

ACCL 28TH ANNUAL MEETING



AMERICAN COLLEGE
of CONSTRUCTION LAWYERS

FELLOW & SPOUSE EVENTS

Advance registration is required for all activities. Please sign up on the Registration Form and include payment with your registration fee.

THURSDAY, MARCH 16, 2017

WELCOME RECEPTION: WINE & CHEESE (Casual)**5:00 – 7:00 PM****Dinner Mixer****7:00 PM**

Fellows and guests are invited to form your own dinner parties with a restaurant list to be provided in advance. Transportation is on your own. (New Fellows have an arranged dinner)

FRIDAY, MARCH 17, 2017

Cocktails, Dinner & Dancing (Casual)**6:00 – 10:00 PM**

Don't miss this wonderful night of hors d'oeuvres and cocktails (6:00–6:45 PM), buffet dinner (6:45–8:00 PM) and a five-piece dance band playing tunes from a variety of genres (8:00–10:00 PM).

SATURDAY, MARCH 18, 2017

AFTERNOON ACTIVITIES**Bicycle Tour to Fort Clinch (\$85/person)****12:15 – 4:15 PM**

Take an easy bike trip from the Park Entrance through a marine forest to historic Fort Clinch, a Union fort at the Northern end of Amelia Island which guarded the sea entrance to N. Florida/S. Georgia during the Civil War. Self-guided walking tour of the Fort. Return by bike to Park Entrance. Biking distance: 2.5 miles each way. (15 registrant minimum required. Includes park and Fort fees, bike and bike helmet)

Pre-fix menu lunch at Ritz-Carlton: 12:00 - 1:15 pm

Bus leaves Ritz-Carlton to Fort Clinch: 1:30 pm

Bike ride and self-guided tour: 1:45-3:45 pm

Bus returns to Ritz-Carlton: 4:00 pm

River Cruise aboard Cumberland Princess (\$75/person)**12:15 – 4:15 PM**

Take a scenic cruise on the Cumberland River. View sea entrance to Amelia Island, Fort Clinch, and Cumberland Island. Wine & beer will be served during cruise. (Maximum 60 people)

Bus leaves Ritz-Carlton to Downtown Fernandina Beach: 12:15 pm

Lunch on your own in Fernandina Beach: 12:30-1:45 pm

Board Cumberland Princess: 2:00 pm

Bus returns to Ritz-Carlton: 4:15 pm

Golf (\$200/person - includes green fees, cart and range balls)**12:30 – 5:00 PM**

Golf Chair: Jotham D. Pierce (shotgun start)

The Golf Club of Amelia Island, located on property.

Tennis (\$20/person)**2:00 – 4:00 PM**

The play will be a social, mixed doubles, round robin format using four game sets. After each set, the players will change partners for the next set. *Advance registrations are necessary in order to ensure the required number of courts are reserved.* Located on property.

Tennis Chair: Mark Heley.

Additional Activities: (Paid direct to vendor. Must sign up and pay by March 1):

Kayaking, Horseback Riding on the Beach and Deep Sea Fishing are additional activities. Please see Registration Form for sign up. You will be contacted by email with details on how to finalize and pay for your participation.

RECEPTION & DINNER (Black Tie)**7:00 – 10:30 PM**

Recognitions and Awards: Holt Gwyn, ACCL President

Formal Introduction of New Fellows: Jenny Fletcher, ACCL President-Elect

Advance registration is required for all activities.
Please sign up on the Registration Form and
include payment with your registration fee.

SPOUSE EVENTS

SPOUSE EVENTS

SPOUSE/GUEST HOSPITALITY SUITE

8:00 AM – 3:00 PM (Friday & Saturday)

The Hospitality Suite will have refreshments – a perfect place to relax and catch up with friends.

FRIDAY, MARCH 17, 2017

Breakfast

8:00 – 9:30 AM

New Fellows Spouses Introductions

8:30 AM

Seaside Ceramic Painting: \$150/person

10:00 AM – 12:30 PM

Create a one-of-a-kind masterpiece that is sure to be a lasting memory. No previous experience in painting or ceramics is required; a skilled artist will assist each participant on their creative adventure, teaching painting techniques and providing an introduction to the ceramic process from applying glaze to firing in a ceramic kiln. (20 registrant minimum required)

Salt Infusion & Wine Tasting: \$100/person

2:00 – 4:00 PM

The Ritz's experienced chefs infuse herbs, citrus and other flavors used to make house-made gourmet salts. Participants will taste a diverse array of salts from all over the world and learn the secrets of cooking on a salt platter that is 250 million years old. The Ritz sommelier will share cooking tips and the healthy benefits of the infused salts while pairing four different wines alongside them. (10 registrant minimum required, up to 40 maximum)

Bridge

10:00 AM

Enjoy the game of Bridge with fellow spouses. Event is at no cost but please sign up so we can be sure to have enough room and teams. Advance registration required.

ADDITIONAL SPOUSE ACTIVITIES PAID DIRECT TO VENDOR (must sign up and pay by March 1):

Please sign up for all activities on the Registration Form. You will be contacted by email with details on how to finalize and pay for your participation.

Kayaking

Timing - TBD

Experience the unspoiled natural beauty of Amelia Island on a guided kayak tour through the tranquil salt marshes. Watch in awe as you pass by birds like Roseate Spoonbills, White Egrets and Herons.

Horseback on Beach

Timing - TBD

Saddle up and take a ride one of the gentle, well-trained horses on the beautiful beaches of Amelia Island. Ride is five miles and takes approximately one hour. There is a 220-pound weight limit and all riders must be 18 years of age or older.

Spouse Tennis

Timing - TBD

Get some fun exercise and enjoy a game of tennis with fellow spouses. Please sign up on Registration form so we can be sure to reserve the courts and have enough players.

Spouse Golf (9 holes)

Timing - TBD

Enjoy 9 holes of golf with fellow spouses. Please sign up on Registration form so we can be sure to reserve tee times and have enough players.

SATURDAY, MARCH 18, 2017

Breakfast

8:00 – 9:30 AM

Book Club ("Orphan Train" by Christina Baker Kline)

10:00 – 11:30AM

REGISTRATION
DESK OPEN

Thursday: 2:00 PM – 6:00 PM
Friday: 7:30 AM – 5:00 PM
Saturday: 7:30 AM – 12:30 PM
Sunday: 7:00 AM – 11:00 AM

THURSDAY, MARCH 16, 2017

ACCL Executive Committee Meeting 3:30 – 4:00 PM
ACCL Board of Governors Meeting 4:00 – 5:00 PM

FRIDAY, MARCH 17, 2017

Fellows Breakfast 7:30 – 8:30 AM
New Fellows Orientation Breakfast 7:30 – 8:30 AM
Past Presidents Breakfast 7:30 – 8:30 AM

INTRODUCTORY REMARKS 8:45 – 9:00 AM
 Opening remarks, including introduction of New Fellows
 Holt Gwyn, ACCL President
 John Heisse, Program Chair

PLENARY ONE – The Spearin Doctrine Turns 100! 9:00 – 10:20 AM
 The Spearin Doctrine, which established the owner’s implied warranty of specifications on Federal projects, has evolved since Justice Brandeis’s 1917 decision. Our speakers will discuss the history and evolution of the doctrine, and its current status and challenges in both Federal and State law. (Program sponsored by the Documents Committee.)
Speakers:
 Buckner Hinkle, Lexington, KY
 Robert J. MacPherson, Newark, NJ
 James F. Nagle, Seattle, WA

Refreshment Break 10:20 – 10:40 AM

PLENARY TWO – The 2017 A201 and Related Documents 10:40 AM – 12:00
 The decennial update of the most widely-used form contract documents is upon us. Fellows involved in the drafting will discuss the most important changes, followed by a “friendly critique” by a third-party reviewer.
Speakers:
 Howard G. Goldberg, Baltimore, MD
 Patrick J. O’Connor, Minneapolis, MN
 Dean Thomson, Minneapolis, MN

Fellows Collegial Luncheon On The Lawn 12:00 – 1:15 PM

ACCL OUTLOOK AND UPCOMING PROJECTS 1:30 – 1:45 PM
 Jenny Fletcher, President-Elect, Atlanta, GA

PLENARY THREE - The Law of Drones and its Application to Construction **1:45 – 3:00 PM**

Unmanned Aerial Vehicles (UAVs), aka Unmanned Aircraft Systems (UASs), aka Drones, are becoming more commonplace and are being used for surveying, photography and the delivery of modest payloads on construction sites. New rulemaking was released by FAA in June, 2016, and the capabilities, potential uses, and regulatory, privacy and insurance issues are ever-evolving. This panel will educate us on the current state of play, rules and pitfalls.

Speakers:

Jennifer Trock, Pillsbury, Washington, DC

Paul Alpern, Sr. Vice President and General Counsel, Stantec, Edmonton, Alberta

Kevin Grover, ALS, P.Eng., UAS Operations Manager, Stantec, Edmonton, Alberta

Refreshment Break **3:00 – 3:15 PM**

COMMITTEE PROGRAMS **3:15 – 4:30 PM**

• **INSURANCE**

Committee Chair: Lee Shidlofsky, Austin, TX

Vice-Chair: Gregg E. Bundschuh, Atlanta, GA

Insurance and Risk Issues in Public Private Partnership Projects:

Companies with dedicated P3 infrastructure teams continue to struggle with responding to insurance requirements on P3 projects, while also grappling with the risks inherent in any alternative project delivery method. The discussion will focus on “best” and “worst” practices from recent projects.

Speaker:

Gregg Bundschuh, Atlanta, GA

Cyber Insurance Coverage for Contractors:

Contractors face many of the cyber risks other nonretail companies face—including the hacking of corporate data, the use of ransomware, and breaches of customer or employee data—as well as a unique exposure arising out of smart-systems installed in new buildings or structures. How well do cyber policies actually cover these risks?

Speaker:

Patrick O’Connor, Minneapolis, MN

Specifying Contract Insurance Requirements: Avoiding common mistakes

Learn to avoid the common mistakes made when specifying insurance requirements for construction contracts.

Speaker:

Barbara Werther, Washington, DC

• **PUBLIC CONTRACTS**

Committee Chair: Joe West, Washington, DC

Vice-Chair: Adrian Bastianelli, Washington, DC

Escobar and Implied Certification:

A discussion of the recent Supreme Court decision in *Escobar*, holding that a contractor can be found liable for a false claim based on an implied certification theory, a source for considerable future litigation.

Speaker:

Shelly Ewald, McLean, VA

Cyber Security Issues for the Public Contractor:

A discussion of recent FAR provisions establishing requirements for cyber security, and the steps contractors are taking to protect against cyber-attacks.

Speakers:

Joseph Kovars, Baltimore, MD

Christine McAnney, Atlanta, GA

SPECIAL COMMITTEE AND TASK FORCE MEETINGS **4:35 – 5:30 PM**

- ACCL Journal Committee
- Professors Committee
- Task Force on Aid to Developing Countries
- Diversity Committee
- In-House Counsel
- Task Force on Differing Site Conditions

SATURDAY, MARCH 18, 2017

Fellows Breakfast**7:30 – 8:30 AM****COMMITTEE PROGRAMS****7:45 – 9:00 AM**

- **ALTERNATIVE DISPUTE RESOLUTION**

Committee Chair: Bruce Shreves, New Orleans, LA

Vice-Chair: Albert Bates, Pittsburgh, PA

Reports from ADR providers AAA, ICC, JAMS, CPR:

Speakers:

Albert Bates for AAA/ICDR and ICC

Bruce Shreves for JAMS and CPR

The DRB Experience – Common Traits of Effective and Ineffective Boards:

Our panel will host an interactive discussion on how to successfully employ DRBs on domestic and international projects, focusing on recent experiences, and offer suggestion on maximizing the utility of DRBs.

Speakers:

Phillip L. Bruner, Minneapolis, MN

Doug Jones, Sydney, NSW

Deborah Mastin, Miami, FL

Andrew D. Ness, Washington, DC

- **INTERNATIONAL**

Committee Chair: Jack Tieder, Washington DC

Vice-Chair: Bruce Reynolds, Toronto, ON

Security of Payment Legislation:

After a lengthy study of this topic for the Attorney General of Ontario, Bruce Reynolds and his law partner, Sharon Vogel, issued a 200 page report on prompt payment legislation, adjudication, and mechanics lien remedies which is under review by the Ontario government, whose actions will be watched by jurisdictions across Canada and beyond. A report on the report.

Speakers:

Sharon Vogel, Borden Ladner Gervais, Toronto, ON

Bruce Reynolds, Toronto, ON

Structuring the P3 Project - Key Concession Agreement Clauses:

Based on numerous projects worldwide, the speakers have distilled the concession provisions essential to a successful P3 project and have considered the implementation of those conditions in the Design-Build Contract. These conditions are being adopted by the World Bank and other international development agencies and may eventually form the template for major infrastructure P3 projects.

Speakers:

Marc Frilet, Paris, FR

Larry Baker, McLean, VA

Refreshment Break**9:00 – 9:15 AM****FELLOWS GIVE BACK REPORT****9:15 – 9:35 AM**

The Construction Professionals Network Institute is a multi-disciplinary, volunteer-driven non-profit that provides workshops in economically disadvantaged parts of North Carolina to help local leaders repurpose and redevelop their abandoned or underused legacy facilities and infrastructure.

Speaker:

Jim Schenck, Raleigh, NC

PLENARY FOUR – The Potentially Catastrophic Design Error, and the Ethical Response (1 hour ethics credit) 9:35 – 10:45 AM

An exploration of the issues that arise when a designer realizes that its design, whether within the standard of care or not, may be subject to a catastrophic failure. The Panel will discuss the mechanics of disclosure, ethical considerations for counsel and other professionals, insurance repercussions, and control over the solution.

Speakers:

Eileen M. Diepenbrock, Moderator, Sacramento, CA
 Mark Heley, Minneapolis, MN
 Michael Zetlin, New York, NY

HOT TIPS/HOT TOPICS 10:45 – 11:45 AM

Committee Chair: Bill Geisen

Vice-Chair: Tim Thornton

It's "Return to Back To The Future" with Hot Tips, as we repeat the 2016 format, 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.

SUNDAY, MARCH 19, 2017

Fellows and Spouse/Guest Continental Breakfast 7:15 – 9:00 AM

PRACTICE TRANSITION TASK FORCE 8:00 – 9:00 AM

Task Force Chair: John Hinchey, Atlanta, GA

Vice-Chair: Tom Abernathy, Atlanta, GA

When You Are What You Do, What Are You When You Don't?: The Panel will discuss how they have enriched their "day job" by pursuing alternative passions, which they began well before it is time to take the nameplate off the door.

- Ava Abramowitz – Doing a little bit of everything well
- Susanna Fodor – Continued law practice, but smaller and less stressful
- Buck Hinkle – Back to the family business
- Michael Holden – Serving as an adjunct professor
- Gordon Jaynes – Outreach to lawyers in developing countries
- Alec Moseley – Continuing a liberal education

The discussion will be informal and interactive. As always, spouses and guests are encouraged to attend.

Refreshment Break 9:00 – 9:15 AM

ACCL BUSINESS MEETING 9:15 – 10:30 AM

- Election of New Board Members and Officers
- New ACCL Website - Discussion and Questions
- Remarks by President Fletcher
- Committee and Task Force Reports

Board of Governors Meeting 10:45 AM – 12:15 PM



AMERICAN COLLEGE
of CONSTRUCTION LAWYERS

REGISTRATION FORM: ACCL 28TH ANNUAL MEETING

March 16 – 19, 2017 | The Ritz Carlton, Amelia Island, Florida

HOTEL INFORMATION

For the convenience of conference registrants, a block of rooms has been reserved at The Ritz-Carlton, Amelia Island, 4750 Amelia Island Parkway, Amelia Island, FL 32034. **Please reserve your room by calling the Hotel Reservation Office at (888) 239-1217.** To ensure availability, please make your reservation by **February 21, 2017**. After that date (*or when the room block is exhausted, whichever comes first*) the hotel will assign rooms on a space available basis only and at the prevailing rate. The conference rates are \$339.00 single/double, with credit card information or a 1-night deposit required at the time of reservation. Please note in the event of room cancellation, the deposit is refundable if notice is received at least 5 days prior to arrival. Cancellation within 4 days prior to arrival will result in the first night's room rate and tax being applied.

CONFERENCE REGISTRATION

Register by mail by sending the completed registration form & payment to: **ACCL 28th Annual Conference, PO Box 4646, Austin, TX 78765**, fax to: (512) 451-2911, or register online at: **www.accl.org**

Name: _____

Company/Organization: _____

Address: _____ City: _____

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

Telephone: _____ Fax: _____ E-mail: _____

Special Dietary Requests: _____

PAYMENT INFORMATION:

Fellows Conference Fee: \$975

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

\$ _____

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

Friday Insurance Public Contracts **Saturday** ADR International

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 and beverage for hospitality suite, Friday/Saturday/Sunday breakfast, and dinner on Friday and Saturday nights.)

\$ _____

SUBTOTAL

\$ _____

ACTIVITIES REGISTRATION

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

FRIDAY SPOUSE ACTIVITIES:

- Seaside Ceramic Painting: \$150/person
- Salt Infusion & Wine Tasting: \$100/person
- Bridge: Free

\$ _____
 \$ _____

ADDITIONAL SPOUSE FRIDAY ACTIVITIES to be paid for direct to vendor (must sign up and pay by March 1st): There is so much to do on Amelia Island. We want to give everyone an opportunity to enjoy the activities that best fit their interests. If you are interested in taking part in any of these events, pre-registration is necessary. We will then contact you directly and give further information. Space may be limited for these events. Event may be canceled in event of lack of interest.

- Kayaking
- Spouse Tennis
- Spouse Golf
- Horseback on Beach

CONTACT EMAIL: _____

CONTACT PHONE NUMBER: _____

SATURDAY SPOUSE ACTIVITY:

- Book Club ("Orphan Train" by Christina Baker Kline): Free

SATURDAY GROUP ACTIVITIES: (Pre-Registration Required)

- Golf fee: \$200/person _____
- Tennis fee: \$20/person _____
- Fort Clinch Bike Tour: \$85/person _____ (no. of tickets)
- River Cruise (Cumberland Princess): \$75/person _____ (no. of tickets)

\$ _____
 \$ _____
 \$ _____
 \$ _____

ADDITIONAL SATURDAY GROUP ACTIVITIES to be paid for direct to vendor (must sign up and pay by March 1st): There is so much to do on Amelia Island. We want to give everyone an opportunity to enjoy the activities that best fit their interests. If you are interested in taking part in any of these events, pre-registration is necessary. We will then contact you directly and give further information. Space may be limited for these events. Event may be canceled in event of lack of interest.

- Horseback on Beach
- Deep Sea Fishing (4 people/boat)
- Kayaking

CONTACT EMAIL: _____

CONTACT PHONE NUMBER: _____

PAYMENT

TOTAL

\$ _____

Please make your check payable in U.S. Dollars to "American College of Construction Lawyers"

Please charge my: American Express MasterCard Visa

Credit Card # _____ Exp. Date: _____ 3 or 4 Digit Sec. Code _____

Name on Card (Please Print) _____

Billing Address (including zip code): _____

Authorized Signature: _____

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 that time 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.