

AMERICAN COLLEGE
of CONSTRUCTION LAWYERS

29th Annual Meeting



February 22-25, 2018

Monarch Beach Resort
Dana Point, California

WEDNESDAY, FEBRUARY 21, 2018

- 7:00 p.m. EARLY BIRD SPECIAL: Cocktails and Reception at Steve & Jackie Stein's Home in North San Diego County (Casual Dress)**
Join us for heavy hors d'oeuvres, beverages and camaraderie. Transportation via bus has been arranged on a first-come, first-served basis for the first 56 people who RSVP in advance. The bus will load at 5:45 p.m. After the first 56 people, transportation for additional guests will need to be arranged by the attendees. The Stein's home is approximately 1-hour from the Resort. *Advance RSVP is required on the registration form.*

THURSDAY, FEBRUARY 22, 2018

- 2:00 – 6:00 p.m. Registration Desk Open**
- 3:30 – 4:00 p.m. ACCL Executive Committee Meeting**
- 4:00 – 4:45 p.m. ACCL Board of Governors Meeting**
- 4:45 – 5:30 p.m. In Memoriam: Remembrance for Holt Gwyn**
All Fellows and spouse/guests are invited to gather in celebration of a life well lived as we share stories, thoughts and fondest memories of our beloved Holt Gwyn. This uplifting celebration will honor Holt's amazing life and the many contributions he made (personally and professionally) to ACCL Fellows over the years.
- 5:30 – 7:00 p.m. Welcome Reception: Wine & Cheese (Casual Dress)**
- 7:00 p.m. Dinner Mixer**
Fellows and guests are invited to form your own dinner parties and enjoy the many restaurants in the surrounding area. A restaurant list including choices from Dana Point, Laguna Beach and the surrounding areas will be provided in advance. Transportation is on your own. (New Fellows have an arranged dinner with the Executive Committee.)

FRIDAY, FEBRUARY 23, 2018

- 7:30 – 5:00 p.m. Registration Desk Open**
- 7:30 – 8:30 a.m. Fellows Breakfast**
- 7:30 – 8:30 a.m. New Fellows Orientation Breakfast**
- 7:30 – 8:30 a.m. Past Presidents' Breakfast**
- 7:30 – 8:30 a.m. Diversity Committee Breakfast**
- 8:00 – 3:00 p.m. Spouse/Guest Hospitality Suite Open**
The Hospitality Suite will remain open until 3:00 pm each day for relaxing and catching up with friends. Breakfast will be served at 8:00 a.m. Introduction of New Fellow Spouses will take place at 8:30 a.m. *See Spouse/Guest Program for details and optional events.*
- 8:45 – 9:00 a.m. Introductory Remarks**
Opening remarks, including introduction of New Fellows and Program Chair.
Jennifer W. Fletcher, ACCL President
John E. Bulman, Program Chair
- 9:00 – 10:15 a.m. PLENARY ONE – The Rise Of Artificial Intelligence (Overton Currie Lecture Series Featuring Martin Ford)**
Martin Ford, author of *Rise of the Robots: Technology and the Threat of a Jobless Future*, will discuss the effects of automation generally and on the construction industry in particular. Will construction sites be human free by 2050? Are there any real limitations on construction with 3D Printing robots? Will the continuing development of sophisticated robotic applications lead to structural unemployment and dramatic increasing inequality?

Martin Ford is the founder of a Silicon Valley-based software development firm. He received the *Financial Times*/McKinsey Business Book of the Year Award for *Rise of the Robots* which was named one of Business Insider's Best Business Books of the Year. He has written for *Fortune*, *Forbes*, *The Atlantic*, *The Washington Post*, *Project Syndicate*, *The Huffington Post* and *The Fiscal Times*. Ford has also appeared on NPR and CNBC, and was a main stage TED2017 speaker. Ford holds a computer engineering degree from the University of Michigan at Ann Arbor and a graduate business degree from UCLA.

Presenter: Martin Ford, Sunnyvale, CA

10:15 – 10:30 a.m. Book Signing and Refreshment Break

10:30 – 11:30 a.m. PLENARY TWO – 1's and 0's: The Digital Age's Pressure On Contract Models

The Digital Age continues to produce technologies and systems that cut across the traditional silos of design, construction, and OM&R. Need contract models change to accommodate a string of unforeseeable technologies? How? Need competitive systems change with contract models in the private sector? In the public infrastructure space? How? Julian Leland of MIT will present on current efforts to bring robotics to practical use in design and construction. Christine McAnney will discuss the year 2050 and how the digital age is changing what we want from the Built Environment (added technologies that will cut across current silos of design-build – OM&R). For example, designs/technologies that self-report conditions requiring OM&R. Speaker presentations will be followed by a panel discussion.

*Presenters: John B. Miller, Winchester, MA (Moderator)
Julian Leland, MIT School of Engineering Graduate, Cambridge, MA
Christine M. McAnney, Atlanta, GA*

11:30 – 12:30 p.m. PLENARY THREE – Are Contractors From Mars, Owners From Venus, and Subcontractors From Pluto? – In House Counsel Industry Biases – Are They Real and Do They Impact Projects and Dispute Outcomes?

Do industry biases make construction projects more expensive and confrontational? Is there any validity to studies that show different professionals with different training demonstrate different biases in managing conflict on a construction site, in negotiations and in dispute resolution? This panel of experienced in-house counsel will, without obvious bias, answer the question.

*Presenters: Michael C. Loulakis, Reston, VA (Moderator)
Robert Preston Brown, Atlanta, GA
Jody K. Debs, Denver, CO
Brad A. Gordon, Providence, RI
Gregory W. Hummel, Chicago, IL
Robyn L. Miller, Los Angeles, CA*

12:30 – 1:45 p.m. Fellows' Collegial Luncheon On The Lawn

1:45 – 2:00 p.m. ACCL Outlook and Upcoming Projects

Douglas S. Oles, Seattle, WA

2:00 – 3:15 p.m. PLENARY FOUR – Investigations In The Construction World – Who Is Watching?

Construction companies are increasingly the targets of enforcement actions in the U.S. and in multiple countries relating to bribery, fraud, collusion, and other financial crimes. A stark example is the three-country, multi-billion dollar fines leveled against Odebrecht in early 2017. The enforcement arms of the multilateral development banks – which operate under international law – have also significantly stepped up enforcement in the construction industry, with consequences that can include cross-debarment across all development banks and multiple countries as well as criminal prosecutions. What steps can domestic and international construction companies take to minimize the risks of these kinds of problems, and what advice do you give if a client becomes the subject of a domestic or multijurisdictional investigation?

*Presenters: Paul A. Bruno, Irving, TX
Kate Hamann, Pierce Atwood LLP, Washington, DC
Stanley A. Martin, Boston, MA
Richard T. Preiss, Peckar & Abramson, P.C., New York, NY*

FRIDAY, FEBRUARY 23, 2018 (Continued...)

3:15 – 3:30 p.m. Refreshment Break

3:30 – 4:30 p.m. COMMITTEE PROGRAMS:

INSURANCE –

Committee Chair: Gregg E. Bundschuh, Atlanta, GA

Vice-Chair: Dean B. Thomson, Minneapolis, MN

Stadium construction projects are expensive, risky, fast-tracked and present complex insurance coverage issues. Join a lively presentation and discussion about the Falcons, Vikings and other stadium projects and insurance issues relating to their incorporation of mixed use, terrorism concerns, design delegation, BIM utilization, construction defects, delayed completion/acceleration, use of subcontractor default insurance and copyright violations.

Other compelling questions will be addressed such as: Is there such a thing as “4th quarter collapse insurance”; “How far around 1st and 3rd should a foul ball net really be extended?” and “Is there Fantasy League insurance if your star QB pick goes down with a torn ACL before the season even starts?”

*Presenters: Gregg E. Bundschuh, Atlanta, GA
George J. Meyer, Tampa, FL*

PUBLIC CONTRACTS – Emergency Procurements In The Wake Of Natural Disasters

Committee Chair: Adrian L. Bastianelli, III, Washington, DC

Vice-Chair: Shannon J. Briglia, Vienna, VA

This panel presentation will focus on state and federal emergency procurement issues following hurricanes, floods and other natural disasters. Panelists will address a myriad of questions including: 1) Are the procurement rules any different because of an immediate need to respond? 2) What are some key differences between state and federal emergency procurement response? 3) What business risk, including false claims liability exposure, should contractors engaging in emergency procurements be concerned about?

*Presenters: James F. Archibald, III, Birmingham, AL
Shannon J. Briglia, Vienna, VA
Eileen M. Diepenbrock, Sacramento, CA
Leslie O’Neal, Winter Park, FL*

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

ACCL Journal Committee Professors Committee

In-House Counsel Task Force on P3

Task Force on Aid to Developing Countries

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

Don’t miss this fun event, styled after an authentic Hawaiian Luau, including hors d’oeuvres and cocktails (6:00 – 6:45 p.m.), buffet dinner (6:45 – 8:00 p.m.) and dancing (8:00 – 10:00 p.m.). *Note: This event will be held outside, so please wear comfortable shoes and a light jacket.*

SATURDAY, FEBRUARY 24, 2018

7:15 – 12:30 p.m. Registration Desk Open

7:15 – 8:30 a.m. Fellows Breakfast

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

Breakfast served at 8:00 a.m. The hospitality suite will remain open until 3:00 p.m.
See Spouse/Guest Program for details and optional events.

8:15 – 9:30 a.m. COMMITTEE PROGRAMS

DOCUMENTS – Words Are All I Have

Committee Chair: Robert J. MacPherson, Newark, NJ

Vice Chair: Ross J. Altman, Chicago, IL

Come join the roundtable "Town Hall" format for a discussion of contract language addressing:

- 1) The appropriateness of design professionals including commercial provisions in their technical specifications unrelated to engineering requirements;
- 2) Applicable Laws and Regulations and changes in law during the project;
- 3) Provisions important to Owners;
- 4) Onerous claims and dispute clauses;
- 5) Allocation of responsibility for job site safety;
- 6) Corrective work as a reimbursable "Cost of Work".

Presenters: Everyone in Attendance!

INTERNATIONAL – The North American Free Trade Agreement

Committee Chair: R. Bruce Reynolds, Toronto, ON

Vice-Chair: Wendy K. Venoit, Boston, MA

The Session will provide a primer on the history and structure of the current North American Free Trade Agreement, including its dispute resolution provisions, will consider the subject matter areas that are covered under the agreement and their significance to the cross-border construction industry, including the movement of people and materials, and will consider how the North American construction industry might be affected if the agreement were to come to an end.

9:35 – 10:45 a.m. PLENARY FIVE – The Future of Construction ADR: What Will Construction ADR Look Like From the Back Seat of Your Self-Driving Car in 2035?

What will Construction ADR be in 2035? Globalization and the Digital Age will dramatically alter the construction landscape over the next twenty years. Construction ADR must evolve and adapt if it is to retain its place of prominence in the industry. How will globalization affect the role of mediation in our industry? Will we really see more disputes resolved in real-time? What changes should we expect and will we see in mediation and other non-binding ADR? How will globalization and technological advances affect arbitration? Can arbitration adapt to the Digital Age? Speaker presentations will be followed by a panel discussion.

Presenters: Albert Bates, Jr., Pittsburgh, PA (Moderator)

Judith B. Ittig, Washington, DC

Thomas J. Stipanowich, Malibu, CA

10:45 – 11:45 a.m. HOT TIPS/HOT TOPICS

Committee Chair: William G. Geisen, Covington, KY

Vice-Chair: Timothy R. Thornton, St. Louis, MO

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

11:45 a.m. Adjourn Saturday Sessions | Lunch On Your Own

SATURDAY, FEBRUARY 24, 2018 (Continued...)

12:15 p.m. AFTERNOON ACTIVITIES BEGIN**12:15 – 5:00 p.m. Whale Watching With Captain Dave**

You will first travel via bus to the San Juan Capistrano historic downtown area to enjoy lunch at the restaurant of your choice (on your own) before reboarding the bus for Dana Point and a 2:15 p.m. whale watching tour. That she blows! Get up and close and personal with these amazing mammals as they were meant to be seen – in their natural habitat, wild and free! For over 20 years Captain Dave's eco-friendly whale watching safaris have provided memorable and educational excursions allowing visitors to delight in these intimate encounters. Every day is a new discovery and every trip offers a different surprise. Join us for a whale of a good time! Cost is \$80 per person. *Advance registration is required on the registration form.*

12:15 – 5:00 p.m. Mission San Juan Capistrano and Wine Tasting

You will travel via bus to the San Juan Capistrano historic downtown area where you will enjoy lunch at the restaurant of your choice (on your own) before gathering at nearby Mission San Juan Capistrano for your 2:00 p.m. guided docent tour. The Mission has been the home to many people over 230 years of history. Its history consists of memories and stories of its past inhabitants and present visitors. It is a place of historical, cultural, and religious significance, as well as a place of inspiration and education. At the conclusion of the tour, you will unwind on the patio at the nearby Rancho Capistrano Winery for a private wine tasting. Cost is \$60 per person. *Advance registration is required on the registration form.*

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

The golf tournament will be held on property at the Monarch Beach Golf Links (50 Monarch Beach Resort Drive North, Dana Point, CA 92629) with a shotgun start at 12:30 p.m. Transportation to and from the course is on your own. Please plan to arrive by 12:10 p.m. The fee is \$225 per golfer and includes green fees, cart and prizes. Lunch is on your own. The ACCL Golf Committee will assign players to foursomes and communicate the pairings prior to the event. Fellows, spouses, and guests are welcome to play in this golf tournament. *Please indicate your interest in playing on the registration form and include payment with your registration fee.*

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

2:00 – 4:00 p.m. Tennis Tournament

Join the Fellows, spouses and guests for tennis. This tournament will be held on property at The Tennis Club at Monarch Beach (33080 Niguel Road, Monarch Beach, CA 92629) beginning at 2:00 p.m. The fee will be \$25 per player. Equipment rental is on your own. The play will be social, mixed doubles, round robin format using four game sets. After each set, the players will change partners for the next set. *Please indicate your interest in playing on the registration form and include payment with your registration fee.*

Tennis Chair: Mark J. Heley, Minneapolis, MN

7:00 – 8:00 p.m. FELLOWS AND GUESTS RECEPTION *(Black Tie Attire)***8:00 – 10:30 p.m. FORMAL DINNER**

- **Recognitions and Awards**

Jennifer W. Fletcher, ACCL President

- **Formal Introduction of New Fellows**

Douglas S. Oles, ACCL President-Elect

SUNDAY, FEBRUARY 25, 2018

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

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

8:00 – 9:00 a.m. PRACTICE TRANSITION

Committee Chair: Thomas E. Abernathy, Atlanta, GA

Vice-Chair: Alan E. Harris, San Francisco, CA

How will each Fellow answer this question: What is your path after full time law firm practice? The Panel will discuss how they have pursued various alternatives before it was time to take their name plate off the law firm door. The discussion will be informal and interactive. As always, spouses and guests are encouraged to attend.

- David Lane - will discuss how do you transition to an ADR practice and when do you start to make a meaningful transition from full time law practice.
- Charles Sink - will discuss whether a second career in ADR is the panacea to life's transition and other outlets he has found to use and expand his interests and skills.
- John McGuinn – will discuss the opportunities and limitations of applying our legal skills in non-profit organizations.
- Shelly Ewald – will discuss working with students in international arbitration competitions as an opportunity to use our legal skills to provide education and practical training for future lawyers.
- Richard Alexander – will discuss his work in the Central African Republic with a group called Mercy Corps where he is helping evaluate contractors for two water projects.

Presenters: Richard E. Alexander, Portland, OR

Shelly L. Ewald, McLean, VA

David G. Lane, McLean, VA

John F. McGuinn, Berkeley, CA

Charles Sink, San Francisco, CA

9:00 – 9:15 a.m. Refreshment Break

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

- Election of New Board Members and Officers
- Committee and Task Force Reports
- Remarks by President Oles
- Adjourn 29th Annual Meeting

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

HOTEL INFORMATION

For the convenience of conference registrants, a block of rooms has been reserved at The Monarch Beach Resort, 1 Monarch Beach Resort, Dana Point, CA 92629. Please reserve your room by calling the Hotel Reservation Office at (800) 722-1543 and asking for the 'ACCL 2018 Annual Meeting' group rate. **To ensure availability please make your reservation as soon as possible. The reservation deadline is January 30, 2018.** 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 \$395.00 single/double with a discounted \$15.00 per room per night resort fee. A two-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 at least 8 days prior to arrival. Cancellations 7 days or less prior to arrival will be non-refundable.

SPOUSE/GUEST PROGRAM & OPTIONAL EVENTS

FRIDAY, FEBRUARY 23, 2018

- 8:00 – 3:00 p.m. Spouse/Guest Hospitality Suite Open**
The Hospitality Suite will remain open until 3:00 pm each day for refreshments, relaxing and catching up with friends.
- 8:00 a.m. Breakfast**
- 8:30 a.m. Introduction of New Fellow Spouses**
- 10:00 – 11:30 a.m. Guided Bike Ride (Optional Ticketed Event)**
Pedal your way through the sights and sounds of Dana Point on this leisurely bike ride with a local tour guide. Cost is \$35 per person. *Advance registration is required.* (12 registrant minimum required.)
- 10:00 – 12:00 p.m. Seaside Scarf Painting (Optional Ticketed Event)**
Create a one-of-a-kind wearable masterpiece that you will treasure for years to come. No previous experience in painting is required; a skilled artist will assist each participant on their creative adventure. At the conclusion of the event each participant will have a beautiful, water-marbled silk scarf of their own design. Cost is \$50 per person. *Advance registration is required.* (15 registrant minimum required.)
- 10:00 a.m. Bridge (Optional Ticketed Event)**
Enjoy the game of Bridge with fellow spouses. No cost to attend but please sign up so we can be sure to have enough room and teams. *Advance RSVP is required.*
- 10:00 a.m. Mahjong for Beginners (Optional Ticketed Event)**
Learn the game of Mahjong with fellow spouses. No cost to attend but please sign up so we can be sure to have enough room and players. *Advance RSVP is required.*
- 12:00 Noon Seaside Lunch (Optional Ticketed Event)**
Network with old friends and make new ones as you enjoy your lunch by the sea. Space is limited to the first 49 registrants and accessible only by tram. Cost is \$55 per person. *Advance registration is required.*
- 3:00 – 4:00 p.m. Cocktails in the Café (Optional Ticketed Event)**
Enjoy a seasonally selected chef-created appetizer and cocktail as you learn about the Monarch Resort's food philosophy and healthy cooking tips and tricks. Cost is \$56 per person. *Advance registration is required.* (25 registrant maximum.)

SATURDAY, FEBRUARY 24, 2018

- 7:30 – 3:00 p.m. Spouse/Guest Hospitality Room Open**
- 7:00 – 8:30 a.m. Blue Mindfulness Beach Hike (Optional Ticketed Event)**
Explore the coastal cliffs and wave swept beaches of Dana Point on a leisurely, instructor led hike along Monarch and Salt Creek beaches. *No cost to attend but advance RSVP is required.* (Limited to first 20 registrants.)
- 8:00 a.m. Breakfast**
- 10:00 a.m. Mahjong for Everyone (Optional Ticketed Event)**
Put your Mahjong skills to the test with fellow spouses. No cost to attend but please sign up so we can be sure to have enough room and players. *Advance RSVP is required.*
- 10:00 – 11:30 a.m. Book Club ("Olive Kitteridge" by Elizabeth Strout) (Optional Ticketed Event)**
Start reading the book now so you can discuss it with your friends. *No cost to attend but advance RSVP is required.*
- 11:45 a.m. Adjourn to Saturday Afternoon Activities (See program schedule for details.)**

**NOTE: Additional seasonal activities will be offered through the spa for your enjoyment during your stay and may be booked directly with the resort. Activities may include yoga, meditation, cardio, drumming and more. We will provide you with a list of available activities once they are set by the resort. You may also utilize beach chairs and umbrellas at no charge as part of your resort fee.*

REGISTRATION FORM: ACCL 29TH ANNUAL MEETING

February 22-25, 2018 | Monarch Beach Resort, Dana Point, California

REGISTRANT INFORMATION

Name: _____

Company/Organization: _____

Address: _____

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

Phone: _____ Fax: _____ Email: _____

Special Dietary Restrictions: _____

CONFERENCE REGISTRATION & OPTIONAL EVENT SELECTIONS

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

Committee Programs you plan to attend (select one per day):

Friday: Insurance Public Contracts **Saturday:** Documents International

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

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

RSVP for the Wednesday Stein Reception: **One** or **Two** Free (RSVP Required)
 NOTE: Bus transportation to reception is limited to the first 56 RSVPs. **Check here to RSVP for the bus:**

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

Guided Bike Ride: \$35/person\$ _____

Seaside Scarf Painting: \$50/person\$ _____

Bridge: Free (RSVP Required) **Mahjong for Beginners:** Free (RSVP Required)

Seaside Lunch: \$55/person (Limited to first 49 registrants.).....\$ _____

Cocktails in the Cafe: \$56/person (Limited to first 25 registrants.)\$ _____

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

Blue Mindfulness Beach Hike: Free (RSVP Required) (Limited to first 20 registrants.)

Book Club: Free (RSVP Required) **Mahjong for Everyone:** Free (RSVP Required)

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

Whale Watching with Captain Dave: \$80/person.....\$ _____

Mission San Juan Capistrano & Wine Tasting: \$60/person.....\$ _____

Golf Tournament: \$225/person.....\$ _____

Tennis Tournament: \$25/person\$ _____

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

PAYMENT INFORMATION

TOTAL DUE..... \$ _____

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

Please charge my: American Express MasterCard Visa

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

Name on Card (Please Print): _____

Billing Address (include zip code): _____

Authorized Signature: _____

CANCELLATION/REFUND POLICY

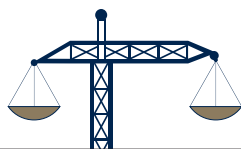
Refunds less a \$50 processing fee will be granted to registrants who cancel on or before 30 days prior to the first day of the meeting. If notice is received after 30 days and before 7 days prior to the first day of the meeting, refunds will be granted less a \$150 processing fee. *No refunds will be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

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

ACCL 29th Annual Conference
PO Box 4646
Austin, TX 78765

Fax to: (512) 451-2911

Register Online at: www.accl.org



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