



## Construction Group Out + About

July 2021

Members of Robinson+Cole's Construction Group speak and are published on various construction-related topics, are recognized in the community, and participate in high-profile industry group programs throughout the country. We hope to see you while we are "out and about."

Even when we're away from the office, we continue to follow developments and trends in all areas of construction law and to share our insights in our [Construction Law Zone](#) blog. If you haven't checked out the blog, we encourage you to do so and to sign up to receive e-mails when new content is posted. We welcome your feedback and input on topics you'd like us to cover.

### Recent + Upcoming Events

#### **ABC Connecticut's Annual Golf Outing**

July 12, 2021 - In-person Event

Robinson+Cole is pleased to sponsor the Associated Builders and Contractors (ABC) Connecticut's Annual Golf Outing at Lyman Orchards Golf Club in Middlefield CT. [Fred Hedberg](#) will be participating. For more information, click [here](#).

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#### **Pathway to the 2021 Women Who Build Summit**

July 15, 2021 - Summertime Networking Reception

[Greg Faulkner](#) is pleased to have served as a judge for the 2021 Champions of Change Award which will be awarded at the 2021 Women Who Build Summit on July 15 at Wickham Park in Manchester, CT from 4:30 - 6:30 pm. Robinson+Cole is the Reception Sponsor. For more information, click [here](#).

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#### **CMAA 2021 "Construction Interrupted: Managing Contracts and Disputes in the COVID Age."**

September 12-14, 2021 - In-person and Virtual Event

[Joe Barra](#) will speak at the Construction Management Association of America's (CMAA) 2021 conference on "Construction Interrupted: Managing Contracts and Disputes in the COVID Age." For more information, click [here](#).

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We were pleased to sponsor the Corporation for Independent Living (CIL) 2021 Golf&Go event on June 9. Proceeds benefit CIL's Community Matters Campaign. The campaign supports CIL's community-based programs such as AccesSolutions, which helps bring home modifications and special equipment to those who might not otherwise be able to afford them. [Marty Onorato](#) (pictured left) participated in this event.



Robinson+Cole is an ongoing supporter of the Brain Injury Alliance of Connecticut's (BIAC) Golf Tournament and we were pleased once again to sponsor its 35th Annual "Golf for Thought" on May 24. BIAC's primary objective is to support individuals with brain injuries, their families, caregivers and brain injury professionals, while increasing awareness of brain injury and its prevention. [Greg Faulkner](#) (pictured right-center), [Dennis Cavanaugh](#), [Marty Onorato](#), and [Fred Hedberg](#) (pictured left-center) participated in the tournament.



## Honors + Awards

### Dennis Cavanaugh Appointed to AAA Arbitration Panel

Congratulations to [Dennis Cavanaugh](#), who has been appointed to serve on the American Arbitration Association (AAA) Consumer Panel. Per its website, "AAA panels are comprised of accomplished attorneys with exceptional subject-matter expertise; former federal and state judges; and business owners who understand the essence of the dispute." Panelists must successfully complete the Arbitration Fundamentals and Best Practices for New AAA Arbitrators training program and the online Award Writing course. Since 1990, Dennis has served on the AAA Commercial Panel of Neutrals, Connecticut Construction Advisory Committee as both a sole panelist and as a panel chairperson. He also is trained as a mediator in commercial and construction claims and has successfully completed the AAA "Mediator Essentials – Skills for Facilitating Negotiated Agreements" training course.



[Dennis C. Cavanaugh](#)

## Diversity, Equity + Inclusion



[Lisa B. Andrejewski](#)

Robinson+Cole was pleased to sponsor "Equity and Diversity in the Workplace," a collaborative [event](#) put on by the American Institute of Architects (AIA) Connecticut Justice, Equity, Diversity, & Inclusion Committee, the Women in Architecture Committee, and National Organization of Minority Architects, Connecticut Chapter (NOMAAct) on June 23. In addition to sponsoring the event, [Lisa Andrejewski](#), along with Labor and Employment Group partner, [Rachel Kushel](#), presented a workshop session on micro-ignorance in the workplace. Developing a culture of diversity, equity and inclusion is an ongoing process, and one that is unique to each organization. Cultivating this

culture can seem daunting, but with the implementation of employee workgroups, training and conversations regarding the impact of words and other strategies, organizations will thrive. The workshop addressed many of these techniques and provided guidance to overcome possible pitfalls.

## Construction Industry Roundtable

### Robinson+Cole Hosts Northeast Design and Construction Industry Leaders

Robinson+Cole's Construction Group hosted its fifth annual Construction Industry Roundtable on June 15. Representatives of major design and construction industry organizations and stakeholders in the Northeast were in attendance to discuss the modular industry, price escalation and market impacts, and the federal infrastructure package. To read the summary of our program, [visit our blog here](#).

## Presentations



[Kenneth A. Sherman](#)

### Ken Sherman Presents on Construction Insurance Coverages

[Ken Sherman](#) co-presented the Strafford webinar "Interplay Among Builders Risk, CGL, and Wrap- Up Insurance Programs: Maximizing Coverage" on June 29. The program discussed important considerations for construction contracts, key provisions insurance policyholders should insist upon, and the steps an insured can take when a claim is suspected; how to maximize coverage under all available policies, including builders' risk, CGL, OCIPs and CCIPs; current trends in claim denials; and best practices to ensure coverage, as well as commonly-litigated exclusions.



[Joseph A. Barra](#)

### Joe Barra Presents to AAA Construction Conference

[Joe Barra](#) co-presented "Understanding the Arbitral Decision-Making Model and What Advocates Can Do to Protect the Award" on June 10, as part of the two-day American Arbitration Association's (AAA) 2021 Virtual Construction Conference: *Moving Forward in a New Decade*. The program discussed arbitral decision-making philosophies, the roles of arbitrators and advocates in the rendering of an enforceable award, and the nature of recent challenges to arbitral awards. It offered practical tips for drafting arbitration agreements, conducting discovery, and the presentation of evidence to assist in making enforceable awards. R+C was pleased to sponsor this event. Joe is a certified mediator and serves as an arbitrator on the AAA National Panel of Construction Neutrals.

### Joe Barra Lectures on Types of Construction Legal Disputes

[Joe Barra](#) was a guest lecturer at Fitchburg State University on April 14. He presented on the nature and types of legal disputes, focusing on the differences among construction disputes that are litigated, arbitrated, mediated, etc.

### Joe Barra Presents on Massachusetts Prompt Pay Act

[Joe Barra](#) presented the Massachusetts Defense Lawyers Association Construction Law Committee's webinar "The MA Prompt Pay Act and *Tocci v. IRIV Partners*: What the Construction Bar Needs to Know" on March 31. The program discussed the requirements of the Prompt Pay Act and how a recent Superior Court decision provides insight on how Massachusetts courts may be applying it to private construction projects.

### Joe Barra Joins AGCM Panel Discussion on Virtual Mediation of Construction Disputes

[Joe Barra](#), along with fellow Mediator-panelists John Fieldsteel and Wally McDonough, took part in the program entitled: "Virtual Mediation: A Way To Resolve Construction Disputes Whose Time Has Come," hosted by the Associated General Contractors of Massachusetts on March 19. The program addressed how, given court congestion, closures and backlog, virtual mediation has become the alternative dispute resolution method of choice to put a wide range of project disagreements to rest before they result in costly and protracted litigation. The panel shared tips and answered questions on how to make the virtual mediation experience meaningful in order to put disputes in the best settlement posture possible. Joe is an arbitrator on the Panel of Construction Neutrals with the American Arbitration Association and is a Certified Mediator.

## Publications

### Joe Barra and Niel Franzese Co-Author Article on Standard of Care

[Joe Barra](#) and [Niel Franzese](#) authored the article "COVID's Impact on the Designer's Standard of Care," published as a Legal Beat column in the Winter 2021 edition of PE, the flagship publication of the National Society of Professional Engineers. The article focuses on COVID's impact to the common law as it affects the design professional's standard of care. Read the full [article](#).



[Joseph A. Barra](#)



[Niel P. Franzese](#)



[Niel P. Franzese](#)

### NASBP Publishes Article on Price Escalation

[Niel Franzese](#) wrote the article "Revisiting Price Escalation Clauses in a Time of Skyrocketing Material Costs," published on April 23 by the National Association of Surety Bond Producers. Anyone monitoring construction industry trends is aware that the prices of raw construction materials, particularly steel and lumber, have been rapidly increasing since early 2020. The reasons for these price increases are varied and many have their roots in changes introduced to the global economy by the COVID-19 pandemic. Regardless of the explanations for the price increases, the reality is that builders and owners are more frequently facing busted budgets and difficult conversations. As is often the case, the answer to resolving these disputes likely lies in the specific provisions of the contract for construction. Read the full [article](#).



[Frederick E. Hedberg](#)

### Fred Hedberg Authors Article on Modular Construction

[Fred Hedberg](#) authored the *Construction Executive* (CE) article "Key Legal Considerations for Modular Construction Contracts," published in *CE* on April 15. Modular construction is on the rise, literally, and is rapidly displacing traditional stick-built construction for new commercial, industrial and residential buildings. Over the past decade it has become increasingly popular, with a growing number of health care, education facilities and apartment buildings having been built using modular construction, and particularly as the need for housing, and especially affordable housing, has grown as a result of the COVID-19 pandemic. Read the full [article](#).

Robinson+Cole's [Construction Group](#):

[Lisa B. Andrzejewski](#) | [Joseph A. Barra](#) | [Dennis C. Cavanaugh](#) | [Gregory R. Faulkner](#) **(Chair)**

[Niel P. Franzese](#) | [Frederick E. Hedberg](#) | [Christopher J. Hug](#) | [Choity R. Khan](#)

[Douglas J. Mackin](#) | [Martin A. Onorato](#) | [Kenneth A. Sherman](#)

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