

Robinson+Cole

Construction



March 2019

## Construction Group Out + About

---

Members of Robinson+Cole's Construction Group have spoken and published on various construction-related topics, been recognized in the community, and participated 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.



### Construction Group Members Recognized

51 Robinson+Cole lawyers were recognized in 2018 Super Lawyers lists in Connecticut, Massachusetts, New York, and Rhode Island. The Construction Group was well represented, including all of the Connecticut partners as well as Elizabeth Wright, who was recognized as a "Rising Star." [View list](#)

### Robinson+Cole Sponsors 2019 Joint Dinner of the Design and Construction Industry

The 23rd annual Joint Dinner is an evening of collegiality and relationship building among 33 hosting A/E/C industry organizations. Robinson+Cole has been the presenting sponsor for more than a decade. This annual event is an extraordinary business opportunity for members of the participating professional associations to network. [View details](#)



[Joseph A. Barra](#)

### Engineers Beware: The Massachusetts Prompt Pay Act Contains Hidden Pitfalls for the Uninformed

Joe Barra is the author of an article featured in the February 2019 edition of *BSCES News*. The article titled "Engineers Beware: The Massachusetts Prompt Pay Act Contains Hidden Pitfalls for the Uninformed," is available [here](#).

**"Why P3 (Public/Private Partnership) is Gaining Popularity in Massachusetts," presented by the New England Chapter of the Construction Management Association of America at the Wentworth Institute of Technology in Boston, Massachusetts on November 13**

Joe Barra co-presented and moderated a panel comprised of Patricia Filippone

(UMBA) and Mark Malmquist (Shawmut Design & Construction) that discussed the strategies and motivations that prompted UMBA to pursue a Public/Private Partnership to develop UMASS/Boston's new dormitory, study lounges, and dining hall.

**"How Will the Massachusetts Retainage Act Affect My Responsibilities on the Project?" at the Boston Society of Civil Engineers Section Boston Day-Summit: Construction Institute Boston Chapter on November 30**

Presented by the BSCES, the full-day seminar included a mix of project case studies, technical reviews, legal issues in construction, technology and innovative planning and construction techniques, and specific construction projects and detailed challenges. During his session, Joe examined the application of the Massachusetts Retainage Act to private construction projects in Massachusetts and how the statute changes the traditional paradigm of a project's close-out process with respect to substantial completion and retainage. Robinson+Cole was a sponsor of the summit.



[Dennis C. Cavanaugh](#)

---

**ELEVATE, Your Career | Next Level, at the University of Connecticut**

Robinson+Cole attorney and UConn Alumni Dennis Cavanaugh introduced a panel at two of the University's ELEVATE events - first, on January 9 at iHeartMedia Headquarters in New York City, and second on January 31 at UConn Hartford Graduate Business Learning Center in Hartford. The events are sponsored by the Cavanaugh Family Foundation and work to bring together UConn Alumni to network and advance their careers.

**IMLA Construction Contracts Drafting Initiative in Houston, Texas on October 17-21**

Dennis Cavanaugh was on a panel that spoke about the International Municipal Lawyers Association's (IMLA) Construction Contracts Drafting Initiative: Construction Manager at Risk (CMAR), which is a building delivery method that requires a commitment by a construction manager to deliver the project within a guaranteed maximum price. This delivery method is especially helpful for municipalities facing large complex projects and, if done properly, can be extremely effective. This year, IMLA's Construction Contract Drafting Initiative (CCDI) provided IMLA members with a forum to engage in substantive discussions regarding effective terms and conditions in construction contracts for public projects utilizing CMAR. Members participated in monthly CCDI teleconferences as a part of this working group to discuss and draft comments and suggested edits to AIA model document A133-2009— construction manager at risk delivery method. The core drafting committee presented the final revisions and the resulting sample documents are available exclusively to IMLA members as an invaluable resource when drafting and negotiating construction contracts.



[Gregory R. Faulkner](#)

---

**Gregory Faulkner Elected to Associated General Contractors of Connecticut Board of Directors**

In February 2019, Greg was elected to the board of directors of the Associated General Contractors of Connecticut (AGC/CT), an organization dedicated to providing leadership and services to its members and to the commercial construction industry. Greg will serve two three-year terms alongside many distinguished executives representing construction industry entities from around the state. [Read more](#)

**"Management of Legal Exposures," presented by Gregory Faulkner, at the**

### **Construction Institute workshop, in Hartford, Connecticut on December 12**

The workshop was offered as part of CI's Project Management Certification program. Greg has presented at this workshop for the past several years, and it remains one of CI's most well-attended programs. For the second year, the program was structured to provide a two-hour online session, followed by a two-hour live presentation. He addressed how early knowledge of potential issues on a project can help mitigate any associated legal consequences and costs. The workshop reviewed potential legal issues that can arise from missteps; examined case law examples that resulted from construction-related issues; and discussed the importance of considering legal hurdles before making decisions.

---



[Martin A. Onorato](#)

### **Risk Management Roundtable in New York City on March 20**

Marty Onorato will serve as a panelist for the Risk Management Roundtable, which will present on downstream contractual risk transfer before 20 leading NYC Construction firms. Peter Strniste will serve as a moderator for the panel and Robinson+Cole in a sponsor of the event.

### **Association of Independent Colleges and Universities in Massachusetts (AICUM), in Boston, Massachusetts on December 3**

Marty Onorato and Joe Barra attended the 14th Annual Association of Independent Colleges and Universities in Massachusetts (AICUM) Dinner. AICUM works closely with its member institutions to strengthen higher education, to advocate for need-based financial aid for Massachusetts students, and to address state and federal legislative and regulatory issues. [More information](#)

---



[Todd R. Regan](#)

### **Todd Regan and Peter Strniste to Attend the NASBP National Conference on April 14**

Planning has started for the NASBP National Conference in Austin, Texas. Additional details will follow. [More information](#)

### **Todd Regan to Teach Construction Contract Administration Course for The Construction Management Association of America**

Todd will teach Construction Contract Administration as part of "The Professional Construction Management Course" run by the The Construction Management Association of America (CMAA). [More information](#)

### **Todd Regan and Peter Strniste Attend The Fidelity and Surety Law 2019 Midwinter Conference in San Diego in January 16-18**

Todd and Peter attended The Fidelity and Surety Law 2019 Midwinter Conference hosted by the ABA. The fidelity program focused on Ponzi schemes and mercantile bonds, and the surety program reviewed the FSLC publication *The Law of Performance Bonds, 3d*.

---



### **Peter Strniste Presents During Commercial Construction & Renovation Summit in Biloxi, Mississippi on January 15-17**

Peter presented a program on "The Ten Most Negotiated Construction Contract Terms" during the 2019 Commercial Construction & Renovation Summit in Biloxi, Mississippi held January 15-17, 2019. The summit was presented by

[Peter E. Strmiste](#)

Commercial Construction & Renovation, a bi-monthly publication that covers design, construction, and facilities operations of the major commercial construction segments. The session reviewed the ten most negotiated contract terms in owner-contractor agreements and subcontracts. Peter examined each of the terms and explained their importance and associated nuances. He also shared negotiating strategies, reviewed how these contract provisions have been applied in real life settings, and how courts have interpreted them.



[Elizabeth K. Wright](#)

---

**Teaming Agreements: How to Avoid an Unenforceable Agreement to Agree and Other Helpful Drafting Tips, in Boston, Massachusetts on March 28**

Elizabeth Wright is scheduled to co-present on the timely topic, "Teaming Agreements: How to Avoid an Unenforceable Agreement to Agree and Other Helpful Drafting Tips." The event, hosted by Robinson+Cole, will be held at our Boston office as part of the "From Soil to Solar: Land Law Development Forum." This program will discuss tips for drafting an enforceable teaming agreements and how to avoid common pitfalls. [Register here](#)

---

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

[Joseph A. Barra](#) | [Robert M. Barrack](#) | [Dennis C. Cavanaugh](#) | [Gregory R. Faulkner](#)

[Aniello P. Franzese](#) | [Jonathan R. Hausner](#) | [Christopher J. Hug](#) | [Paul S. Lopez](#)

[Martin A. Onorato](#) | [Todd R. Regan](#) | [Peter E. Strmiste Jr.](#) | [Elizabeth K. Wright](#)

For insights on legal issues affecting various industries, please visit our [Thought Leadership](#) page and subscribe to any of our newsletters or blogs.

## Construction Law **Zone**

Boston | Hartford | New York | Providence | Miami | Stamford | Los Angeles | Wilmington | Philadelphia | Albany | New London | [rc.com](#)



© 2019 Robinson & Cole LLP. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission. This document should not be considered legal advice and does not create an attorney-client relationship between Robinson+Cole and you. Consult your attorney before acting on anything contained herein. The views expressed herein are those of the authors and not necessarily those of Robinson+Cole or any other individual attorney of Robinson+Cole. The contents of this communication may contain ATTORNEY ADVERTISING under the laws of various states. Prior results do not guarantee a similar outcome.

