

AMERICAN COLLEGE
of CONSTRUCTION LAWYERS

34th Annual Meeting



February 23-26, 2023

**Hyatt Regency Coconut Point Resort & Spa
Bonita Springs, Florida**

THURSDAY, FEBRUARY 23, 2023

12:00 – 6:00 p.m. Registration Desk Open

1:00 – 5:00 p.m. Special Committee Meetings:

1:00 – 2:00 p.m.	Diversity Committee	
2:00 – 3:00 p.m.	ADR Committee	In-House Counsel
3:00 – 4:00 p.m.	International Committee	Federal Contracts Committee
4:00 – 5:00 p.m.	ACCL Journal Committee	Professors Committee

3:30 – 4:00 p.m. ACCL Executive Committee Meeting

4:00 – 5:00 p.m. ACCL Board of Governors Meeting

5:00 – 7:00 p.m. Welcome Reception: Wine & Cheese (Casual Dress)

7:00 p.m. Dinner Mixer

Fellows and guests are invited to form your own dinner parties (or dinners organized by class/year of induction) with a restaurant list to be provided in advance. Transportation and dinner costs are on your own. (The 2023 Class of New Fellows and their spouse/guest have an arranged dinner with the Executive Committee.)

FRIDAY, FEBRUARY 24, 2023

7:30 – 5:00 p.m. Registration Desk Open

7:30 – 8:30 a.m. Fellows Breakfast

7:30 – 8:30 a.m. New Fellows Orientation Breakfast (for 2023 New Fellows)

7:30 – 8:30 a.m. Past Presidents Breakfast

7:30 – 3:00 p.m. Spouse/Guest Hospitality Suite Open

The Hospitality Suite will remain open until 3:00 p.m. each day for relaxing and catching up with friends. Breakfast will be served at 8:00 a.m. Introduction of New Fellow Spouses will take place at 8:30 a.m. See *Spouse/Guest Program* for details and optional events.

8:45 – 9:00 a.m. Introductory Remarks and Welcome

Opening remarks, safety moment, and introduction of new 2023 Fellows.
John E. Bulman, ACCL President
Wendy K. Venoit, Program Chair

9:00 – 10:15 a.m. PLENARY ONE – Famous Engineering Design and Construction Failures and What We as an Industry Have Learned from Them

Stephen Ressler (emeritus professor of engineering at West Point) will discuss some of the Epic Engineering Failures of the past century, including the John Hancock Tower's Falling Windows (1970s); Kansas City (Hyatt Regency) Skywalk Collapse (1981); and the Florida International University Pedestrian Bridge Collapse (2018).

David Buoncristiani will follow with a discussion of the key legal issues and liabilities that flow from these unnatural disasters. He will also touch on implicated insurance issues.

Presenters: Stephen J. Ressler, Professor Emeritus, U.S. Military Academy at West Point
David M. Buoncristiani, San Francisco, CA

10:15 – 10:30 a.m. Refreshment Break

10:30 – 11:45 a.m. PLENARY TWO – Infrastructure Projects – Unique Issues and Challenges

This panel presentation will discuss some of the unique issues and challenges encountered on public and private infrastructure projects. Topics to be discussed include: (i) Federal Funding and oversight; (ii) Working with the Public owner; (iii) logistical challenges; (iv) P3s and other delivery systems utilized by states, cities and municipalities; (v) unique or unusual contractual provisions and requirements; (vi) the role of federal agencies on federally funded projects; and (vii) ADR selection and unique issues.

Presenters: Thomas L. Rosenberg, Columbus, OH (Moderator)
Michael C. Loulakis, Reston, VA
Christine M. McAnney, Atlanta, GA
George J. Pierson, New Hope, PA

11:45 – 1:00 p.m. Fellows' Collegial Luncheon**1:00 – 2:00 p.m. PLENARY THREE – Making International Construction Arbitration Less "Foreign"**

In many ways, International Arbitrations are quite different from domestic construction arbitrations: direct testimony is often submitted through written witness statements, tribunals often retain their own experts, and arbitrators from civil law countries frown on aggressive cross examination. This panel will explore how to navigate the cultural differences between civil and common law arbitrators, the effective use of witness statements, a proposed protocol for the use of party-appointed experts, the interplay between International Commercial Courts and International Arbitration, and the recent U.S. Supreme Court case on the ability of U.S. District Courts to compel discovery in cross-border arbitrations.

Presenters: John R. Heisse, San Francisco, CA (Moderator)
Albert Bates, Jr., Pittsburgh, PA
Paul A. Bruno, Stateline, NV
Hon. Sir Vivian Arthur Ramsey, Swanley Village, Kent, U.K.

2:00 – 3:00 p.m. PLENARY FOUR – Design Delegation and Design Assist: The Good, The Bad and The Ugly

This session will cover the current state of the art in design delegation and design assist. The panel will address: (i) The standard forms available to aid in contracting for these services; (ii) Industry perceptions regarding the scope of these services; (iii) Conditions and limitations on seeking design and design assist services from construction trades; and (iv) How lack of clarity and process discipline can lead to significant issues. The panel will discuss what works, what doesn't and why. This session will afford an opportunity to explore strategies for aligning expectations and avoiding disputes amongst the project participants engaged in these undertakings.

Presenters: Patrick J. O'Connor, Jr., Minneapolis, MN (Moderator)
Jeffrey R. Cruz, New York, NY
Joel D. Heusinger, Denver, CO
Dwight A. Larson, Medina, MN

3:00 – 3:15 p.m. Refreshment Break**3:15 – 4:15 p.m. PLENARY FIVE – Advanced Ethical Considerations in Negotiations and Construction ADR – The Duty of Candor (1.0 Ethics Credit)**

This panel discussion will focus on the ethical obligations of candor and honesty in negotiations, mediation and arbitration. The discussion will focus on the differences between business ethics and legal ethics, and highlight the sometimes forgotten legal ethics and obligations that apply even in settlement negotiations.

Presenters: Bruce G. Alexander, West Palm Beach, FL
Herbert H. (Hal) Gray III, Atlanta GA
Steven D. Nelson, Plano, TX
John H. (Buzz) Tarlow, Bozeman, MT

FRIDAY, FEBRUARY 24, 2023 (Continued...)

- 4:15 – 5:15 p.m. In Memoriam: Tribute to Fellows who have Passed in 2022**
Fellows, spouses and guests are invited to celebrate the lives of our departed Fellows and their contributions to the profession, the industry and to the College.
Organized by: John P. Ahlers and Terrence L. Brookie
- 6:30 – 9:30 p.m. Cocktails, Informal Dinner & Social Event**
Join us on the resort lawn for a casual-dress buffet dinner and dancing with live band "Steve Farst Trio."

SATURDAY, FEBRUARY 25, 2023

- 7:00 – 12:30 p.m. Registration Desk Open**
- 7:30 – 8:30 a.m. Fellows Breakfast**
- 7:30 – 8:30 a.m. ACCL Foundation Board Breakfast**
- 7:30 – 8:30 a.m. 2024 Annual Meeting – Planning Committee Meeting**
- 7:30 – 3:00 p.m. Spouse/Guest Hospitality Suite Open**
Breakfast served at 8:00 a.m. The hospitality suite will remain open until 3:00 p.m.
See Spouse/Guest Program for details and optional events.
- 8:30 – 9:30 a.m. BREAKOUT SESSIONS I & II**

Breakout I: **Integrated Project Delivery: A Candid Discussion of the Challenges to Successfully Implementing an IPD Project**
The speakers on this Panel believe in IPD as a viable, and often preferred, method of project delivery. They have worked together on several IPD projects and have seen firsthand the benefits. But they have also experienced the very real challenges to successfully implementing an IPD project, especially to the newly initiated. They are here today to discuss those challenges, and to offer their insights on how to proactively meet them.

Presenters: *Howard W. Ashcraft, Jr., San Francisco, CA*
Nancy Greenwald, East Hartford, CT
Michael Guglielmo, Jr., VP for Facilities Management, Brown University, Providence, RI
Christopher C. Whitney, Providence, RI

Breakout II: **Emerging Energy Sources and What that Means for the Construction Industry and for Existing Infrastructure**
This panel will focus on the boom of the renewable energy market, the opportunities it presents for the construction industry, and what it means for existing resources. The panel will also discuss the challenges for these emergency energy sources including: NIMBY; regulatory/permitting hurdles; logistical hurdles; labor/PLA issues; sourcing of materials, equipment, and contractors to perform this work.

Presenters: *James F. Archibald, III, Birmingham, AL*
Joseph F. Canterbury, Jr., Tyler, TX
Randall F. Hafer, Atlanta, GA

- 9:30 – 9:45 a.m. Refreshment Break**

9:45 – 10:45 a.m. BREAKOUT SESSIONS III & IV

***Breakout III:* Effective Cyber Incident Response – Keys to Success and Avoiding Critical Pitfalls**

The panel will discuss best practices in preparing for and responding to cybersecurity incidents by walking through a hypothetical cyber incident designed from the panel's collective experience in incident response.

Presenters: Elizabeth Dill, Mullin Coughlin LLC, Glen Allen, VA
 Anne E. Gorham, Lexington, KY
 Robyn L. Miller, Los Angeles, CA
 Ronald R. Stuff, Tempe, AZ

***Breakout IV:* Tiptoeing Through a Minefield – Government Investigations on Federal/State Projects**

Using a hypothetical scenario, panelists will address navigating investigations by federal and state authorities on an ongoing project – how it all can go wrong, how to respond to worst case scenarios like site search warrants, how to stay ahead of the curve, and how to maximize the likelihood of a clean, global resolution to the investigation while minimizing the disruption to the project and the stress on employees.

Presenters: Kathleen M. (Kate) Hamann, Pierce Atwood, LLP, Washington, DC
 Katharine E. Kohm, Pierce Atwood, LLP, Providence, RI
 George J. Pierson, New Hope, PA

10:45 – 11:00 a.m. Refreshment Break

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

Chairs: R. Harper Heckman, Greensboro, NC & Anthony L. Meagher, Baltimore, MD

Join us for another entertaining and interactive discussion of hot topics and trends in the construction industry. This year, our 2022-inducted Fellows will select and present the hot topics. The discussion will be moderated by the Committee Chairs. As always, we will save time to discuss any additional tips or topics provided by the Fellows.

12:00 p.m. Adjourn Saturday Sessions



SATURDAY, FEBRUARY 25, 2023 (Continued...)

12:30 p.m. AFTERNOON ACTIVITIES BEGIN

10:00 a.m. – 5:00 p.m.

Socializing & Lounging at The Pergola Lap Pool Area

This outdoor area near the lap pool has been reserved for our Fellows and Spouses to gather, relax and visit during the Saturday afternoon activity time. Go alone or with a group. No reservation or advance selection is needed on the registration form as the area is reserved for ACCL and available on a first-come/first-served basis.

12:30 p.m.

Edison and Ford Winter Estates Tour

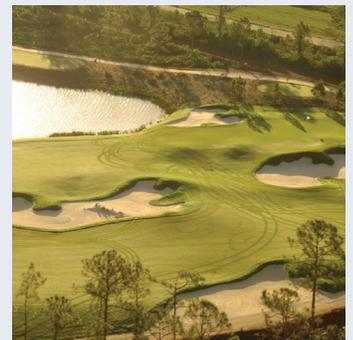
The Edison and Ford Winter Estates date from 1885, when Thomas Edison first visited Southwest Florida and purchased the property to build a vacation home. Edison’s close friends, Henry and Clara Ford, visited and bought a neighboring home 30 years later. Visitors to the Edison and Ford Winter Estates will enjoy more than 20 acres of historical buildings and gardens including the 1928 Edison Botanical Research Laboratory. The site contains more than 1,700 plants representing more than 400 species from six continents. The recently renovated Edison Ford Museum features 15,000 square feet of air conditioned exhibits, thousands of artifacts, and a wealth of opportunities for visitors to learn about the innovative minds of two American icons. Open to the public since 1947, Edison Ford is a National Register Historic Site and is one of the most visited historic home sites in America. A box lunch will be provided for you to enjoy during the one-hour bus ride. The bus will depart promptly at 12:30 p.m. with return boarding at 3:45 p.m. for arrival back at the resort by 4:45 p.m. Cost is \$85 per person, which includes entry fee, lunch and bus transportation. *Advance registration is required on the registration form.*



12:45 p.m.

Golf Tournament (Shotgun Start)

The golf tournament will be held at the Old Corkscrew Golf Club (17320 Corkscrew Rd., Estero, FL 33928; (239) 949-4700 - approx. 20 minute drive from hotel) with a shotgun start at 12:45 p.m. The fee is \$295 per golfer and includes green fees, cart, balls and prizes. Transportation is on your own. The ACCL golf committee will assign players to foursomes and communicate the pairings prior to the event. Fellows, spouses and guests are welcome to play in this golf tournament. *Advance registration is required on the registration form.*



6:30 – 7:30 p.m.

FELLOWS AND GUESTS RECEPTION (Black Tie Attire)

7:30 – 9:30 p.m.

FORMAL DINNER

• Recognitions and Awards

John E. Bulman, ACCL President

• Formal Introduction of New Fellows

Shelly L. Ewald, ACCL President-Elect

SUNDAY, FEBRUARY 26, 2023

7:00 – 11:00 a.m. Registration Desk Open

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

8:00 – 9:00 a.m. PRACTICE TRANSITION – Planning Your Transition

The possibilities for Fellows readying for their practice transitions are many and can seem daunting in prospect. Moreover, some of those possibilities require a significant amount of time and effort to implement and are best initiated well before your last day at the firm. A cross-section of Fellows who have retired from active law practice, or will be doing so shortly, will talk about their own experiences in advance planning for their post-law practice years, from culling down the many intriguing possibilities to a few concrete plans, and how they implemented them.

Presenter: Andrew D. Ness, Washington, DC

9:00 – 9:15 a.m. Refreshment Break

9:15 – 10:30 a.m. ACCL BUSINESS MEETING

- Election of New Board Members and Officers
- Remarks by President
- Committee and Task Force Reports
- Adjourn 34th Annual Meeting

10:45 – 12:15 p.m. Board of Governors Meeting

HOTEL & TRAVEL INFORMATION



HOTEL: For the convenience of conference registrants, a block of rooms has been reserved at The Hyatt Regency Coconut Point Resort & Spa, 5001 Coconut Road, Bonita Springs, FL 34134. Please reserve your room by calling The Hyatt Regency Coconut Point at 1-(888)-591-1234 and asking for the *American College of Construction Lawyers (ACCL)*’ group rate or visit <https://tinyurl.com/ACCL23Hotel> to book your reservation online. **To ensure availability please make your reservation as soon as possible. The reservation deadline is**

February 1, 2023. After that date, or when the room block is exhausted, the hotel will assign rooms on a space and rate available basis only. The conference rates are \$379.00 plus tax for a standard single/double. The \$40/night resort fee is discounted to \$20/night for attendees booking in the ACCL room block and covers basic wired & wireless high-speed internet access in guest rooms, two bottles of water each day in your guestroom, unlimited local telephone calls from your guestroom, rock climbing wall, 24-hour fitness center access, and golf bag storage. A one-night deposit is required at the time of reservation. *Please note in the event of room cancellation, the deposit is refundable if notice is received by the hotel at least 7 days prior to arrival. Cancellations within 7 days of arrival will incur a cancellation fee of one night’s room and tax.* Valet parking at the resort is \$32 per day and self parking is \$24 per day.

TRAVEL: The closest airport is the Southwest Florida (Fort Myers) International Airport (RSW), about 16 miles (30-minute drive) from the Hyatt Regency Coconut Point Resort & Spa. Rideshares are estimated at \$30-35 each way and taxi fare at ~\$45 each way. Shuttles are available through MBA Airport Transportation without a reservation at ~\$40 each way. Rental car services are also available.

SPOUSE/GUEST PROGRAM & OPTIONAL EVENTS

FRIDAY, FEBRUARY 24, 2023

- 7:30 – 3:00 p.m. Spouse/Guest Hospitality Suite Open**
The Hospitality Suite will remain open until 3:00 p.m. each day for refreshments, relaxing and catching up with friends.
- 8:00 a.m. Breakfast**
- 8:30 – 10:00 a.m. Introduction of New Fellow Spouses**
- 10:00 – 4:00 p.m. Socializing & Lounging at The Pergola Lap Pool Area**
This outdoor area near the lap pool has been reserved for our Fellows and Spouses to gather, relax and visit during the day. Go alone or with a group. No reservation or advance selection is needed on the registration form as the area is reserved for ACCL and available on a first-come/first-served basis.
- 11:45 a.m. Cooking Demonstration and Lunch (Optional Ticketed Event)**
(Choice of Ahi poke bowl or shrimp/salmon [cooked] bowl) – Poke bowls are all the Craze! Come watch the Hyatt Culinary Chefs create this perfect tuna dish with Asian influence, starting with fresh caught Ahi and tropical ingredients. For those of you who prefer your seafood cooked, the Hyatt Culinary Chefs will create a bowl with shrimp/salmon. What is created during this demonstration will be served as your lunch based on which entrée you choose. Cost is \$75 per person. *Advance registration is required.*
- 3:00 – 4:30 p.m. Mixology Class (Optional Ticketed Event)**
Get hands-on experience under the instruction of our Mixologists in Mangroves Bar and learn how to mix perfect cocktails at home. Learn about spirits, mixers, garnishes and whether to shake or stir. You'll impress your guests with your new bar tending skills and be able to serve up the season's trendiest cocktails like a pro. Cost is \$50 per person. *Advance registration is required.*

SATURDAY, FEBRUARY 25, 2023

- 7:30 – 3:00 p.m. Spouse/Guest Hospitality Suite Open**
- 8:00 a.m. Breakfast**
- 10:00 a.m. Book Club ("French Braid" by Anne Tyler) (Optional Ticketed Event)**
Start reading the book now so you can enjoy a lively and informal discussion about Anne Tyler's novel, "French Braid". Full of heartbreak and hilarity, French Braid is a stirring, uncannily insightful novel of tremendous warmth and humor that illuminates the kindnesses and cruelties of our daily lives, the impossibility of breaking free from those who love us, and how close—yet how unknowable—every family is to itself.

The Garretts take their first and last family vacation in the summer of 1959. They hardly ever leave home, but in some ways they have never been farther apart. Mercy has trouble resisting the siren call of her aspirations to be a painter, which means less time keeping house for her husband, Robin. Their teenage daughters, steady Alice and boy-crazy Lily, could not have less in common. Their youngest, David, is already intent on escaping his family's orbit, for reasons none of them understand. Yet, as these lives advance across decades, the Garretts' influences on one another ripple ineffably but unmistakably through each generation. *No cost to attend but advance RSVP is required.*
- 10:00 – 5:00 p.m. Socializing & Lounging at The Pergola Lap Pool Area (See above.)**
- 12:00 p.m. Adjourn to Saturday Afternoon Activities (See program schedule for details.)**

REGISTRATION FORM: ACCL 34TH ANNUAL MEETING

February 23-26, 2023 | Hyatt Regency Coconut Point Resort | Bonita Springs, Florida

REGISTRANT INFORMATION

Name: _____

Company/Firm: _____

Address: _____ City: _____

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

Phone: _____ Fax: _____ Email: _____

Special Dietary Restrictions: _____

CONFERENCE REGISTRATION & OPTIONAL EVENT SELECTIONS

Fellows Conference Fee: \$1,095 \$ _____

(Does not include accommodations or incidentals. Registrants should pay the hotel directly for these expenses.)

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

Spouse/Guest Fee: \$595 *Name of Spouse/Guest:* _____ \$ _____

(Includes food & beverage for hospitality suite, Friday/Saturday/Sunday breakfasts, Thursday reception and reception/dinner on Friday/Saturday nights.)

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

Cooking Demonstration & Lunch: \$75/person \$ _____

Mixology Class: \$50/person \$ _____

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

Book Club: Free (RSVP Required)

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

Edison & Ford Winter Estates Tour: \$85/person _____ \$ _____

Golf Tournament: \$295/person _____ \$ _____

TOTAL DUE _____ \$ _____

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

PAYMENT INFORMATION

TOTAL DUE (from front) \$ _____

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

Please charge my: American Express MasterCard Visa

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

Name on Card (Please Print): _____

Billing Address (Street+C/S/Z): _____

Authorized Signature: _____

CANCELLATION/REFUND POLICY

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

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

ACCL 34th Annual Meeting
PO Box 4646
Austin, TX 78765

Fax to: (512) 451-2911

Email/Scan to: bills@clesolutions.com

Register Online at: www.accl.org



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