**Construction Law Committee**

**Memorandum of Committee Minutes**

To: All Construction Law Committee Members

The Florida Bar: Real Property, Probate and Trust Law Section

From: Robert E. Doan, Secretary

Re: Meeting Minutes – August 9, 2021

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

**RECORDING ATTENDANCE:** NOTE: Recording your attendance helps track participation and gives you a record to look back on when reporting CLE. Use the link distributed by Reese Henderson on 8/8 to record your attendance for this meeting.

**1. Opening:** Reese Henderson (Chair) called the meeting to order at 11:35 a.m.

Vice Chairs Sanjay Kurian, Elizabeth Ferguson and Bruce Partington, and secretary Robert Doan were also in attendance.

The minutes from the July 12, 2021, meeting were distributed by Reese on 8/8 for approval today, subject to any corrections received by 6pm today. They were approved.

**2. Subcommittee Reports:**

A. ABA Forum on Construction Law Liaison: Claramargaret Groover (cgroover@beckerlawyers.com) is the Forum Liaison.

Regional meetings will be held September 30 or October 1, 2021 (day depends on location) in Denver, Nashville, New York, Los Angeles, Seattle, and Chicago.

National meetings will be held as follows:

Fall 2021 – “Effective Project Management,” is the topic. (live in Seattle: October 13-15, 2021; there is also a virtual attendance option)

The Midwinter Meeting 2022 will be held February 22-24, 2022, in San Diego. Topic: Business issues.

Annual Meeting for 2022- New York City in May 2022. Topic: In-House Counsel Summit.

The Trial Academy committee met and has planned their next event (mock trials and the like). The Academy is limited to 36 attorneys during events (and 24 expert witnesses). The event will take place 3/30-4/2 in Tampa. It only takes place every two years and usually fills up.

B. ADR Subcommittee: Deborah Mastin and Giselle Leonardo are co-chairs. No report this month. You can contact Deb or Giselle if you are interested in participating or if you have topics you would like to see/hear during that ADR themed presentation. [deborahmastin@gmail.com](mailto:deborahmastin@gmail.com) or [gleonardo@leonardoarbitration.com](mailto:gleonardo@leonardoarbitration.com).

C. Certification Exam: Kim Hirschman ([khirschman@therhlawfirm.com](mailto:khirschman@therhlawfirm.com)) is the new chair. Planning is under way for next year. Statistics on passage will be reported next month for the recent class.

D. Certification Review Course: Mindy Gentile (mgentile@pecklaw.com) and Elizabeth Ferguson (ebferguson@mdwcg.com) are chairs. No report this month.

E. Construction Law Institute: Jason Quintero (jquintero@carltonfields.com) is the Chair. Sanjay noted that now is the time to suggest presentation topics. Please email any programming suggestions to Jason, Deb Mastin or Trevor Arnold. The dates should be back in March for 2022 and should be in coordination with the Certification Review Course.

F. Construction Litigation: Brett Henson (bhenson@shumaker.com) and Natalie Yello (natalie.yello@gray-robinson.com ) are chairs. Brett reported that the Litigation Subcommittee continues to conduct monthly telephonic meetings on the first Thursday every month. They provide monthly case law updates for members of the Subcommittee. Email Brett or Natalie if you are interested in participating with the subcommittee. The case law update tab (on the RPPTL/CLC site) will be updated with the content from the last meeting. They reviewed three cases this month. One regarded licensure for an owner’s rep. One dealt with whether a party waived pre-suit arbitration clause. They are looking for CLE webinar topics for the future if you are interested. The MSJ update webinar is still available for purchase online on-demand.

G. Construction Regulation: Chris Cobb is the chair ([CCobb@cobbgonzalez.com](mailto:CCobb@cobbgonzalez.com)) and James Gonzalez ([jgonzalez@cobbgonzalez.com](mailto:jgonzalez@cobbgonzalez.com)) is co-chair. Chris reported that this subcommittee will continue to work on presenting new construction licensing issues related to contractors, architects, engineers, mostly at the state level, as well as changes to the administrative code related to licensure. No report this month.

H. Construction Transaction Subcommittee. Claramargaret Groover (cgroover@beckerlawyers.com) is chair. No report this month.

The goal of this subcommittee is to provide a practical resource to construction transactional attorneys to refer to when drafting / updating / customizing standard AIA docs. There will be an annual or semi-annual report form the subcommittee that notes which cases related to certain sections of the standard AIA docs.

I. Legislative Subcommittee: Sean Mickley (sam@kirwinnorris.com) and Kelly Humphries ([khumphries@gunster.com](mailto:khumphries@gunster.com)) are Co-Chairs. This month, the CLE took the place of the report.

J. Membership Subcommittee: The chair is David Zulian. His email address is dazulian@napleslaw.com. David reported that there are currently 500 members. They continue to work to update membership info and reach out to those who may have unintentionally dropped their membership in RPPTL, and thus CLC. If you are aware of anyone that would like to become a member of the committee, let David or an officer of CLC know.

K. Newsletter: Peter Kapsales (pkapsales@milnelawgroup.com) is chair of this committee. No report this month. There will be a newsletter out soon. Articles should be 500+/- words and have far less formal requirements than Action Line or the Bar Journal. Send submissions of ideas to Peter if you are interested in submitting.

L. Pro Bono Subcommittee: Elizabeth Ferguson ([ebferguson@mdwcg.com](mailto:ebferguson@mdwcg.com)) is the chair of this new subcommittee. No report this month. The CLC has entered into an arrangement with Jacksonville Area Legal Aid (JALA) to field referrals for pro bono clients in need of assistance with construction law issues. The subcommittee is looking at forming similar arrangements with other legal aid organizations. Anyone interested in joining the subcommittee or in receiving referrals for pro bono assignments should contact Elizabeth Ferguson ([ebferguson@mdwcg.com](mailto:ebferguson@mdwcg.com)) for more information. Volunteering attorneys work in conjunction with legal aid counsel on cases.

M. Publications: Nick Elder ([nelder@cobbgonzalez.com](mailto:nelder@cobbgonzalez.com)) is the new chair. Articles for Action Line should be 3000 words. October 15 will be the next ActionLine deadline. Florida Bar Journal feature articles should be 7000 words or less and columns should be 4500 or less. If you have any ideas for articles or would like to peer review articles of others, please email Nick or vice-chair Andrew Foti ([ajf@katzbarron.com](mailto:ajf@katzbarron.com)) for ideas or to volunteer to peer review.

N. Small Business Programs: Lisa Colon Heron (lcolon@smithcurrie.com) is the chair. No report this month.

O. Website: Hardy Roberts (hroberts@careyomalley.com) and Jade Davis (jadavis@shumaker.com) are chairs. Visit rpptl.org and you can then access the CLC webpage. The CLE credits have been updated on the website. No report today. Other than noting that subcommittee reports are updated on the site.

P. CLE: Katie Heckert (kheckert@carltonfields.com) and Frank Moya (fmoya@carltonfields.com) are the chairs. CLE credit number have been issued in real time as of late, including for today’s meeting. There are several openings for speakers in early 2022 and beyond. In September, the small business subcommittee will present on “Navigating Public Projects for Small Business Clients.” October the litigation committee will present on “Audits and Forensic Accounting in Construction Cases.”

You can contact Katie or Frank if you are interested in presenting in 2022 or to request a topic.

**REMINDER: Each committee member is responsible for posting their own CLE credits on TFB website; neither the committee nor subcommittee can do so.**

**3. New Business:**

4. Continuing Legal Education Presentation: (Started at 11:55 A.M. and ended at 1:00 P.M.)

Our speaker for today’s CLE was Chris Horton, a partner at Smith Currie in Ft. Lauderdale, whose presentation was entitled “*Legislative Update 2021*.”

**4. Closing:**

No further business was conducted after conclusion of the CLE presentation and Q & A period following. The meeting was adjourned at 1:00 p.m.

**REMINDER:** The next regularly scheduled meeting of the committee will be held on Monday, **September 13, 2021,** beginning at 11:30 a.m., as a regular conference call. The Zoom link and dial in information will be distributed by email from Reese Henderson prior to the meeting.