated General Contractors' (AGC) BIM Forum in development of BIM standards and use. The College certainly benefitted from the Task Force's sharing of its knowledge with all Fellows. Special thanks to Howard W. Ashcraft for his work on the Task Force and sharing his technical skills.

ANNUAL CONFERENCE PLANNING

I had made the decision to hold the 2008 meeting in San Antonio, which caused some minor concern and a little bit of dissatisfaction of a few Fellows. With the assistance of Donna Passons, our able Executive Director, we had earlier contracted with the Hyatt Regency Hill Country Resort and Spa, and I knew that once they arrived at this outstanding location, any doubts of having a meeting in Texas would quickly vanish.

Steve Nelson worked on the program details throughout the year. The decision was made to feature College Fellows as speakers and program leaders for the program. I asked Tom Stipanowich to give a Currie Lecture. Tom accepted and prepared an informative talk on William Mulholland and the disaster associated with the Los Angeles water system.

Donna was taking care of various details, the committee chairs and selected speakers were preparing their presentations, and all was going well with the planning. Also, Patty was putting together activities for the spouses and planning the Friday evening party; and, we were exploring ways to aid the many wounded military persons in San Antonio since we would be meeting there.

VALLEYS AND PEAKS

Since planning was going well and the next Board of Governors' meeting was not until August, Patty and I took some time in the summer of 2007 to relax in our cottage in Ireland. One evening while enjoying a glass of Jameson's and staring at the fire (yes, there are summer evenings in Ireland when a fire is enjoyable), I decided to call Donna to go over a few meeting details. Donna informed me that the Hyatt had just called and asked her to move our Annual Conference one week earlier because there was a possible booking error. Upon arrival back in Texas, a meeting was quickly arranged with the Hyatt Convention

Staff, Donna, Steve Nelson and me. We learned that indeed Hyatt had made an error and we had no venue for our 2008 Annual Meeting – a definite “valley” of my term! Since several fellows had conflicts with moving the date, which had been set for two years, we had serious problems. However, thanks to a good contract, for which I give Donna all the credit, and her clout with the La Cantera, we were able to secure another suitable location and keep our dates. Hyatt was very reasonable in negotiating fair compensation for its error. By the Board Meeting on August 25th, I was able to report that we had secured another site and would be receiving approximately \$60,000 from Hyatt– a definite “peak”!

BOARD MEETINGS

The Board met three times between the 2007 and 2008 Annual Meetings. We met in Atlanta where John Hinchey hosted us; Chicago where Mark Friedlander arranged meeting space and Steve Stein arranged restaurants and an architectural boat tour of Chicago buildings; and, Charleston as guests of Allen Gibson. Each meeting was pleasant and productive.

NEW MEMBERS

At the Chicago meeting on August 25th, the Board voted on new Fellows to be admitted to the College.

President-Elect, John Hinchey, Chair of the Membership Committee for 2007, presented the Committee Report containing its findings and recommendations. The other committee members were Ava Abramowitz, Hugh Reynolds, Patricia Thompson, and John Heisse. John Hinchey described the procedure used by the Committee as the members performed their difficult, but vital task.

After a full and confidential discussion among the Board members concerning each candidate proposed for membership, we voted and the following persons were selected to be invited to become Fellows in the College:

Anne Gorham-Lexington, KY

Randall F. Hafer-Atlanta, GA

Peter C. Halls-Minneapolis, MN

Judith Ittig-Washington, D.C.

George J. Pierson-New York, NY

Walter J. Sears, III-Birmingham, AL

Charles M. Sink-Larkspur, CA

P. Craig Storti-Boise, ID

Christi L. Underwood-Orlando, FL



The Membership Committee did its difficult task in a professional manner, and we all knew that the College would benefit for years to come with such a fine slate of new members.

OUTREACH AND CHARITY

Since we had received so much money from Hyatt and were meeting in San Antonio, I wanted the College to make a \$5,000 donation to the Warrior and Family Support Center at Brooke Army Medical Center. I discussed this proposal with the Executive Committee members, who reluctantly rejected my request. They were concerned about College funds being used for private charities. However, it was agreed in the Board meeting that an appeal for personal contributions could be made to the Fellows, which I did in the first issue of "College News and Notes". The wisdom of the Executive Committee was verified as we collected approximately \$16,000, thanks to a most generous contribution from Mabry Rogers and the employees of his firm, Bradley, Arant, Boult Cummings to top up other contributions. Additional contributions were received from some Fellows following the meeting.

ANNUAL MEETING

The Annual Meeting took place at La Cantera on February 21st through the 24th. All went well! The committee meetings were well attended; the party Saturday evening was enjoyable with extensive dancing to the music and songs of Stephanie Urbina Jones; and, Tom Stipanowich gave an informative Currie lecture.

The spouse/guest events were enjoyable and well attended, including a "Taste of Texas" cooking demonstration by Patty's and my son, Tim, and a trip to the Texas Hill Country. The "Hot Tips" program under the direction of Kyle Gooch and James Nagle was well received, including short presentations by Jim Nagle, Bruce Schoumacher, Jeff Ford, and Tony Smith. A thorough examination and analysis of the AIA and AGC Consensus construction documents was presented by the Documents Committee with Tim O'Brien

serving as referee in a 10-round fight between AIAI's Champion, Terry L. Brookie, and his AGC opponent, John E. Bulman.



The formal dinner when we honored our new Fellows was the highlight of the meeting. Also at that dinner, I was the recipient of kind remarks by John Hinchey who presented me with the traditional President's Medallion. I was able to thank those who had contributed so much, including my wife, Patty, Steve Nelson, outgoing Board members, and Donna Passons and her staff. The next morning, the Annual Business Meeting started with the only sad note of the meeting as Bob Rubin gave an In Memoriam tribute to his former partner and ACCL Fellow, William J. Postner.

The Fellows approved the election of John Hinchey as President, Steve Stein as President Elect, and Deborah Ballati as Treasurer; thereby assuring the College's success for the next three years. Also, new members of the Board of Governors, Lynn Axelroth, Katherine Gurun, Fielder Martin, and Dean Thompson, were elected.



Finally, with a mixture of sadness and relief, I passed the gavel to John Hinchey, who assumed the office of President. As the meeting concluded, I reflected on the past year, a few things I may have done differently, and the secure future of the ACCL, but I left San Antonio with satisfaction that “collegiality” was indeed alive and well in the ACCL and a true sense of thankfulness that I had the opportunity to serve as President of this outstanding organization, which makes all other professional groups pale in comparison.

ACCL History: The Twentieth Year (2008-09)

By John W. Hinchey, President (2008-09)

I. 20th Year Agenda

The agenda for the College's 20th Year was presented by the incoming President on February 24, 2008, at the close of the business meeting of the previous annual meeting in San Antonio, Texas. The agenda topics were:

- ***Size of the College:*** The optimum numbers of fellows in the ACCL has been a perennial topic of discussion since the inception of the College in 1989 and, once again, was a topic of interest in 2008. One aspect of this discussion was the relative age spread among the fellows. For example, should the College focus on bringing in younger fellows, given that many of the fellows were approaching or beyond the age of retirement? In fact, an encouraging demographic chart was presented, indicating that the median age bracket was between 56-60 years of age. Further discussion emphasized that the high standards for admission, i.e., "significant and outstanding service"; "highest ethical and professional standards" and construction industry "give back" should continue to be our guide. In other words, the College should be allowed to grow with no procedural numerical limit and the College's high standards being the critical criteria.
- ***Outreach:*** Recalling some often overlooked stated purposes of the College in the Bylaws, the incoming President proposed that the primary theme of the coming year should be encouraging dialog between the College and other professional and industry groups, including global industry and bar organizations, dispute resolution providers, and more communication with research organizations and legislative, administrative and government agencies.
- ***Improved Delivery of Projects and Legal Services:*** To develop and synthesize opinions on then "cutting edge" subjects -- such as BIM, Interoperability and Lean contracting; and alternative methods of dispute resolution such as combined dispute boards and "Real Time Dispute Resolution"
- ***Jointly Sponsored Programs:*** To collaborate with and develop programs of common interest with related global organizations such as the Society of Construction Law, the Owners' Roundtable and to continue the successful Princeton symposia programs.
- ***Improved College Administration:*** To update and streamline the Bylaws (such as providing for notices by email); to start a College newsletter; to encourage regional meetings; to revamp the College website; and to engage

new Fellows in the work of the College.

II. Board of Governors Meetings – 2008-09

The kick-off meeting of the newly organized 2008 BOG was held at the site of the Annual Meeting in San Antonio, TX on February 24, 2008. A thorough discussion of the 2008 meeting led to several suggestions for improvements, including scheduling additional time for the workshops, encouraging more regional meetings and encouraging greater collegiality.

- To foster greater collegiality, Allen Gibson agreed to take on the responsibility of editing a College newsletter which later became the much appreciated College News and Notes.
- Doug Oles agreed to serve as the Program Chair for the 2009 Annual Meeting in Amelia Island, Florida.
- Pat O'Connor took on the responsibility of heading up a task force on Building Information Management (BIM).
- Steve Nelson began work on revamping the College website.
- Planning began on a second Princeton Symposium, led by Steve Stein. The theme of the conference was to be the future of the international construction industry with emphases on project Sustainability and Integrated Project Delivery.
- Two administrative items were initiated, the first being to revive the College's records showing each Fellow's service and prior offices held, and reducing the number of Board of Governors' meeting by one, so that there would be only four Board meeting, two held at the Annual Meeting and two elsewhere during the calendar year.

The Board of Governors met later in the year at the law offices of Stein Ray and Harris, Chicago, Illinois on Saturday, September 13, 2008.

- President-Elect Stein, also Chair of the Membership Committee for 2008, presented the Membership Committee Report on behalf of the entire Committee, including Ava Abramowitz, Bob Peckar, Tom Abernathy and Mike Trujillo. Mr. Stein described the procedures followed by the Committee. He indicated that as of the June 1, 2008 deadline the Committee had received nominations and seconds for 26 Fellow candidates and one Honorary Member candidate. The Committee pursued its due diligence by personally contacting all nominators and seconders. Listed opposing counsel for all nominees were contacted to the extent possible. Committee deliberations took place during several telephone conferences. There followed a full and confidential discussion among the Board members concerning each candidate proposed for membership in the College. Following these discussions, it was noted that the required quorum was present. A vote was then taken and the provisionally elected candidates were invited to become Fellows in the College.

- Holt Gwyn and Adrian Bastianelli reported on the *ACCL Journal*, followed by a discussion about marketing of the *Journal*. Steve Nelson later installed a link to the *Journal* including a hyperlink to Thomson-West. The President noted that the role of the *Journal* Advisory Board was to peer-review articles submitted for consideration. Adrian Bastianelli stated that time constraints had sometimes precluded this, but a thorough review was undertaken by the Editor and Associate Editors, and, to the extent possible, the entire Advisory Board should be involved in the peer review of proposed articles.
- President-Elect Stein provided a summary of the planning for the 2010 Annual Meeting, to be held February 18-21, 2010 at the Four Seasons Resort, Aviara, near San Diego, California. Among the issues discussed were: Should we have more plenary sessions? Should the Committee presentations be repeated so that more Fellows could attend, or should they be run concurrently? Should there be breakfast meetings for the Committees to enhance collegiality? Should the Committees be requested to use the former workshop format? And, whether the Committees should give more detailed reports of their Committees' activities during the Annual Business Meeting portion of the Annual Meeting.
- The College agreed to participate in the 2008 International Construction Law Conference organized by the U.K. Society of Construction Law. The program was to be held in London on October 5-7, 2008. The President (Session Coordinator) Phil Bruner, Gregg Bundschuh, Nick Gaede, Barry Grove, Katherine Gurun, Holt Gwyn, Gordon Jaynes, Humphrey Lloyd, Jim Nagle, Vivian Ramsey, Mabry Rogers and Tony Smith were scheduled to speak at an ACCL program on Sunday, October 5, 2008. Pat O'Connor, Howard Ashcraft, Bob Smith, Doug Oles, Chris Noble and Jack Tieder were slated to speak in the SCL program on Monday and Tuesday, October 6-7, 2008.

III. New Fellows

Every year, this College enlarges its “gene pool” with an infusion of broader experience, added talent and greater energy through the process of admitting new Fellows into our membership. During the late summer of 2008, the Membership Committee undertook the sobering responsibility, first, to thoroughly understand both the written and traditional unwritten qualifications for membership; second, to be in touch with the sense and soul of the College; and third, to apply these quantitative and qualitative criteria to some very un-ordinary and quite impressive individuals. The very happy result of this rigorous exercise by the 2008-09 Membership Committee and the Board of Governors was to reach absolute and total unanimity on the following individuals, who were presented as the Class of 2009 to the Annual Conference of the College:

[Insert individual Pictures, below]

IV. The Twentieth Annual Conference (February 19-22, 2009)

The venue for the College's 20th Annual Conference was The Ritz Carlton Hotel on Amelia Island, Florida. The title and theme of this meeting was "Sharing Ideas Across Global Borders". Our learned and well-travelled Program Chair, Doug Oles, protested gently that there are no "global borders", except, perhaps, between Earth and Mars; but, the President liked 'the ring of it', so that was that, and Doug is not to be blamed. Of course, this is the American College, so why an international theme? Not, just because our clients in the construction industry have gone "global"--of course they have done so, for many years now. And, not just because industry innovations quickly become global custom and practice--because they do in fact. And, not just because it's currently fashionable to say "we're a global community and 'we're all in this together'"--because clearly we are. No, the real reasons the President chose to look beyond our "U.S. borders" were two: first, as U.S. construction lawyers, we can learn new techniques and effective ways of dealing with legal issues from our colleagues in other countries; and second, our friends in other countries can learn from our experiences, both good and not so good.

And so it was, the Program and session Chairs put together a rich and varied two and one-half days of looking forward -- to where the industry is going; looking behind -- from whence we came; and perhaps, even more importantly, just enjoying each other's company in our traditional collegial way.

In recognition of the global theme of the Conference, over twenty foreign delegates were invited and attended, making up the total attendance of approximately 145 fellows and guests.

This College chose our "founding fathers" well. Our first President, the late Overton Currie, dubbed three of the founders as "The Chicago Trio": Greg Hummel, Stan Skar and Steve Stein. Given that this Conference marked our 20th anniversary from that first meeting in 1989, we thought it appropriate to call on the original trio to recall "how it all began" over 20 years ago.

On a much sadder note, our colleague, Julian Hoffar, had passed away on October 12, 2008. In keeping with our customary recognition of deceased fellows, Julian's long-time partner and friend, Jack Tieder, delivered a memorable tribute to the Fellows on Sunday, February 22, at the close of the Conference.

V. Lessons Learned

With each year that passes, the College experiences successes, failures and learns better ways of conducting its business. This year was no exception. A few of these learning experiences are listed below:

- *What we do and say matters.* During 2008, the AIA General Counsel and officers expressed extreme "disappointment" a previous year's session, presented as a "boxing match" between the AIA and Consensus Documents. The chosen victor, based on a straw vote following the session, were the Consensus Docs, to the great chagrin of the AIA. Many explanations that

the "boxing match" and vote were not intended to be a serious survey, and that the outcome reflected more style than substance, were not particularly persuasive.

- *Confidential deliberations.* It is very important to keep deliberations regarding discussions of potential new Fellows confidential and private – for obvious reasons. However, one or two unfortunate incidents during the year served to remind ourselves of that common sense rule.

- *Follow-up notes about the Annual Conference:*

1) Thursday welcome reception: The first evening's activities have never been ideal. The issue is whether to plan an event for all attendees or let them be on their own. Over the years, we have done nothing -- and just about everything, including booking buses for off-site dinners. We seem to have settled on an on-site cocktail reception and then to encourage the fellows to form dinner groups -- either on site or off site. The challenges are that most people usually arrive on Thursday, pretty travel worn; the meeting sites vary greatly as to available restaurants; it is very expensive to reserve coaches and guarantee attendance at restaurants; and no one wants to have another "big dinner" on Thursday evening.

Lesson Learned: The optimum arrangement seems to be to have our usual "meet and greet" cocktail reception with heavy hors d'oeuvres or perhaps a "casual dinner", so that most will be satisfied with what is served, and those who do want to "go out" can do so.

2) Concurrent workshops or plenary sessions: We have done this both ways at various times. The tension is between those who want to hear from all the standing committees and those who want to have more interaction and discussion in smaller groups. This time, we tried a compromise with each committee putting on a plenary and setting aside an hour for the committee meetings and discussion. The comments heard were that most enjoyed the plenaries, but wished there had been more time for small group discussion. Frankly, we don't know the ideal way.

Lesson Learned: Perhaps, we should just take each meeting as it comes and adjust the program agenda as topics and particular needs require. However, it seems that practically all fellows want some time set aside to just "talk to one another" about issues of common interest.

3) Luncheon plenary speaker: In the past the Friday lunch has been "on your own". Some like that and some don't want to "waste the time". This time, we used the Friday lunch as a plenary meeting for a speaker on a timely topic.

Consideration: Another option would be to have a buffet lunch and breakout sessions among the committees.

4) Friday evening's entertainment: We heard from a considerable number of fellows and spouses that the music was too long and too loud for talking. A very energetic minority stayed until the last dance. If we could do it over, the

consensus was that we should have opted for a more sedate "age and stage appropriate" music or entertainment group and kept it shorter. However, I think everybody so enjoyed Stephanie Urbina Jones in San Antonio the previous year, that we tried a repeat success. Probably, a mistake. A lot of room for creative thinking here.

- Consideration: Another approach might be to make the Friday Evening Dinner a trip to a restaurant (not too far from hotel) which might also provide entertainment.

5) Cocktail receptions: Other than Thursday's reception, the Friday and Saturday receptions were "drinks only". Virtually everyone would have liked either light hors d'oeuvres or at least salmonella-free peanuts to munch on while we were drinking, meeting and greeting. Donna advised that most hotels charge (gouge) groups for bar nuts to the tune of \$5-6 per person for receptions. Moreover, the hotels won't permit bringing in industrial size bags of munchies from Costco; so, other than stuffing our pockets with cashews, it was suggested that we might want to cut out a few items from the dinner menus to make room for a few munchies.

Lesson Learned: When serving drinks, one or more food groups should also be served.

6) "Hot-Tips" vs Hot Topics: Again, we have been around the block on this issue. There seemed to be a consensus that the ideal compromise is to have fellows send in papers/cases for publication on a CD handout (keeping in mind that our Listserve now serves to keep us informed of new matters during the year) and focus on a few really cutting edge issues as we have over the last several years.

7) Saturday excursions: Many apologies were made for the St Mary's "flea market" and the crowded boat. We would have preferred to have gone to Cumberland Island (where John-John Kennedy was married and they have wild horses on the beach) or a world-class game ranch with lions, tigers and zebras. However, the Cumberland Island tour would have taken too long, and the game ranch would have cost roughly \$200/person. (This would have been over-the-top!) We compromised on the supposed "historic walking tour" of St. Mary's; but, surprise, no one told us that they were having a "mardi gras" (flea market) on that very day, and the boat was not big enough to have our guides talk to us.

Lesson Learned: Sorry, this was a bomb; but, if we want to have really first-class events and activities, we are either going to have to raise the fees considerably, or figure out other ways of raising cash.

8) Formal Dinner: It is unfortunate for the President to stand at the podium and watch what a stampede into the dining room comparable to ~~sh~~ that it must have looked like at the opening gun of the Oklahoma Land Rush. People literally ran over one another to set up their own little groups; they turned over chairs; they moved chairs from the standard "8-tops" to make 9-tops, 10-

tops, 11 and 12-tops. You can only imagine how this impacted the extremely well organized wait-person teams who were ready to set the courses down simultaneously. It took at least 15 minutes for people to be seated and quiet enough to begin our dinner. To put it mildly, this scene was not in keeping with the dignity of the event. During our 2004 Joint Meeting with the Canadians, we had assigned seating -- primarily for the purpose of encouraging collegiality rather than an orderly entry. There were strong objections from a vocal few that "Hey, we want to sit with our friends", etc.

Lesson Learned: If we sit where we want and with whom we want on Thursday and Friday, perhaps it is not asking too much for us to have place card seating on the most important event of our annual meeting -- when we put on our best dress and welcome the best of the best to our College. On this point, there must be a better way.

VI. The 2008-09 Officers and Board of Governors

The College has been highly favored to have had such good leadership. This year was in keeping with that tradition:

2008 - 2009 Officers;

President: John W. Hinchey

President-Elect: Steven G. M. Stein

Secretary: Robert J. Smith

Treasurer: Deborah S. Ballati

Immediate Past President: Joseph F. Canterbury, Jr.

2008 – 2009 Board of Governors:

Ava J. Abramowitz (2009)

Lynn R. Axelroth (2011)

Lewis J. Baker (2010)

C. Allen Gibson, Jr. (2010)

Katherine R. Gurun (2011)

H. Fielder Martin (2011)

Patrick J. O'Connor, Jr. (2009)

Lewis R. Pepe (2009)

William R. Purdy (2009)

Stuart H. Sobel (2010)

Dean B. Thomson (2011)

VII. Closing Remarks from the President

If I were to say that serving this College has been the highlight of my professional career to date, that would be totally true. If I were to say that this year was the most challenging year of my career, that would not be true; nor could I honestly say that this year was the most enjoyable year of my career. The best way that I can describe what it has been like for me to serve as the College's President for a year is to recall an experience when I was about 14 years old. I was riding with my Grandfather in his then not-so-old 1939 Chevrolet sedan. He was a Justice of the Peace in East Tennessee. We were riding along a winding country road, going to the County Seat on Saturday morning for Court Day. Back then, Saturdays were the biggest Court Days. I thought that old Chevy was the finest car I had ever seen. As we were winding along on the one lane road, which also served as a two lane road, my Grandfather, said, "Son, would you like to take the wheel?" I said, "Really, Grandad", do you mean it? "Sure," he said, I think you are old enough and ready to drive it for awhile." So, he pulled over to the side of the road; we switched seats; and I took the wheel. I thought, "Boy, I hope I don't grind the clutch"; but, with a little lurching and grinding, I put it into 1st, then 2d and we rolled on down the road. I dodged a few potholes, managed not to have a head on collision and generally kept it in the road, where, just before we arrived at the Courthouse (but, not so close as to be seen) we again switched seats; and I felt a great sense of pride and relief. I asked, "How did I do, Grandad"? "Son, you did OK". I said, " Well, weren't you worried that I might have a wreck?" "No, you see, I had my hand on the lower part of the wheel and my left foot was ready to hit the brake." So, that's the way it is with the leadership of this College. We who serve for a brief time as your officers are privileged to hold the wheel for a time, but we always know that each of you are there to guide, support and sometimes correct us -- if we take a wrong turn or don't keep the car in the road. So, I thank you for the opportunity of holding the wheel of this extraordinary College for 2008. It was a great ride.

Respectfully submitted,

John W. Hinchey
President, ACCL, 2008-2009

ACCL New Fellows 2009



John P. Ahlers
Partner
Ahlers & Cressman PLLC
Seattle, WA



William M. Coats
Director
Coats Rose
Houston, TX



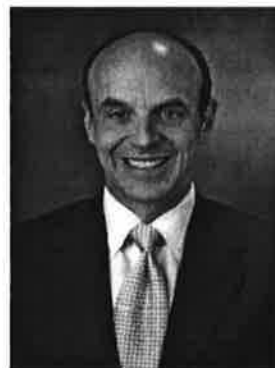
Doug Samuel Jones
Professor
Clayton Utz
Sydney, Australia



W. Alexander Moseley
Member
Hand Arendall, LLC
Mobile, AL



Christopher C. Whitney
Partner
Little, Medeiros, Kinder,
Bulman & Whitney PC
Providence, RI



Michael S. Zetlin
Partner
Zetlin & De Chiara LLP
New York, NY

Commentary of Steve Stein's Presidency of the ACCL

The 20th year of the American College of Construction Lawyers was framed by several initiatives and one crisis- the Great Financial Crisis of 2008-2009. My term as President followed the distinguished presidency of John Hinchey on February 19, 2009 at our Annual Meeting held at Amelia Island, Florida. But the genesis of my elevation was my service as co-founder of the College with Stan Sklar. At the time the ACCL was formed, I was just 40 and considered myself, as did others, too young to be on the ladder for President. Unfortunately, time caught up to that assumption and at 58 I was no longer "too young." Bert Grandoff paved the way for my nomination onto the "ladder" four years previously. Unfortunately, Bert who was among the most engaging of our Fellows, died shortly thereafter.

New to the Board of Directors in 2009 were Williams Allensworth, Jennifer Fletcher, Michael Less, and James Nagle. Deborah Ballati was made Treasure ensuring her place in later years to be our President. The other Board members were:

- Lynn Axelroth
- Lewis Baker
- Allen Gibson
- Katherine Gurun
- Fielder Martin
- Stuart Sobel
- Thomas Stipanowich

The impact of the Great Financial Crisis on the construction industry was recognized in the first meeting of the Board in February 2009. Our clients, if not ourselves, were leery of the future. Not surprisingly, the decision was made to have the Annual Meeting in 2010 address the severe economic conditions being experienced.

Concerns about the College's demographics were also addressed as the urban myth, if not the reality, of our aging seemed apparent. It was agreed that Allen Harris, Secretary, would update the College's demographic data and report. As it turned out, we were not as old, at least collectively, as we had thought.

An initiative which, in retrospect, was ultimately to gain traction was association with the Society of Construction Law. Doug Oles introduced the idea of participating with the SCL at its Hong Kong Meeting in 2010. With the Board's approval to, at first a single collaboration, the now ongoing relationship with the SCL was initiated.

The Spring Board Meeting in Washington D.C. saw the confirmation of the Standing College Committees with chairs and members as follows:

COMMITTEES

2009-2010

New Member Nominating:

Robert Smith (Chair)
Jennifer Fletcher
Douglas Oles

Documents:

Timothy O'Brien (Chair)
Charles Sink (Co-Chair)

Insurance:

Gregg Bundschuh (Chair)
Terrence Brookie (Co-Chair)

International:

George Anthony Smith (Chair)
Vivian Ramsey (Co-Chair)

Private Dispute Resolution:

A. Holt Gwyn (Chair)
Ken Gibbs (Co-Chair)

Annual Program:

Patrick O'Connor (2010)

It was around this time that we learned that the site for the upcoming Annual Meeting in February 2010 was at risk. The Four Seasons Aviara had been our choice and we had long ago committed to it. But with advent of the recession, the owners of the property were seeking a divorce from the Four Seasons "flag" through an arbitration between them which was then on going. The specter that we would convene just as the hotel operations were being changed chilled us. Fortunately, although there was ultimately a change in the "flag," it occurred after our meeting was held.

August brought the all-important election of new Fellows with the following receiving Board endorsement:

- L. Franklin Elmore
- William Geisen
- Richard H. Lowe
- Stanley A. Martin
- R. Bruce Reynolds
- J. Ben Shapiro
- John H. "Buzz" Tarlow
- Timothy R. Thornton

Our 21st Program at the Aviara, North of San Diego, read as a sign of our times. Topics included the following:

- **What Every Construction Lawyer Needs to Know about the Stimulus Program**

Session Chair: James F. Nagle, Seattle, WA

*Speakers: Lester Edelman, Washington, DC
Gerald B. Kirksey, Brentwood, TN
Charles G. Hardy, Chicago, IL
General Services Administration*

- **Moving the Stalled Project Forward**

Session Chair: Peter C. Halls, Minneapolis, MN

*Speakers: Leslie O'Neal- Coble, Lake Mary, FL
Nick Gaede, Jr., Birmingham, AL
Steven D. Nelson, Austin, TX*

- **Intersections of Bankruptcy and Construction: Not Your Average Overview**

Session Chair: Deborah S. Griffin, Boston MA

*Speakers: Deborah S. Griffin, Boston, MA
Hon. Robert D. Martin, Madison, WI
U.S. Bankruptcy Court, Western District of Wisconsin
Chad L. Schexnayder, Phoenix, AZ
Jennings, Haug & Cunningham, LLP*

- **The Troubled Project: Strategies For Dealing with the Surety**

Session Chair: Terrence L. Brookie, Indianapolis, IN

*Guest Speaker: William McConnell, Denver, CO
Vertex Construction Services, Inc.*

Moderator: Terrence L. Brookie, Indianapolis, IN

*Panelists: Michael I. Less, Memphis, TN
H. Bruce Shreves, New Orleans, LA*

For me the Program had an additional highlight, a reunion with Judge Robert Martin who had given me my first job out of law school when he was a young partner in a firm in Madison, Wisconsin.

Upon handing over the reins to Robert Smith as our new President, the financial status of the College was, and notwithstanding the national outlook, still strong and the prospect for our future exceptional. Following Robert Smith would be Alan Harris and Deborah Ballati who served as Secretary and Treasurer respectively through year.

Of all events through the year, the most important was the Second Princeton Symposium. As Chair of the Program, I enlisted Philip Bruner, Chairman of the First Symposium, and Deborah Ballati to be leaders in the effort. The Organizing Committee included the following:

- David Ratterman

- Deborah Ballati
- Ed Cassady
- Greg Bundschuh
- Philip L. Bruner
- Tom Kelleher
- Ty Laurie
- Wyatt McCallie

The Program, held on November 5-6, 2009 at Princeton University dealt with issues which were then, and now even more important to the construction industry. George Smitherman, Minister of Energy and Infrastructure of Ontario, gave the opening address. The principal topics, and the College Fellows who organized the presentations of them were:

- **Climate Change as the Ultimate Environmental Imperative**
Panel Monitor: Katherine H. Gurun, JAMS—The Resolution Experts, New York, NY
- **Resource Imperatives**
Panel Monitor: Deborah S. Ballati, Farella Braun + Martel LLP, San Francisco, CA
- **Innovation and Technology for Change**
Panel Monitor: Howard W. Ashcraft, Jr., Hanson Bridgett LLP, San Francisco, CA
- **Structure and Financing for Change**
Panel Monitor: Lynn R. Axelroth, Ballard Spahr LLP, Philadelphia, PA
- **Sustainable Design for the Future**
Panel Monitor: Ty D. Laurie, DLA Piper LLP (US), Chicago, IL

Keynote speakers, Joshua Ramo, Managing Director of Kissinger Associates, and Major General Don T. Riley of the US Core of Engineers were engaging as well. ____ attendees made the Program a substantial critical success and a small “profit” from the conference was set aside for future symposia.

Much of the 20th year of the college is part of the official records, but more hidden was the unsung contribution of our Executive Director, Donna Passons, my able and instantly recognizable assistant Britni Tozzi. Of course the “movie star” of the College, my wife, Jacqueline, who was my most ardent supporter.

ACCL President's History – Deborah Ballati (2011-2012)

As with all Presidents of the College, my invitation into the role came when I received a call from Phil Bruner, the Chair of the Nominating Committee for the College in 2008, advising me that the Committee wanted to nominate me to become the Treasurer of the College, which meant that in the 2011-2012 College year, I would become the President. I was surprised, humbled, happy and a little bit nervous about accepting the nomination, not because I didn't want to do so, but because I recognized that there would be something historic about my Presidency: I would become the first woman President of the American College of Construction Lawyers. As I considered all the other talented and experienced women Fellows who could have been asked to fill that role, and the excellent jobs they all would have done, I wanted to be sure I was up to the task. Supported by the encouraging words of Phil Bruner, Patricia Thompson, Ava Abramowitz, Alan Harris and many, many others, I accepted the nomination and stepped into the Treasurer's role at the Annual Meeting in February 2009, as Phil Bruner became the College President.

One of the best things the President of the College gets to do, which is done before you actually assume the Presidency, is to choose the location for your Annual Meeting, with input from the Board and staff. Because my Annual Meeting would be on the West Coast, I immediately began thinking of places in California to consider; I considered some Northern California locations, including Half Moon Bay and my own hometown of San Francisco, but quickly decided that opting for a Southern California location made much more sense. I looked at a range of properties, with help and guidance from the always energetic and skillful Donna Passons, and I give Donna full credit for one of the best administrative decisions I made during my time as President: the decision to visit the Montage in Laguna Beach, California as a possible venue for the 2012 Annual Meeting. The Montage had been on the short lists of other President-Elects in the past, but had been rejected because of its relatively small size. I raised that issue with Donna, and she encouraged me to go look at the property anyway and make my own decision.

I arrived at the Montage on a bright sunny day; I walked in the front door and saw the glorious Pacific Ocean in front of me through the floor to ceiling lobby windows and doors; a perfect introduction to the place. I toured the property with the very helpful and informative staff, had lunch on the deck outside the Loft restaurant, and then called Donna as I headed back to the airport to tell her that she had been right; the property was perfect. I told her that if the Board would approve it, and we could negotiate favorable terms, the Montage would be the site for my Annual Meeting.¹

¹ Update in 2023: What a wonderful choice it ended up being, as the Montage is now a place the College has returned to on two other occasions, once during the 2015-2016 Presidency of my dear friend Allen Gibson (my 2012 Program Chair), and a second time, chosen by my dear friend Anne Gorham for her Annual Meeting in 2022.

My two years as Treasurer during the Presidencies of Phil Bruner and Steve Stein, and my one year as President-Elect during the Presidency of Bob Smith, flew by. All the many Presidents who had preceded me were gracious and generous in their encouragement of me; they and Bob kindly taught me a lot about how to be the President in the structure of the College. During that same period, my dear spouse David Ballati received equally kind and supportive input from all the spouses of the Past Presidents; more about the role of the first male spouse of a President later.

In the Fall of 2010, as we approached the end of Bob Smith's term, I began to plan to perform my last duties as President-Elect and assume the role of President at the Annual Meeting in 2011 at the Ritz Carlton in Key Biscayne, Florida. Those duties included introducing the new Fellows and their spouses and giving the outgoing President his medal at the black-tie dinner on Saturday night. I also continued to think about some of the things I wanted to accomplish during my year as President, and also about the fact that when I became President, for the first time in College history, a male spouse would plan and host the spouse events.

Bob's Annual Meeting was informative and enjoyable for all. The venue was historic and Bob incorporated some things into the Saturday night dinner which have remained through later years.

As we approached Saturday night, I revisited my remarks to introduce the new Fellows and their spouses. My goal was to go beyond the biographical information included in the new Fellows booklet provided at everyone's seat at dinner and highlight some personal things about each Fellow and spouse. I was fortunate to know some of the new Fellows and their spouses well, although I did not know them all. I tried to tailor each introduction to focus on things about the new Fellow that others might not know; I also attempted to introduce and welcome the new spouses and guests in a manner that would let them know that they were truly becoming part of a new family, the College family. It was a particularly great joy for me to introduce Peter Hughes and his lovely wife Julie, whom I had known for years, but I also enjoyed getting to learn a little more about each new Fellow and spouse.

When the introductions were over, and all the pictures had been taken and awards for the golfers, tennis players and the outgoing Board Members had been given, there were only two things remaining: presenting Bob Smith with his College medal, and briefly addressing the Fellows and the assembled guests as Bob completed his duties as President. That moment was, for me, exactly what I said it was at the time: the most humbling experience of my professional career. I looked out around the room and saw the smiling faces and supportive looks of giants in construction law, men and women I had come to know and respect either close up or from afar. I was overwhelmed by the support, encouragement and acceptance I felt as I stood up to briefly address the group.

In addition, although it might not have been something I would have agreed to if I had known it was coming, I was extremely touched by the decision of the women Fellows in the College to join me on stage with a beautiful bouquet of flowers, to support and applaud me and mark the unique moment that this event represented in the history of the College. Equally touching were the heartfelt and incredibly supportive comments I received from a number of the other Fellows as I left the stage. All were cherished, but I confess my own personal favorite was the joint message I got from Joe Pierce and Steve Siegfried; they came to me together with a kind and selfless message: “Deb, we want you to know that if you don’t want to have a golf tournament in your year, don’t feel the need to have one; make the year your own; we all support you.”² Fellows and spouses alike told me that everyone was behind me and that they were delighted that I would serve for the next year as President of the College. My year as President, and David’s year as the President’s spouse, had begun.

I. PLANNING FOR THE ANNUAL MEETING

As important as the choice of the Montage as the location for the 2012 Annual Meeting was the best choice I made regarding the meeting itself: the choice to have Allen Gibson as my Program Chair, fully and extensively supported by Buck Hinkle and Anne Gorham as the Social Co-Chairs; with a team like that, and with great input from Holt Gwyn and many others, I knew I was in very safe hands. Allen, Anne and Buck started planning immediately; more about all their activities in the Board Meetings section below.

The other person who began to work immediately when I became President was the person who would be responsible for the spouse events, my husband David Ballati. I hope history will permit me a few prideful comments about David; simply stated in my humble, but admittedly biased, opinion, David was the perfect person to serve in the role of first male spouse of a College President. Those of you who know David know him to be an incredibly supportive, kind, funny human being, accomplished in his own right, but also the best and most vigorous cheerleader for a spouse anyone could ever hope to have. David took on the role of leader of the spouse events with laser-like focus, relying on friends and colleagues from the past, the largesse and wonderful welcoming spirit he had always felt from the ACCL spouses, and a dogged determination that his year as leader of the spouse events would be representative of a number of things that exemplified both him and me. Donna Passons helped him effectuate those goals fully and with good humor and patience.

Having attended many of the many spouses’ breakfasts over the years and hearing the concerns expressed, David made sure that the menus for the breakfast recognized the desires of the spouses; to put his own stamp on it, he also decided to have Mimosas and

² I note for the historical record that I thanked them for their encouragement and support, but assured them that as the first woman President of the College, I certainly would have a golf tournament (and we did)!

Bloody Marys on the first morning at the spouse breakfast. More importantly he decided to introduce the new spouses in a new and fun way. He had me get from each of the new Fellows a description of their spouse's backgrounds and interests, then tailored his introductions to their specific histories and profiles. Although I did not attend the new spouses' breakfast on the first morning, I was told by many that his introduction of each of the spouses ended with identification of where that spouse had gone to college, and a quiz of the other attendees regarding what the mascot of that school was. A number of people reported to me that the breakfast had gone well, and that David shined in his new and historic role. I had no doubt he would, but it was great to have it confirmed. For himself, David reported to me about all the support and encouragement he got from all the other spouses, female and male. Just as the Fellows were for me, the spouses were all kind, supportive and gracious cheerleaders for David. More about the spouse events at the Annual Meeting later.

II. BOARD MEETINGS

One of the most significant things the President does is to plan and preside over the Board of Governors' Meetings which are held three or four times during the President's year, starting with the Sunday Board Meeting which ends the preceding President's Annual Meeting. Since the minutes of each meeting can be accessed on our website, this history only highlights some key things of importance.

The Board, Officers and Executive Committee during the 2011-2012 College year were:

Officers and Executive Committee:

Deborah S. Ballati, President
Alan E. Harris, President-Elect
Robert J Smith, Immediate Past President
Patrick J. O'Connor, Secretary

2011 Board Governors:

William R. Allensworth (2012)
Terrence Brookie (2013)
Gregg E. Bundschuh (2013)
Jennifer W. Fletcher (2012)
Kimberly A. Hurtado (2014)
David Lane (2014)
John B. Miller (2013)
James F. Nagle (2012)
Douglas Oles (2014)
George Pierson (2014)

Michael I. Less (2012)
Val S. McWhorter (2013)

All these Fellows participated fully for the benefit of the College, as did the Committee and Task Force Chairs.

February 20, 2011 Board Meeting

My first Board Meeting was on Sunday, February 20, 2011, at the Ritz Carlton Key Biscayne, the site of Bob Smith's Annual Meeting. As with all Board Meetings, a number of topics were discussed. They included decisions regarding the 2011 budget, plans to cover possible costs of the College's participation in the London meeting of the Charter Institute of Arbitrators which Doug Oles was spearheading, and, as always, lessons learned from the meeting we had just attended.

The lessons learned included a variety of topics: color-coding name badges to easily distinguish Fellows from spouses of Fellows; making sure that spouses were invited to any future Currie lectures; developing a better system of transporting members and guests to dinner venues on Thursday nights in the future; the goal of including an ethics session in every Annual Meeting program; and Stan Sklar's excellent proposal that we invite widows or widowers of deceased Fellows to future Annual Meetings. This last item was met with universal approval, accompanied by musings on why we hadn't done it before.

There was a spirited discussion regarding whether we should invite any outside (non-Fellow) speakers who attend the Annual Meeting educational sessions to the Saturday night dinner, and a similarly extensive discussion of Bob Smith's bold decision to have assigned seating at the Saturday night black tie dinner. Although there had been significant resistance to the idea of assigned seating when Bob first announced that he would institute it, there was resounding approval of the idea after the fact; most Fellows recognized that the assigned seating greatly increased collegiality, and further welcomed Fellows and spouses who have not met each other before into the unique and wonderful fellowship of the College.

The Board discussed my proposed changes to the Committee Chairs. Kyle Gooch and James O'Connor would be new Co-Chairs of the Insurance Committee, and Dave Lane had agreed to coordinate with Allen Overcash to develop a program to explore life after the active practice of law.³

Allen Gibson was already soliciting ideas for the 2012 Annual Meeting program from the Fellows, and he reported on a number of them. He also said he intended to follow

³ 2023 Update: That effort led to the birth of the vibrant and very active Practice Transitions Committee, which focuses on educating Fellows on how best to move into the next phase of professional and personal life after leaving the active practice of law.

fairly closely the format of the 2011 Annual Meeting; more about Allen and his service to the College later. Allen and I told the Board that Fellows Buck Hinkle and Anne Gorham were to be the Social Chairs for the meeting.

My partner and dear friend, President-Elect Alan Harris, reported that he was soliciting suggestions for venues east of the Mississippi for his 2013 Annual Meeting. He was already working with Donna Passons on his program.

The Board discussed the possibility of holding another Princeton Symposium. John Miller suggested “How Business Structure Influences How Construction Services Are Delivered” as a topic for a future symposium. Alan Harris inquired whether it made sense to tie future symposia to the Annual Meeting. We scheduled a further report on the idea of a future symposium for the April 2011 Board Meeting.

The Board also discussed our ongoing collaboration with the Canadian College of Construction Lawyers (“CCCL”), and the CCCL’s proposal to join with the ACCL in collecting construction books to donate to a university. The proposal remained under consideration at the end of the meeting.

I reported to the Board that I intended to conduct a survey of the Fellows to determine the extent of their current practices and those things which were relevant to them in their professional lives. Finally, the Board discussed developing a strategic plan for the College. Patrick O’Connor, as Secretary, took excellent notes for our meeting, and they were published and are part of the College record.

April 9, 2011 Board Meeting

The Board Meeting on Saturday, April 9, 2011, in Lexington, Kentucky, was for me one of the highlights of my Presidency. It allowed me, with the extensive and gracious assistance of Buck Hinkle and Anne Gorham, to participate with the Board in a meeting on the site of the historic Keeneland Racetrack. Buck and Anne welcomed all of us to Lexington with their normal graciousness and elegance, starting with a cocktail party at their home the night before the meeting, and ending with our Saturday Board Meeting and a day at the races at Keeneland. A few Governors (William Allensworth, John Miller, Jim Nagle and George Pierson) and Allen Gibson and Rick Lowe needed to attend by telephone, but most of the Board of Governors and the Executive Committee were there in person.

We had a lovely opening to the meeting with breakfast at Keeneland, discussed the minutes of the past meetings of February 17 and February 20, 2011, received the Treasurer’s Report from Larry Harris, and looked into issues related to the financial statements of the College. Bob Smith reported on the financial results of the 2011 meeting.

Planning was well underway for the 2012 Annual Meeting, and there was a commitment to consider the comments and input from the 2011 meeting as we planned for the 2012 meeting. Allen Gibson presented his draft Program, followed by considerable discussion regarding the use of outside speakers in lieu of Fellows in plenary sessions and the order of the proposed plenary sessions. Allen and I committed to present an updated program to the Board within 30 days.⁴ There was discussion and general agreement on the merits of including spouses in the Friday lunch.

President-Elect Alan Harris announced that Danny Shaw had agreed to serve as his Program Chair for the 2013 Annual Meeting. While their program was not yet developed, Alan announced his goal of trying to coordinate topics from the 2012, 2013 and 2014 meetings to include some common themes of ongoing interest to the Fellows. We had considerable discussion of possible locations for the 2013 meeting; Alan agreed to make a further report on possible locations at the August 20, 2011, Board Meeting.

I was able to report that Steve Nelson, our website guru at the time and for many years before and after, was hopeful that we would have a new ACCL website functioning by April 15, 2011, and we did. Steve Nelson took the laboring oar on the website for so many years that he deserves special mention and thanks here.

David Ratterman reported on the extensive work he and his task force had been doing on the Assistance to Developing Countries Initiative, including developing the Plenary session on the Initiative he would present at the 2012 Annual Meeting. He also reported on the dozens of organizations the Task Force was researching, including a few he and I had visited in person, to identify those which might be able to utilize the professional skills of the Fellows. David agreed to submit a written report to the Board of Governors within 30 days including his suggestions regarding organizations with whom the College might partner, and the possible roles Fellows could play in such a partnership.

Our Journal master, Holt Gwyn, reported that articles for the July 2011 edition of the Journal had been received, and that he had sufficient articles promised for the Winter 2011 edition. Holt was also working with the website task force to improve the accessibility of the Journal to the Fellows and the public.

President-Elect Alan Harris announced that the Membership Committee had already received two nominations and expected more by the May 2011 deadline. Jenny Fletcher reported that as a result of the Diversity Committee efforts to identify diverse candidates who met the criteria for membership in the College, the Committee expected to have six or seven diverse candidates to propose for Fellowship in the coming year. Rick Lowe, Co-

⁴ As usual, Allen was always on time or ahead of schedule. He was a perfect Program Chair for me and the College.

Chair of the Diversity Committee, also offered insightful comments on the Committee's goals and activities.

Doug Oles reported on a topic near and dear to his heart, the Chartered Institute of Arbitrators Conference which was scheduled for September 27-28, 2011, in London, and the companion Society of Construction Law ("SCL") program at which a number of Fellows would speak. Doug also reported on the planned 2012 SCL Conference set for May 6-8, 2012, in Melbourne Australia.

We revisited possible venues and topics for holding a further Princeton-style symposium. The Board again came to no final decision on the idea.

The Board also reviewed Secretary Pat O'Connor's inquiry regarding holding a BIM program on the day before the 2012 Annual Meeting. The Board deferred action pending receipt of more information.

We revisited Harvey Kirsch's proposal to establish a construction law library at Harvard University with books donated by Fellows of the CCCL and the ACCL. Because many Fellows have the same books, we decided to report to Harvey that while the proposal seemed meritorious, there might be additional universities that would also desire these books to establish their own construction libraries. We agreed to discuss this issue again at a later Board Meeting.

I was happy to report to the Board that Ava Abramowitz and Jim Scott, two of our most thoughtful and focused Fellows, were developing the survey of Fellows that I had mentioned at the February 2011 meeting. We agreed that the survey should be conducted so the results would be ready for review by the Board at the August 2011 meeting.

As it had at the February 2011, Board Meeting, the Board again discussed whether outside speakers who make presentations in plenary sessions should be invited to attend the Saturday night dinner. There were a variety of views on that topic, and I agreed to develop a proposed protocol to be presented to the Board for vote at the August 2011 meeting.

After the Board Meeting concluded, we crossed the hallway at Keeneland to enjoy a day at the races and a lovely buffet luncheon. A good time was had by all; some Fellows even won their bets!

August 20, 2011 Board Meeting

The Board's August 2011 meeting was held at the Westin Copley Place Hotel in Boston on August 20, 2011. The major topic of discussion, as always for the Fall Board Meeting, was the nominations for new Fellows. After the extensive discussion of all new Fellows proposed for admission into the College, a total of ten (10) were recommended for

induction; in addition, the Board of Governors approved a request from Zee Claiborne for reinstatement to the College.

Allen Gibson reviewed the program for the 2012 Annual Meeting. President-Elect Alan Harris reported on the locations under discussion for the 2013 Annual Meeting.

Holt Gwyn reported on the vibrancy of the ACCL Journal, which continued to attract good articles. He also discussed his goal of having the Journal be cost neutral such that royalties from the Thompson-West organization would offset production costs.

David Ratterman made a further report on the Assistance to Developing Countries Initiative. He discussed some of the difficulties of getting to a firm recommendation to the College about the best organizations with which the College could partner.

Jenny Fletcher reported on the Diversity Committee activities, including the continuing search for new candidates to vet within that Committee. Allen Gibson reported on his continuing effort to assemble information for the College News and Notes. We also discussed and decided that the ACCL/CCCL law book initiative which had been discussed at prior Board Meetings would not be pursued formally by the ACCL.

Doug Oles reported on the September 2011 Chartered Institute of Arbitrators conference and the companion SCL program. In addition, Doug also gave a more detailed report on the planned SCL conference set for May 2012 in Melbourne, Australia, for which the ACCL was involved in creating a half-day program. Bruce Reynolds of the CCCL was coordinating with Doug on this program.

I reported on the Survey of the Fellows which had been conducted regarding whether the College should continue to support a symposium. A majority of those responding to the survey were in favor of continued support; the survey revealed that, in general, the Fellows had a clear preference for “down to earth” symposium topics that made an impact on their day-to-day practices rather than more ethereal topics. There was also a general preference expressed in the survey that future symposia not necessarily be affiliated with Princeton, but with other educational institutions. There was also an extensive discussion of the goal of having any symposium in the future be self-sustaining. I solicited ideas from the Fellows for future symposium topics and agreed to do a follow up report to the Board at a future meeting.

I reported that the Survey of Fellows to determine the true extent of their current practices and what is relevant to them in their professional lives would be the focus of the December 10, 2011, Board of Governors Meeting in San Francisco. The meeting ended after a long and focused day.

December 10, 2011 Board of Governors Meeting

The Board of Governors Meeting on Saturday, December 10, 2011, was held at Farella Braun + Martel in San Francisco. Allen Gibson continued to report on the program for the 2012 Annual Meeting, and addressed issues relating to the budget and expenses for outside speakers.

President-Elect Alan Harris reported in more detail on plans for his 2013 Annual Meeting at the Biltmore Coral Gables in Florida. He and Program Chair Danny Shaw discussed their continuing evaluation of whether to have a BIM program on the Wednesday before the program, as had been suggested by Pat O'Connor previously.

Much of the meeting was spent discussing the results of the survey of the Fellows. There was much useful information in the survey which we hoped could be used for future planning.

Doug Oles again reported on the 2012 SCL program scheduled for May 2012 in Melbourne, Australia. A number of Fellows were planning on attending and speaking at a half-day program that the ACCL was planning in conjunction with the CCCL.

The Board revisited the symposium idea and again discussed the pros and cons of continuing with future symposia on a wide range of topics. Again, no consensus was reached on whether we should have a symposium in 2012.

Discussion regarding the ACCL website continued. Steve Nelson continued in his role as website guru.

Finally, David Ratterman reported that the Assistance to Developing Countries Task Force was not in a position to make a recommendation to the Board at that time. He hoped to be able to do so at the February 2012 Board Meeting.

February 23, 2012 Board Meeting

My last Board Meeting as President was held on Thursday, February 23, 2012, at the Montage Hotel in Laguna Beach, California, the site of the 2012 Annual Meeting. The discussions included an update on things that would be occurring at the Annual Meeting itself, including the participation of outside speakers Elizabeth Hausler from Build Change, and Krista Pages from ABT Associates; both of those speakers would participate on David Ratterman's panel regarding Assistance to Developing Countries.

The Board revisited the issue of the symposium yet again, and discussed possible venues for such a symposium. We decided to revisit the symposium idea after the 2012 Annual Meeting and explore whether to develop a symposium on the general topic of Assistance to Developing Countries or some other topic.

Finally, I reported my view that the College could perhaps benefit from a more structured set of policies and procedures for program planning which future Presidents and Program Chairs could reference to understand things learned from the past, not just recollections or word-of-mouth input. Bob Smith had done some things in this area which had been useful to me as I assumed the role of President.

III. THE 2012 ANNUAL MEETING

As many Past Presidents had expressed to me was true for them, the end of my year as President came all too soon. As the date for the 2012 Annual Meeting approached, the whole team responsible for that meeting continued to work hard to ensure that everything came off without a hitch. And luckily, the beautiful Montage site and the best California weather we could expect capped the effort.

An event which David and I suggested for my year as President was a dinner on Thursday night hosted by the Executive Committee and the new Fellows and their spouses after the group opening reception. That event occurred for the first time in Laguna Beach. All who intended expressed strong support for the idea, and it definitely gave me an opportunity to get to know all the new Fellows and their spouses better. I am happy to report looking back, as I update this history in 2023, that the dinner has survived to today.

The Annual Meeting went off without a hitch. All the programs were well-received; the inclusion of a Plenary session with outside speakers Elizabeth Hausler and Krista Pages was well-received, informative and a fitting representation of those things which had led David Ratterman to suggest the Assistance to Developing Countries Initiative in the first place.

The spouse events included the opening breakfasts with introduction of the new spouses (and their college mascots, as mentioned above), a cooking class taught by the Chef at the Montage, and an afternoon of wine tasting hosted by David and an outside wine expert; a few Fellows even crashed the wine tasting.

My year ended with my receiving my President's medal and passing the gavel to my dear friend and law partner, Alan Harris. Serving as the President of the American College of Construction Lawyers was one of the most significant gifts of my heavily-gift-laden professional life. I will be forever grateful for being given the opportunity to serve.

ACCL – PRESIDENT’S REPORT

I had the privilege of serving as the College’s President from February 2012 through February 2013. My term was made easy for a number of reasons and due to the work of many people. If I were to name them all they would begin playing music and pull me off the stage in the fashion of the Academy Awards. Nevertheless, I will continue to give thanks to many (and by necessity leave off some). There was a seamless transition both at the beginning of my term and at the end because of the uncommon level of cooperation and information transfer between me and my law partner Deborah Ballati and between me and my brother-separated-at-birth Larry Harris. In addition, I received invaluable support from Donna Passons and Bill Seward during the year and at the Annual Meeting. I cannot emphasize enough how many responsibilities they took on during the year.

My year was also aided by an excellent and active Executive Committee, a strong Board of Governors, and the hard work of Danny Shaw in putting together the Annual Meeting. Pat O’Connor deserves special praise among the members of the Executive Committee. His Board minutes provide an accurate and complete recounting of the matters we discussed, the issues raised in those discussions, and the decisions that we reached. Anyone wanting to know everything the Board dealt with should refer to Pat’s work.

The Members of the Executive Committee during my term were:

Alan E. Harris, President

Larry Harris, President-Elect

Deborah Ballati, Immediate Past President

Patrick O’Connor, Secretary

C. Allen Gibson, Jr., Treasurer



The members of the 2012 Board of Governors were:

Terrence L. Brookie (2013)
Gregg E. Bundschuh (2013)
W. Kyle Gooch (2015)
John R. Heisse, II (2015)
Kimberly A. Hurtado (2014)
David G. Lane (2014)
Val S. McWhorter (2013)
Dr. John B. Miller (2013)
Timothy M. O'Brien (2015)
Douglas S. Oles (2014)
George J. Pierson (2014)
Michael D. Tarullo (2015)



Doug Oles deserves special mention for his work in updating the College By-Laws to reflect changes made by this year's Board and previous Boards. We had a number of issues that required discussion and adoption and which changed the By-Laws, as can be seen below in this report. Doug provided frequent draft language for the changes and kept us moving forward so that the By-Laws at the end of the year accurately reflected actions taken by the Board.

As I mentioned previously, the seamless transition from one year to another depends on the work of the Immediate Past President. As Immediate Past President, Deborah Ballati was responsible for nominating a slate of candidates to serve as Officers of the College and new members of the Board of Governors. Deborah was assisted in this process by Gregg Bundschuh and Bruce Shreves.

They nominated the following Fellows to serve as Officers and members of the Board of Governors beginning at the end of my term. Each of these nominations was unanimously approved at the February 2013 Annual Business Meeting:

President-Elect: Patrick J. O'Connor

Secretary (for a two year term): Allen Holt Gwynn

Members of the Board of Governors (for three year terms): John E. Bulman, William D. Coleman, Bruce Reynolds and Christi Underwood.

The future of the College also depends upon the work of the Membership Committee which nominates prospective new Fellows for election by the College's membership. With the merger of law firms, the increasing role in-house lawyers play in the formation of construction law and the higher profile of the College, the number of nominees has been increasing and the membership process has become much more complicated (yes, even political). Larry Harris headed the Membership Committee as part of his role as President-Elect. He was joined in this process by Kimberley Hurtado, David Lane, and Christi Underwood.

The Membership Committee had one overriding goal: maintaining the high quality of Fellows who were not only outstanding construction lawyers but who had also demonstrated a willingness to give back to the industry through their writings, speaking engagements, mentoring of young attorneys and participation in other professional groups. Consistent with this main goal, the Membership committee looked at nominees who brought diversity to the College, be it geographic, sexual, racial, or type of practice (transactional, litigation, in-house, small firm, etc.). As a result of their efforts (and the work of Fellows who nominated prospective members); the College admitted the following New Fellows at the February 2013 Annual Meeting:

William Andrews

Albert Bates

Paul Bruno

Lee Davis

Jody Debs

Helmut Johannsen

George Meyer

Robyn Miller

In addition, William Gannon would have been nominated to become a Fellow but died shortly before the August 2012 meeting.

During the year, the College relied on the work of the standing committees and other *ad hoc* groups formed to deal with specific issues of interest. During 2012-2013 the following Fellows served as Chair or Co-Chair of those committees:

Insurance Committee

Jim O'Connor

Cliff Shapiro

International Committee

Bob Peckar

Bruce Reynolds

Public Contracts Committee

John Heisse

Jim Nagle

Documents Committee

Ron Thum (Replacing Tim O'Brien as of 7/9/2012)

Charles Sink

Dispute Resolution Committee

Ken Gibbs

Christi Underwood – Chair

We also had a number of informal committees and Task Forces that were active during the year. The Professor's Committee was headed by Bill Allensworth and Mike Holden. The Aid to Developing Countries was headed by Dave Ratterman.

The Board held the following meetings and took the following key actions (again I refer you to Pat O'Connor's extensive minutes for the complete details of the meetings):

April 14, 2012 in New Orleans, Louisiana:

1. Authorized \$1,000 to be paid to Scott Hern to make articles in the ACCL Journal more interactive so that Fellows can edit them and provide additional information and commentary on the private side of the College's Website.
2. Authorized \$3000 to be paid to Texas Institute of CLE to update the College's Website.

August 25, 2012 at Lake Tahoe, California:

1. Approved an increase in the initiation fee from new Fellows from \$500 to \$1000.
2. Approved a prohibition of members of the Executive Committee from nominating or seconding prospective new Fellows during their tenure on the Executive Committee.
3. Approved a new Management Services Agreement with Texas Institute of CLE for the services provided by Donna Passons and her staff.
4. Voted to provisionally elect to Fellowship those candidates mentioned above.

December 1, 2012 in Dallas, Texas:

1. A change was approved to paragraph 3.3.4 of the By-Laws to require that 12 Board members (as that term is defined in paragraph 4.10 of the By-Laws) be required to elect a nominee to Fellowship in the College.
2. A change in the By-Laws so that a nominee who does not receive the necessary 12 votes from the Board cannot be re-nominated the following year.
3. A change in the By-Laws that the Chair of the Membership Committee shall provide the members of the Board with the names of all candidates being considered for Fellowship.

The Annual Meeting was held on February 21-24, 2013 at the Biltmore Hotel in Coral Gables Florida. As mentioned previously, Danny Shaw worked tirelessly to organize and present the programs at the Annual Meeting. The four plenary sessions covered two cutting-edge topics, one topic that does not get the attention it deserves and one topic exposing the Fellows to opportunities to apply their skills in supporting developing countries.

Howard Ashcraft led a discussion regarding the use of Integrated Project Delivery Systems to increase cooperation among the project participants, reduce errors and construction impacts, and provide a timely and cost-efficient project. He was joined in his program by outside speakers who brought technical experience in the development and completion of projects using Integrated Project Delivery techniques.

Pat O'Connor led a program on the issues raised in the production, analysis and use of electronically stored information in construction projects and in disputes arising from those projects. He was assisted by Judge Jennifer Bailey of the Florida court system as well as Jennifer Fletcher and Rick Lowe. The combination of a judicial prospective and the litigator's prospective highlighted the issues that arise from the massive amount of electronic documents involved in current construction projects.

Don Gavin ably filled in for Bob Smith in analyzing the issue of Construction Safety and the methods that can be undertaken to increase the likelihood that a project will be completed with little, or no, accidents.

The final Plenary session presented the College with examples of cutting-edge programs to provide construction and legal assistance to developing countries. This had been a continuing topic of interest for the College as a whole and the Board of Governors in particular. The program was chaired by Deborah Ballati who, along with David Ratterman, had been tireless in finding organizations that were receptive to legal assistance from Fellows and finding Fellows (or their firms) who were willing to provide assistance. The program included presentations by Kate Stohr (an architect providing assistance worldwide through Architecture for Humanity) and Hilary Harp (an attorney working at Habitat for Humanity).

As is customary, there were presentations by each of the standing committees of the College (Insurance, International, Public Contracts, Documents and Dispute Resolution) as well

as meetings of the special committees and task forces (ACCL Law Journal, Professors, Diversity, and In-House Counsel).

At lunch on Friday, we had a presentation organized by Stuart Sobel regarding the complex tunnel project at the Port of Miami. Louis Brais explained this project with slides that captured the engineering and geologic challenges in this massive project.

As they say “all work and no play makes this Harris an unhappy boy.” In addition to the reception on Thursday, the Latin-themed dinner on Friday and the Black Tie dinner on Saturday, there were other chances to relax and learn something about Miami and its culture. The spouses had the opportunity to learn and/or improve their Spanish and could get some exercise conquering Latin dances. On Saturday afternoon many of the Fellows and spouses traveled to the amazing Fairchild Tropical Botanical Gardens which featured not only exotic plants, but a hands-on butterfly garden and Dale Chihuly glass sculptures interspersed throughout the grounds.

The weather cooperated. The golf and tennis were good. Larry Harris successfully relieved me of my Presidential duties and the College ended up no worse for the wear after my tenure. Thank you again for this giving me this great opportunity. As the high percentage of attendance at this Annual Meeting (and others) shows, the Fellow treat their membership in the College as an honor and put participation in the College at the top of their “must do” lists.



During the year, there were two deaths of Fellows (Walter Hannah and Steve Butler). Both were remembered during the Annual Business meeting on February 24, 2013. One Fellow took Emeritus Status (Mike Simon).

There were several lessons learned during the year. The most important were the following:

1. It is difficult to find a location for the “East Coast” meeting in February that meets our needs for space, quality, access to golf and other amenities and, perhaps most importantly, price. Subsequent Boards have recognized this and have chosen to move the meeting by a few weeks into March. Hopefully, this will make the task of finding a satisfactory venue easier for future Presidents.
2. We continued a “tradition” that began the previous year of having the Executive Committee take the New Fellows and their spouses to dinner the night before the Annual Meeting. This proved to be an excellent opportunity to make the New Fellows and their spouses realize how excited the College was to have them join the group.
3. We tried to reduce the time spent with questions and comments from the floor in the Plenary Sessions by reserving time later in the day for panelists to be available to talk to interested Fellows and to answer their questions. This was not well received and I doubt it will be repeated.
4. We looked for ways to increase attendance on Sunday mornings by supplementing the required business part of the meeting with memorials to Fellows who had died in the previous year and by holding a session to explore options for Fellows who are looking for activities they might pursue after leaving, or reducing, their law practices. This seemed to increase attendance and has continued to be the practice at later Annual Meetings.

AMERICAN COLLEGE OF CONSTRUCTION LAWYERS

President's Annual Summary

C. Allen Gibson Jr.

February 2015 to February 2016

I started my year as President in February 2015 at Key Biscayne after more than a year of planning as the President-Elect. During that prior year, under the leadership of Patrick O'Connor, we had undertaken a lengthy process to develop a Strategic Plan for the College. The responsibility for beginning the implementation of that plan fell into my year as President, but fortunately Pat agreed to continue to shepherd that project.

While planning for my year as President, I suggested to the Board that we institute a more formal designation of Chairs and Vice-Chair for each of our standing committees. With the Board's approval of that structure, I had appointed the heads of all of the ACCL committees prior to the start of the February 2015 Annual Meeting. The purpose of this more formal structure was to provide for a more orderly transition from year to year and maintain continuity in the leadership of those committees. It also allowed us to start the new year without any loss of momentum in the leadership.

At our first board meeting, held in Charleston in May 2015, we formally adopted the Long Range Plan proposed by the Long-Range Planning Committee. The three goals developed by that committee, and adopted by the Board, fell into the broad categories of Participation, Giveback and Scholarship. We established special subcommittees for each of these areas. The Fellows who volunteered to chair these critical subcommittees were Robbie MacPherson (Participation), Buzz Tarlow (Giveback) and Holt Gwyn (Scholarship). Each of those subcommittees contributed significantly during the course of the year.

One of the major issues we identified early in the year involved the need to substantially upgrade the ACCL website. Fortunately, Steve Nelson and Mark Heley continued their hard work evaluating the necessary long-term changes while simultaneously implementing short-term improvements to our website. By the end of the year they brought three substantive proposals to the Board and at our meeting in February 2016, with the website already improved by the temporary fixes, we adopted a proposal to complete a significant overhaul of the website. The Fellows continue to enjoy the results of the diligent efforts put in by that committee.

One of the first committees to play a notable role during the year was the Assistance to Developing Countries Committee which was chaired by Larry Schor with the continued assistance of David Ratterman. Years earlier we had established a relationship with Build Change, a non-profit that designs disaster resistant houses and schools in emerging nations, and had maintained regular contact with them. Following a massive earthquake in Nepal, Build Change reached out to us for help. Under Larry and David's able guidance, we communicated with the College Fellows and received a rapid response and substantial donations for this worthy cause. The leadership of Build Change was very appreciative of the quick and significant response from the ACCL.

Our August board meeting was held in Jackson Hole, WY. We had a discussion about the financial reporting for the College and began to investigate some changes. We also approved the purchase of insurance for the organization. After a review of the Annual Meeting programming, we turned to the most important work of every August board meeting - the action taken on the Membership Committee's report. Holt Gwyn and his committee (Larry Baker, Terry Brookie, Robyn Miller and George Pierson) had done an excellent job evaluating the sixteen potential candidates and recommended eight outstanding nominees, all of whom passed.

We chose New Orleans for our November board meeting, and an excellent choice it was. Danny Shaw exemplified typical Cajun hospitality and hosted our group for the weekend. The Board decided to adjust the reporting of the ACCL financials. After considerable discussion and evaluation, we changed the fiscal year for the College from the traditional "calendar year" to a July 1 to June 30 fiscal year. This has the continuing beneficial effect of aligning the revenues and expenses related to the Annual Meeting into the same budget year. Much of the revenue for the Annual Meeting would ordinarily be collected before December 31 but the expenses for the meeting were not incurred until February of the following calendar year. After this change, the revenues and expenses are recognized in the same budget. The other significant business at that meeting included adopting the bylaws amendments recommended by John Bulman's committee. In addition, John and his committee had done an excellent job updating and revising the College's Guide to Policies and Procedures. This handbook is an invaluable resource for all officers and board members.

The College has two significant publications. The scholarly *Journal of the American College of Construction Lawyers* had been ably edited by Holt Gwyn for many years and then by Doug Oles. When Doug became Secretary, Charles Sink stepped up to assume the role as Editor of the *Journal* and continued the excellent scholarship of that publication. News & Notes, our quarterly newsletter, also received a new Editor – Buzz Tarlow. I am especially proud of that publication since I served as the initial Editor when we started in 2007. President Joe Canterbury and President-Elect John Hinchey asked me to start a regular communication with the Fellows to help promote collegiality within our membership. Alec Moseley followed me as Editor and Buzz took over with the beginning of my year as President. All four issues during my year as President came out in a timely manner and were full of interesting and informative news about the College Fellows. The last issue of my year was the 33rd issue of News & Notes. That is also the January issue that highlights all of the newly elected Fellows. We were pleased at that time to introduce Jim Archibald, Shannon Briglia, Joel Heusinger, Jocelyn Knoll, Christine McAnney, Steve Reisman, Alison Snyder and Honorary Fellow Justice David Lillehaug. These new Fellows were enthusiastically inducted at the 2016 Annual Meeting.

The Annual Meeting returned to the Montage at Laguna Beach, CA on February 18-21, 2016. I had previously served as the Program Chair for Deborah Ballati's Annual Meeting at that hotel so it was a very easy choice for me to decide to have my meeting at the same venue. However, the best decision that I made during my bar year was to ask Anne Gorham to serve as the Program Chair for that meeting. That decision was made midway through my year as President Elect and Anne was already working hard on the substantive programs the day I took office as President. Anne put together an outstanding educational program for our 27th Annual Meeting.

Substantive programs were highlighted by plenary sessions on Cyber Security (moderated by Gregg Bundschuh), P3 Best Practices (moderated by Helmut Johanssen) and a special program on Communications with In-House Counsel (led by Paul Bruno and Wendy Venoit). Of course no Annual Meeting is complete without a fast paced (and always timely) report from Jim Nagle on the year in review of federal contracts. All of the substantive committees also presented outstanding programs and we returned to our old method of presenting Hot Tips under the leadership of Bill Geisen and Ty Laurie.

The spouses were also kept very busy with a host of activities organized by my spouse, Wendy Gibson. She had arranged for a broad range of activities for the spouses and introduced one of her favorite pastimes, bridge. Our Friday night dinner was highlighted by a lively dueling pianos show. In addition to our traditional golf tournament on Saturday afternoon organized by Joe Pierce, we enjoyed a harbor cruise through Newport Beach harbor on the Wild Goose, a spectacular yacht once owned by John Wayne and still full of his memorabilia. We enjoyed lunch and libations along with the incredible views of the harbor on a beautiful day. The evening was capped by the formal dinner and presentation of awards.

We were pleased to welcome four new members to the Board at the Annual Meeting. Those members were John Ahlers, Frank Elmore, Shelly Ewald and Robyn Miller. Each of them had already been active in the work of the College and they replaced four tireless members of the Board who were retiring after three years of service: John Bulman, Bill Coleman, Bruce Reynolds and Buzz Tarlow. Jenny Fletcher became President-Elect and Pat O'Connor rotated off the Board after five years of dedicated service.

No President's Report on the College can be complete without acknowledging the tremendous effort and support that is provided by Donna Passons and her staff, most notably Bill Seward. They work hard all year long and Donna's knowledge and experience in the field of association management and meeting planning is invaluable. We are fortunate to have her and I am pleased to thank her, again, publicly for everything she does for the College.

My year concluded with the very happy occasion of passing the gavel to my dear friend Holt Gwyn on February 21, 2016 with the firm knowledge that the College was in good shape and in even better hands. As many have said before me, it was a true honor and a highlight of my professional career to serve as the President of the American College of Construction Lawyers.



August 2015: ACCL Board Meeting in Jackson Hole, WY.



February 2019 Key Biscayne Meeting: Allen and Wendy Gibson with Wendy Veniot and Bullman





Julie, Joanie, Candy, Michele, and Wendy



With Barbara



With McCallie





May 2015: Charleston



February 2016: Montage Spouse Bridge



February 2016: Montage Spouse Walk



February 2016: Montage – Allen & Wendy and Holt & Beth



Allen and Wendy Gibson

ACCL History: (2016-2017)

A. Holt Gwyn, President

(Foreword: Holt passed away unexpectedly on September 18, 2017, just as he was finishing his time as an officer of ACCL. One task he did not complete was this retrospective of his year as President. The materials included with this history were compiled by his assistant Cindy Bumgarner and Holt's partners, with assistance from many Fellows who served during Holt's tenure.)

Key activities:

Refresh and rejuvenate were the themes for 2016-2017. The long-term strategic plan was being implemented. A growing emphasis in the College on the recruitment of new Fellows proceeded apace. The College image and brand were revisited. The importance of the social life of the College and the inclusion of spouses and significant others received ongoing and enthusiastic emphasis.

- The Long Range Planning Committee headed in three directions in 2015, focused on participation in the College, service by Fellows to the industry and community, and scholarship. Thanks go to Buzz Tarlow and Robbie MacPherson for their work on the subcommittees focused on these topics. Their work continued into 2016. Participation, service and scholarship all found expression at the Annual Meeting. There we experimented with discussion groups after plenary presentations. We highlighted efforts of our members to help our communities. We renewed our commitment to high-quality discourse and information about the practice of construction law, both at our meetings and during the year through the list-serve and the Journal.
- The year began with a newly revised Guide to Policies and Procedures, which proved to be extremely valuable during the year.
- Best Practices for New Fellow Nominations - New instructions for preparing and submitting ACCL New Fellow Nomination Forms were Introduced and approved at Annual Meeting in March 2017.
- To better track the finances of the College, the Board migrated to a fiscal year ending June 30. This change will allow better comparison of dues revenues to expenses.

- The College implemented term limits for Committee and Task Force Chairs and there are no longer Co-Chairs for ACCL Committees and Task Forces
- A new look with the new logo was rolled out for the website in March 2017 at the Annual Meeting. The new look also found its way into the brochure for the Annual Meeting. In addition to the updates to the look of the website, the functionality was improved. Many Fellows deserve thanks for that effort, including the Website Committee consisting of Steve Nelson, Mark Heley, Anne Gorham and Jenny Fletcher.
- The advent of the new logo prompted discussions about the use of the logo by Fellows. A survey of the Fellows was conducted and presented to the Board at the August meeting. The Board passed a resolution authorizing Fellows to use the logo in their online promotional materials so long as the logo contained a live link to the ACCL website.
- A true labor of love was the ACCL Fellow/Spouse 2017 Social Directory, created by Beth Boulton and revealed at Annual Meeting in 2017.

Leadership

Nothing describes the work of the College better than a list of its Committees and Task Forces. At the ACCL Annual Business Meeting on Sunday, February 21, 2016, at the Montage Resort in Laguna Beach, California, the College elected the following Officers and Board of Governors for the 2016-2017 term:

2016-2017 Officers

President: A. Holt Gwyn
 President-Elect: Jennifer Wheatley Fletcher
 Secretary: Douglas S. Oles
 Treasurer: David G. Lane
 Immediate Past President: C. Allen Gibson, Jr

2016-2017 Board of Governors

John P. Ahlers (2019)
 Robert Preston Brown (2020)
 Jody K. Debs (2020)
 L. Franklin Elmore (2019)
 Shelly L. Ewald (2019)
 Deborah S. Griffin (2018)

Buckner Hinkle, Jr. (2020)
 Robert J. Macpherson (2020)
 Robyn L. Miller (2019)
 Andrew D. Ness (2018)
 James Duffy O'Connor (2018)
 Charles M. Sink (2018)

The Board of Governors met five times during the 2016-2017 year. Its organizational meeting was held on Sunday, February 21, 2016, in Laguna Beach, California, at which committee appointments and meeting schedules were established for the coming year. The Board appointed John Heisse as Chairman of the 2017 Annual Meeting Program. The Board also confirmed as standing committee chairs, and as Task Force chairs the following Fellows:

ACCL 2016-2017 COMMITTEES AND TASK FORCES

<u>Committees</u>	<u>Task Forces</u>
2017 Annual Program John R. Heisse (Chair)	Assistance to Developing Countries Laurence Schor (Chair) Ben Shapiro (Vice Chair)
Alternative Dispute Resolution H. Bruce Shreves (Chair) Albert Bates (Vice Chair)	Bylaw / History / Archives Terrence L. Brookie (Chair) John Ahlers (Vice Chair)
Documents Buckner Hinkle (Chair) Robert J. MacPherson (Vice Chair)	Diversity Initiative Kathleen Barnes (Chair) Barbara Werther (Vice Chair)
Insurance Lee Shidlofsky (Chair) Gregg E. Bundschuh (Vice Chair)	Education / Professors Michael Holden (Chair) Richard F. Smith (Vice Chair)
International John B. Tieder, Jr. (Chair) R. Bruce Reynolds (Vice Chair)	Hot Tips William G. Geisen (Chair) Timothy Thornton (Vice Chair)
Membership Jennifer Wheatley Fletcher (Chair) Lewis J. Baker Terrence L. Brookie David Buoncristiani Jody Debs	Liaisons with Major ADR Providers AAA - A. Holt Gwyn CPR - Jesse (Barry) Grove, III JAMS - Katherine Hope Gurun ICC - John W. Hinchey
Officers & Governors Nominating C. Allen Gibson, Jr.	In-House Counsel Robyn Miller (Chair) Robert Preston Brown (Vice Chair)
Public Contracts Joseph D. West (Chair) Adrian L. Bastianelli (Vice Chair)	Practice Transition Group John Hinchey (Chair) Thomas E. Abernathy (Vice Chair)

Long Range Planning Committee
Participation Subcommittee
Robert J. MacPherson (Chair)
Give Back Subcommittee
John H. “Buzz” Tarlow (Chair)
Scholarship Subcommittee
A. Holt Gwyn (Chair)

Future ACCL Conferences
Joint Conference with the Society of
Construction Law (Sao Paulo)
Douglas S. Oles (Chair)

Website
Stephen D. Nelson (Chair)
Mark Heley (Vice Chair)

ACCL College News & Notes
John H. “Buzz” Tarlow (Editor)

ACCL Journal
Charles M. Sink (Editor)

The Board's spring meeting was held on Saturday, May 21, 2016 at the Hyatt Tamaya in Santa Ana Pueblo, New Mexico. At the meeting, the following items were discussed: ACCL/CCCL Joint Meeting in 2018; progress of a new website and logo for the College; storage of College materials; spouse emails and photos of spouses and fellows: new task force for differing site conditions; as well as the upcoming annual meeting.

The Board's summer meeting was held on August 20, 2016 at Montage in Deer Valley, Utah. At the meeting, the following items were discussed: an increase in dues; ACCL/CCCL joint sponsorship of an International program for SCL in 2018; as well as a progress report on the new website and logo for the College; and upcoming annual meeting. Another item of discussion was a report on the flooding in Louisiana, which was a 1000 year storm creating 36 inches of rain in a 48 hour period.

The Board's winter meeting was held on November 12, 2016 at the Ritz Carlton at Lake Oconee in Greensboro, Georgia.

Significant Committee and Task Force Activities

- In May the Board of Governors approved an additional ACCL Task Force on differing site conditions clauses on large infrastructure projects. The creation of this Task Force was prompted by a lengthy exchange on the College list-serve. Mike Loulakis was appointed Chair and Greg Hummel was appointed Vice-Chair. Eleven other Fellows joined the Task Force.
- The work of the aforementioned Website Committee was significant in 2016-2017.

Nomination, Membership and New Fellows

The College inducted seven new Fellows at the 2017 meeting:

Daniel S. Brennan
Founding Partner
Laurie & Brennan, LLP
Chicago, Illinois

Fred D. Wilhusen
Partner
Thomas, Feldman & Wilhusen, LLP
Dallas, TX

Brad A. Gordon
SVP General Counsel and Secretary
Gilbane Building Company
Providence, RI

John A. Wulf
Principal
Baker Donelson
Baltimore, MD

Luis Prats
Shareholder Carlton Fields Jorden Burt,
P.A.
Tampa, FL

Ron A. Yarbrough
Member Brunini, Grantham, Grower &
Hewes, PLLC
Jackson, MS

Thomas L. Rosenberg
Partner Roetzel & Andress, LPA
Columbus, OH

Summary of Annual Meeting

The 2017 annual meeting of the College was held on March 16-19, 2017 at the Ritz-Carlton in Amelia Island, Florida. Program Chair John Heisse oversaw an excellent program. An ambitious and long-anticipated ACCL Fellows/Spouse Directory was published, which contained photos and contact information of all current members (this was a group effort between Holt Gwyn and his wife, Beth Boulton). This was also the big reveal of the College's new website and logo which went live in March 2017. Beth had a hand in both of those achievements as well. The annual meeting coincided with St. Patrick's Day and March Madness, which made things a little busier: of course we had to make sure that several large screen TV's were provided to view the games. Other items covered at the annual meeting included the Spearin Doctrine and discussion of the newly released AIA contract documents. Another interesting topic this year was drone usage in engineering and construction applications and the legal implications. There was also a new form introduced and approved to nominate new fellows. At the end of the meeting, the Presidency was passed on to Jennifer

Wheatley Fletcher. Photographs of the 2017 annual meeting were displayed on the College's website.

Challenges and Lessons Learned

Holding an Annual Meeting during the NCAA basketball tournament challenged our logistics (large screen TV's being required) and the attention span of several Fellows!

Personal Notes

Apparently Holt was introduced to salt infusion cooking at annual meeting and was very impressed.



Respectfully submitted,
A. Holt Gwyn (Posthumous)
President, ACCL (2016-2017)

ACCL PRESIDENT'S CHAPTER
29TH YEAR OF ACCL – 2017

Hello, dear fellows. I am Jenny Wheatley Fletcher, and I was privileged to serve as the 29th president of the ACCL. My term began in March 2017, at the 28th annual meeting in Amelia Island, Florida. As can be characteristic of our meetings, we brought the chilly weather to Florida that year despite best efforts to summon warmth and sunshine, but the locale and the beach (and the golf course) were nevertheless beautiful. I received the gavel from my dear friend Holt Gwyn (more on Holt later, in chronology). I wore the dress that I had bought for my sister's wedding in 1995, which I was very proud still fit. I was the second female president of the College but I was the first to stand less than 5 foot 4 inches. I expect to hold that record in perpetuity, but challengers are welcome.

My term year was designated the “year of collegiality” and I believe we achieved just that, with two successful annual meetings, and interim board meetings in locales designed to encourage participation by our board members and local fellows. In my acceptance remarks, I tried to thank so many of the fellows who have been instrumental in my life and career, not all of whom will be mentioned here, but all of whom are being thought about fondly as I write this. I was exceptionally pleased to be supported by my long time mentor, Luther Cochrane, and my partner of more than 35 years, Lee Davis, pictured here.



The Board and Executive members in 2017 pictured below were: Allen Gibson (Immediate Past President), Frank Elmore, Ross Altman, Jenny Fletcher (About to be President), Doug Oles (About to be President Elect), Jim O'Connor, Danny Shaw, Anne Gorham (Ultimately President in 2020/2021), John Ahlers, Robyn Miller, Holt Gwyn (Immediate Past President), and Shelley Ewald (Ultimately President in 2023/2024). Not pictured but equally important members were John Heisse (Ultimately President in 2019/2020) Robert Preston Brown, Jodi Debs, Deborah Griffin, Buck Hinkle, Andy Ness, Charles Sink, and Robbie McPherson.



Before launching into a discourse about what we did back in 2017, perhaps it's appropriate to tell the readers a bit about myself. I'm hopeful that this volume will survive for future fellows who do not know me in the way that our current membership does. Construction law has been my career since 1983, when I was 25. I was lucky enough to join the boutique law firm of Griffin, Cochrane & Marshall, based in Atlanta, Georgia, but with a truly national

practice. I was also lucky to be entrusted by my mentors, Buck Griffin and Luther Cochrane, with primary responsibility for cases and clients early on, which made me work harder, being highly motivated by fear ! I have loved every aspect of the construction law practice – the adventurous clients; the complex issues; the scheduling and math; the strategy for resolving disputes; and, of course, the arbitrations and trials. It was really the perfect practice for my capabilities. I worked hard, rose to the top of the profession, and was ultimately honored with fellowship in the ACCL, a group of which I am extraordinarily fond and proud.

In 2006, our boutique firm merged with a larger firm, Sutherland Asbill & Brennan, giving us a broader national platform, and creating a designated construction industry practice group for Sutherland. We brought every lawyer, every staff person, and every piece of paper (some of you reading this may remember paper), moving seamlessly into Sutherland, which has been a great home. We joined fellow and former ACCL president, Jim Groton, who was, coincidentally, president when I was inducted in 2000. With mentors like Buck, Luther, and Jim, I have been well trained and supported. Sutherland merged with a huge international firm in 2017, to become Eversheds-Sutherland, bringing our construction practice into an international arena even more than it was previously. Through it all, I have retained my fabulous group of clients and done my best to solve their problems creatively and expeditiously, even if that involves litigation and trial. Along with many of my other ACCL fellows, I have also served as a neutral on the AAA mega case panel and other international forums, and as a mediator for complex disputes. The construction industry has been my chosen career, and membership in the ACCL has been fabulously rewarding. I count the fellows of ACCL among my closest personal and professional friends and I respect them all tremendously.

Serving as president of ACCL came as the culmination of a decade of involvement in the organization's governance. Officers have already served a three year Board term, which usually, and in my case, followed two years of service on the membership committee. I believe I may be the only fellow to have served on the membership committee three times ! Consider this a shout out to anyone reading this who has or will serve on the membership committee. It's one of the most important functions within the college and takes a lot of time. After the five years of committee and board service, I was elected treasurer for two years, then president elect, president, and immediate past president, another five years total. Every minute of it was fun and educational. Teaming with other industry specialists always presents an opportunity to learn.

Now back to 2017 – the year of collegiality. Our Spring board meeting was scheduled for Minneapolis, a city that boasts a number of ACCL fellows, but had not been the site of a meeting previously. That time we were fortunate to have temperate weather and sunshine for the activities that accompanied the meeting. Jim O'Connor kindly hosted the meeting, and Mark Heley arranged for golf. The highlight of the weekend was a barn dance at the home of Phil and Ellie Bruner ! If any of you ever have a chance to attend a square dance with a real (reel) caller in the outskirts of Minnesota, I recommend it highly.



During 2017, my most excellent program chair John Bulman and I were busy planning the annual meeting for 2018. As always, we had fantastic fellow participation. We also lined up an amazing guest speaker, a futurist, who regaled us about changes to come in the construction industry. This is a good spot to remark on our amazing and capable organizers, Donna Passons and Bill & Missy Seward, who always made meeting planning easy. We were all set for the St. Regis in Dana Point, California, when Marriott bought Starwood and the hotel went private, becoming the Monarch Beach Resort (later the Waldorf Astoria). A reconnaissance trip reassured us that all would remain top notch, and the meeting proved to be a huge success. Because I am “spousally impaired,” Carre O’Connor was kind enough to be my volunteer spouse, and Pat was kind enough to share her. We had great fun working with John and Donna to plan an activity filled weekend. Carre was (and remains) amazing and the all-important spouse activities were spectacular.



Over the several years leading up to 2017, it had become a tradition to seek out a true resort destination for the August meeting, which deals with the business of selecting new fellows and therefore is mandatory attendance for the board members. I decided upon a place that was different from our past escapades – coastal Maine ! The Cliff House in Ogunquit proved a gorgeous spot for a meeting in August. Right on the rocky coastline, with a coastal path to the quaint town, wonderful restaurants, and of course, golf.



The intrepid group of ACCL travel buddies, Deb & David Ballati; Wendy & Allen Gibson; Buck Hinkle & Ann Gorham; and Holt Gwyn & Beth Bolton, made the trip a vacation, ending up at the Cliff House after a week of traveling. That meeting was to be my last golf outing with Holt, who was a great friend and golf mentor to my fledgling game.

In September 2017, our college received the devastating news that Holt Gwyn had passed away very unexpectedly. This was a blow to all of us and left a hole in our hearts and in our college. I am unable to reflect back on my year as president without thinking first about Holt and what a fantastic fellow he was (double entendre intended). He is truly missed at every meeting.

Continuing our year into the November board meeting, we again attempted to include local fellows by hosting the meeting in Washington, D.C. Andy Ness was gracious in hosting the opening cocktail party, which was very well attended and was followed by a dinner for the

board members. It was a great addition to the year of camaraderie, and gave us all an opportunity to regale and miss Holt, who would have wanted it that way.

On another personal note, I turned 60 in October 2017, and in addition to serving as ACCL president, I made it my mission to celebrate for the entire year. I began the year with a trip to Chile, followed up in the Spring with a trip to Monte Carlo and Italy, and then trips in the Fall to Peru and Spain. These dovetailed perfectly with the ACCL board meetings in Minneapolis, Maine, and Washington, and additional weekend trips to the Masters Golf Tourney, the Kentucky Bourbon country (and Keeneland), and central Maine. I also had two separate dinner parties for my friends in Atlanta and my long-time friends in Miami (my original home town). And I somehow managed to keep my job, so it can be done !

The year sped by, as years do, and we reached time for the 29th Annual Meeting at Monarch Beach Resort. John Bulman did a fabulous job as program chair. Thanks to the fellows who presented. Carre led the spouse activities with her natural elegance. Once again, we attracted chillier weather than preferred, which caused us to move our luau indoors. The Hawaiian dancers were no less entertaining, however, and the food and dancing were fantastic.



Many thanks were owed to the new 2018 Board members and to the members who had completed their service. Pictured below are Jim O'Connor, Robbie McPherson, David Lane (About to be President Elect), Shelley Ewald (Ultimately President in 2023/2024), John Ahlers, Jenny Fletcher (About to be Immediate Past President), Doug Oles (About to be President), Jodi Debs, Buck Hinkle, John Heisse (Ultimately President in 2020/2021), and Charles Sink. Not pictured but also to be thanked: Anne Gorham (Ultimately President in 2021/2022), Robyn Miller, Frank Elmore, Robert Preston Brown, and new incoming Board members Rick Lowe, Jeff Ford, Carol Patterson, and Lee Davis.



The formal dinner on Saturday was elegant and we inducted an excellent group of new fellows introduced by incoming president, Doug Oles. I was happy to hand the gavel Sunday to Doug, a beyond worthy successor. In the next photo, Doug and I are flanked by his successor, David Lane, and John Heisse, who became president in 2020.



We owed great thanks to the retiring Board members, Andy Ness, Charles Sink and Jim O'Connor.



I then moved on to the best position in any organization – immediate past president ! The year of collegiality was a great success due to the efforts of so many. Thank you to all. I now leave it to the ACCL Presidents who followed me to write the history after 2018.

AMERICAN COLLEGE OF CONSTRUCTION LAWYERS
President's Annual Summary
David G. Lane
February 2019 to February 2020

I. The 2019 Annual Meeting

My term as College president began during the membership meeting at the Vinoy Renaissance Hotel in St. Petersburg, Florida, where my predecessor, Doug Oles, had planned and carried off a productive and enjoyable 30th ACCL Annual Meeting. The Executive Committee was reconstituted with the election of Anne Gorham and John Bulman as College treasurer and secretary, respectively, and four new members were added to the Board of Governors such that it consisted of the following fellows:

John Heisse, President-Elect
Ann Gorham, Treasurer
John Bulman, Secretary
Doug Oles, Immediate Past President
(Term Expiring 2020):
 Robert Preston Brown
 Robbie MacPherson
 Jody Debs
 Buck Hinkle
(Term Expiring 2021):
 Lee Davis
 Jeff Ford
 Rick Lowe
 Carol Patterson
(Term Expiring 2022)
 Kathy Barnes
 Eileen Diepenbrock
 Jim Schenck
 Tim Thornton

Frank Elmore, John Ahlers, Shelly Ewald and Robyn Miller departed from the Board at the end of their previous term and were recognized for their meeting attendance and devotion to the College.

The membership was reminded that the next Annual Meeting would be held at Loews Ventana Resort in Tucson, Arizona, on February 20-23, 2020, and that Kathy

Barnes would serve as program chair. The Loews resort was the venue for the 2005 Annual Meeting and was expected to provide a lower cost alternative to resorts located on the two coasts.

Following the membership meeting, the Board met briefly to discuss the agenda for the coming year which, as in the past, would be focused primarily on the nomination, “vetting” and admission of new fellows and the program and activities for the Tucson meeting. The Board was advised that Val McWhorter had been assigned as the chair of the temporary “Committee Committee” to review the ACCL committee structure and report on his findings at the next Board meeting in Baltimore. The Membership Committee was to be led by John Heisse (in his role as President-Elect) who would serve with “non-Board members” Albee Bates and Allison Snyder and Board members Eileen Diepenbrock and Robert Preston Brown.

II. The Baltimore Board Meeting

The 2019-20 Board held its second meeting at the Pendry Hotel at Baltimore’s Inner Harbor on May 11, 2019. The Board members and a few local fellows enjoyed Friday evening dinner at the nearby La Scala Ristorante Italiano, although rain somewhat dampened their spirits on the walk back to the hotel.

A number of fellows were expected to attend the meeting by telephone but, unfortunately, the hotel’s telephone connection “bandwidth” was insufficient to host all those who tried to call into the meeting.

Following the quarterly financial report and a positive review of the 2019 Annual Meeting, the Board attendees discussed the current status of the 2020 Annual Meeting programming and the schedule for new fellow nominations and evaluation by the Membership Committee, which would report its recommendations during the Board’s August 3 meeting in Denver. Charles Sink reported his plans to step down as editor of the ACCL Journal and that new editors, and perhaps a new structure, should be pursued over the coming months. The difficulties encountered in attracting articles for the Journal were discussed at length.

Val McWhorter presented his comments and recommendations regarding the ACCL committee and invited comments from the attendees. Val was of the general opinion that the current committees do not function except in connection with the Annual Meetings and ought to be more active during the year.

III. Tucson Meeting Planning Visit

On May 29-30, Donna, Mary Beth, Kathy and I visited the Loews Ventana Canyon Resort to study the hotel's meeting spaces and to review Saturday afternoon activity options. Most of our time was spent evaluating various options, as we had to select those which satisfied our logistical and time limitations. We did solidly reject one after experiencing it: a "Jeep Nature Tour."

On the evening of May 29, the four of us jumped into the back of a large Jeep for the tour. After traveling at high speeds over Tucson's four-lane highways, we entered fenced-off desert acreage with hopes of observing interesting, local flora and fauna. Toward the end of the tour, after seeing some cacti and a few head of cattle grazing on weeds, the driver grabbed a bag lying next to Kathy's feet and pulled out a couple snakes. Needless to say, Kathy had no idea she was sharing her space with snakes. Nor did the rest of us ... After recovering from the resulting "snake-shock" we crossed off the Jeep Tour from the list of potential group activities.

IV. Terrible News

On June 24, the Board was advised that fellow Board member Tim Thornton was the victim of a fatal cycling accident. There was an outpouring of tributes from the membership and expressions of sympathy to his family and associates.

Tim's passing necessitated the appointment of a suitable replacement Board member to complete the remainder of his 2019-20 term. A permanent member would be elected at the Tucson Annual Meeting and complete the remainder of Tim's 3-year term. Albee Bates was chosen to serve as the short-term replacement Board member. (He was later elected to complete Tim's full term.)

V. The Denver Board Meeting

The Board members traveled to Denver for their meeting on August 3, to be hosted by Jody Debs at the HDR offices. The previous evening was spent in a catered suite at Coors Field to watch the Rockies – Giants game. Drinks and food were

plentiful, and the weather was exceptional. To John Heisse's delight, the Giants outscored the Rockies by one run, 6 to 5.

The main topic of the meeting was the report of the Membership Committee which had been circulated to the Board members on July 27. As usual, the committee members had devoted substantial time and consideration investigating the nominees. After discussing each candidate's qualifications, the following were approved by the Board for consideration by the ACCL membership:

Bruce G. Alexander
Jayne Czik
Richard P. Flake
Nicholas K. Holmes
Anthony L. Meagher
Carol N. Park-Conroy (Honorary)
Cassidy Ruschell Rosenthal
Richard J. Tyler
Sharon Vogel

The names of these nominees were then circulated to the general ACCL membership for comments prior to finalizing election to the ACCL membership.

Kathy Barnes presented the close-to-final agenda for the 2020 Tucson meeting. Following a detailed review of the various program and activity elements, the agenda was approved subject to minor, future modifications.

Also discussed at the meeting were the possibility of (i) inviting limited corporate sponsorships of the Annual Meetings, and (ii) an ACCL foundation/endowment. Each were to undergo further study and evaluation before being presented to the ACCL Board and membership for review, comment and approval.

VI. The Austin Board Meeting

The Board members convened for their fall meeting on November 16. The members enjoyed cocktails and dinner the prior evening at the III Forks Restaurant near the hotel.

The Board received its final update on the Tucson Annual meeting agenda and discussions continued on corporate sponsorship, ACCL foundation/endowment and ACCL Journal topics. John Heisse and Jim Schenck spent time addressing the March 18-21, 2021 Annual Meeting planning progress and anticipated Charleston SC venue. Doug Oles provided personal comments on the future of the College (and was appointed to serve as the wine consultant for the 2020 meeting). We learned Rick Lowe had just been elected to serve as a Pennsylvania state court judge.

VII. The Tucson Board and Annual Meetings

The Board convened a brief meeting prior to the Thursday evening cocktail hour. We welcomed incoming Board members D Buoncristiani, G Meyer, H Johansson and B Werther while expressing our gratitude to those whose terms were expiring (R P Brown, R MacPherson, J Debs and B Hinkle). The 2020-22 Treasurer, Shelly Ewald, attended the meeting. Doug Oles was honored for exemplary service during his five years on the Executive Committee.

Thanks to the tireless efforts of Kathy Barnes, Mary Beth and Donna, Bill and Missy, the February 20-23 Annual Meeting proceeded as scheduled despite some adverse weather concerns. Meeting reviews were very positive, and everyone enjoyed Friday night's outdoor Bar-B-Que and cowboy costume photo arrangements. The meeting was a significant financial success due to the relatively inexpensive Lowes resort charges.

We welcomed the new fellows who had been recommended to the ACCL membership by the Board and toasted their induction at our formal Saturday night dinner.

What we barely escaped (and had no reason to anticipate at the time) was the societal lockdown caused by COVID-19 restrictions. The College was very fortunate to have scheduled the meeting in February since it was unlikely to have gone forward in March. And we had no idea that the 2021 meeting would have to proceed on a "virtual" basis notwithstanding the time already invested by John Heisse, Jim Schenck and Donna's team. We were just lucky to have been able to enjoy our time together in Tucson without COVID-related worries!

VIII. Concluding Thoughts

My term as the 2019-20 ACCL president would not have been as enjoyable absent the detailed planning and execution by Donna and her team, Kathy Barnes, Mary Beth, the program speakers and those fellows who served on the Board of Governors and Membership Committee. Sincere thanks to all of you!!

You'll enjoy seeing these pictures of Board members, the Executive Committee, the new Fellows, Mary Beth Lane with spouse and Kathy and Lionel Barnes.





