

## Construction Group Out + About

October 2020

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.

### Construction Executive Ranks Robinson+Cole Construction Group in Top 50

The Construction Group has been ranked #35 in the second annual "The Top 50 Construction Law Firms"™ list published by *Construction Executive* magazine. *Construction Executive* (CE) "the magazine for the business of construction," reaches more than 55,000 commercial, industrial, and institutional contractors and construction-related business owners and has won more than 20 editorial awards. Read more in the [press release](#).

### Frederick Hedberg Joins Our Team

We are pleased to welcome [Fred Hedberg](#) as a partner to our Construction Group. Fred has more than 20 years of experience handling complex construction and commercial matters for his clients, both as a transactional attorney and an experienced litigator. Prior to becoming an attorney, he practiced as a licensed civil and structural engineer for more than 10 years, thereby gaining an in-depth knowledge and understanding of all phases of a construction project. Fred is resident in the firm's Hartford office. His addition to Robinson+Cole's Construction Group was noted in publications such as the [Connecticut Law Tribune](#).



[Frederick E. Hedberg](#)

### Four Robinson+Cole Construction Group Lawyers Are Named Among Best Lawyers in America

Robinson+Cole is honored to have 61 lawyers selected by their peers for inclusion in *The Best Lawyers in America*©2021. Among those lawyers, four Construction Group members were selected. [Greg Faulkner](#) was named "Lawyer of the Year" in Litigation – Construction, [Dennis Cavanaugh](#) – Construction Law; Litigation-Construction, [Marty Onorato](#) – Construction Law; Litigation-Construction, and [Choity Khan](#) was named "One to Watch" in Construction Law. *The Best Lawyers in America*© lists are compiled based on an exhaustive peer review evaluation; the 2021 edition is based on 9.4 million votes, which resulted in more than 67,000 leading lawyers being included. Read more in the [press release](#).



[Gregory R. Faulkner](#)



[Dennis C. Cavanaugh](#)



[Martin A. Onorato](#)

### Construction Group Members Reappointed to CBA Committee

[Dennis Cavanaugh](#), [Greg Faulkner](#), [Fred Hedberg](#), and [Marty Onorato](#) have all been reappointed to serve on the Executive Committee of the Connecticut Bar Association's (CBA) Construction Law Section for the 2020-2021 term. Fred resumes his role as Legislative Liaison, and Marty will continue to serve as Treasurer. Dennis is a past President of the Section.

### Robinson+Cole Construction Group Lawyers Recognized by Super Lawyers®

[Dennis Cavanaugh](#), [Greg Faulkner](#), [Fred Hedberg](#) and [Marty Onorato](#) were among the 47 Robinson+Cole lawyers included in 2020 Super Lawyers® lists in Connecticut, Delaware, Massachusetts, Pennsylvania and Rhode Island. In addition, Construction Group members [Niel Franzese](#), [Choity Khan](#) and [Ken Sherman](#) were listed among the 29 attorneys at the firm recognized as "Rising Stars." The Super Lawyers® designation is based on regional balloting by attorneys, third-party research, and a peer review process encompassing myriad practice areas.



[Niel P. Franzese](#)



[Choity R. Khan](#)



[Kenneth A. Sherman](#)

### Martin Onorato Is Named to CBC Board of Directors

[Marty Onorato](#) will serve on the 2020-21 Connecticut Building Congress Board of Directors. Marty, and Greg Faulkner before him, previously served as a President of the Connecticut Building Congress (CBC) and also has served as a member of its Industry Practice and Ways and Means committees. The CBC was founded in 1952 as a networking organization for construction industry firms, owners, engineers, architects, attorneys, contractors, construction managers, subcontractors, and others involved in the industry.

## Diversity + Inclusion

### Robinson+Cole Receives Mansfield Rule 3.0 Diversity and Inclusion Certification

Robinson+Cole has achieved Mansfield 3.0 Diversity and Inclusion Certification after completing a year-long process that began in July 2019, developed to increase the representation of diverse lawyers in leadership positions. Facilitated by Diversity Lab, the certification affirms that Robinson+Cole has considered at least 30 percent women, lawyers of color, lawyers with disabilities, and LGBTQ+ lawyers ("historically underrepresented lawyers") among its field of candidates for significant leadership roles and activities in the firm.

"Our participation in the Mansfield Rule 3.0 reinforces Robinson+Cole's commitment to fostering a welcoming and inclusive work environment where the diverse backgrounds of all of our lawyers and other

professionals are respected and each individual is empowered to succeed,” said Robinson+Cole Managing Partner, [Stephen E. Goldman](#). Read the [press release](#).



### Robinson+Cole Hosts Construction Industry Diversity & Inclusion Roundtable Discussion

Robinson+Cole’s Construction Group hosted its first industry-wide, virtual Roundtable on the topic of diversity and inclusion (D&I) on September 17, 2020. The program grew out of an earlier Roundtable conversation and focused specifically on strategies and techniques to promote diversity and inclusion in the construction industry. Recognized D&I program leaders from government agencies, construction industry organizations, contractor and sub-contractor firms, suppliers, and architectural and engineering firms from across the Northeast joined the discussion. The program was organized by Construction Group Associates [Lisa Andrzejewski](#), who also moderated the event, and [Choity Khan](#).



### Robinson+Cole Sponsors AIA Connecticut’s Panel Discussion

Robinson+Cole was pleased to sponsor the moderated panel discussion, “Diversity, Equality & Inclusion in the AEC Industry,” hosted by AIA Connecticut’s (American Institute of Architects) Women in Architecture Committee and NOMA CT (National Organization of Minority Architects) on July 15, 2020. The program was the first of a three-part series featuring important and timely discussions on bias, racism, and inequality in the architecture, engineering, and construction (AEC) industries. The panel discussions for Parts 2 and 3 in the series took place in August and September. Construction Group member [Marty Onorato](#) is a past member of AIA’s Board of Directors and past Chair of its Professional Practice Committee. Labor and Employment Group lawyer, [Britt-Marie Cole-Johnson](#) was a panelist for the August program.

## Roundtables

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

Robinson+Cole’s Construction Group hosted its fourth annual—but first ever virtual—Construction Industry Roundtable in July. Representatives of major design and construction industry organizations and stakeholders in the Northeast were in attendance to discuss the state of the regional market and to look ahead for trends to watch for 2021. To read the summary of our program, [click here](#).

## Articles + Presentations



### Joseph Barra Presents at ASM Fall Construction Summit

[Joe Barra](#) was one of three presenters for the virtual program “Construction Legal Update in the Wake of COVID-19” at the Associated General Contractors of Massachusetts’s Fall Construction Summit on October 15, 2020. The professionals discussed what has happened in construction since mid-March, covering recent case law, construction delays, notice requirements, force majeure, and added costs.

### Joseph Barra and Matthew Miklave Present and Co-Author Article on Return-to-Work Issues

[Joe Barra](#) and Labor and Employment Group lawyer, [Matt Miklave](#), were among the panelists who presented the webinar “Navigating the COVID-19 Crisis: Back to Work...Now What?” to the Associated General Contractors of Vermont on June 24, 2020. The panel discussed the practical considerations of moving

forward in a COVID-19 environment as they pertain to Labor and Employment, the Occupational Safety and Health Administration (OSHA), and Construction Claims Management. The two Robinson+Cole Partners also co-authored the article “Designing a Return-to-Work Structure” published in PE, the flagship publication of the National Society of Professional Engineers. The “Legal Beat” article shared questions engineers need to consider when developing an effective reopening plan. Read the [full article](#).

[Joe Barra](#) was quoted in the article “Equitable tolling can’t salvage condo claims” published in Massachusetts Lawyers Weekly on July 9, 2020. The article examined how the Commonwealth of Massachusetts Appeals Court decided, in the case of *Saker, et al. v. Steffian Bradley Associates*, that the doctrine of equitable tolling could not salvage the trust’s time-barred claims because a developer had the same interest as a condominium trust in holding contractors accountable for defective construction. Joe remarked that “probably the only lifeline the unit owners could have had was mentioned in a footnote: a derivative action against the developer, when it appeared the association had no interest in filing a timely suit against the contractors.”



### Niel Franzese Presents at CBA Legal Conference

[Niel Franzese](#) co-presented the webinar, “Updates in Construction Law: A Review of Key Construction Law Decisions in the Past Year” on September 14, 2020, during the Connecticut Bar Association’s Connecticut Legal Conference. The program reviewed some of the critical decisions in the construction law industry over the past year and their potential impact on the construction field.



### Frederick Hedberg Presents Program on Professional Accountability and Ethical Conduct

[Fred Hedberg](#) presented “Professional Accountability and Ethical Conduct” as part of the Women’s Transportation Seminar CT Virtual Leadership Series on September 24, 2020. The presentation addressed various engineering standards that are applicable to ethics and examined different codes of ethics prescribed in Connecticut’s state regulations and various architectural and engineering professional groups. The session also covered laws, regulations, and best practices governing professional accountability in the workplace.



### Virginia “Ginger” Trunkes Is Media Triple Threat As Author, Speaker, and Profile Subject

[Ginger Trunkes](#) wrote the article, “An Eye in the City Sky,” published in *Construction Business Owner* magazine on May 19, 2020. The article covers how commercial drones, *i.e.*, small unmanned aircraft systems (sUAS), generally prohibited in dense cities, would be helpful in mitigating health risks while facilitating continued development and construction. Read the [full article](#). Ginger also authored the article “Landmarks preservation and the economy during COVID-19,” published in the *New York Real Estate Journal* on May 19, 2020. The story covered the economics of landmarks preservation during recessions, as found in the “Historic Preservation: At the Core of a Dynamic New York City” report published by the New York Landmarks Conservancy. Read the [full article](#).

Ginger participated as a speaker in Professional Women in Construction’s Professional Development Advisory Council’s event on “Defects, Defaults, and

Delays: What to do when problems arise on your construction project” on September 29, 2020. Additionally, she twice co-presented the program “Drones.” The first presentation was made to the New York City Bar Association’s Construction Law Committee on June 9, 2020, offering an overview of how small drones (small Unmanned Aerial Systems, or sUAS) are government-regulated and the ways in which video footage and computer-generated analysis make them valuable for use in urban planning, land use, construction and post-construction. Her second event occurred on July 8, 2020, and was made to the Division 12: Owners & Project Finance Group of the ABA’s Forum on Construction Law, addressing the same topics as well as the impact of COVID-19.

Ginger also was profiled in the Westchester Women’s Bar Association’s “Interview of the Month” in their August 2020 issue. [View interview here.](#)



### Choity Khan Authors Article on Presumption for Workers’ Compensation Benefits

In an article published by *High-Profile Magazine*, [Choity Khan](#) examined Executive Order No. 7JJJ, signed by Connecticut Governor Ned Lamont on July 24, 2020, which “creates a rebuttable presumption that all employees who were required to work on site and tested positive for COVID-19 during the first three months of the pandemic contracted the disease while on the job, giving employees a presumptive claim to workers’ compensation coverage.” Read the [full article](#).



### Paul Lopez Authors Article on Massachusetts Construction Projects

In an article from *High-Profile Magazine*, “Massachusetts Construction Projects Reopen,” [Paul Lopez](#) highlighted the safety guidelines and documentation requirements with which contractors and owners must comply. Originally published to Robinson+Cole’s Construction Law Zone blog, the article covers the reopening of construction projects in Massachusetts, as announced by Governor Charlie Baker on May 18, 2020. Read the [full article](#).

## Recent + Upcoming Events

### Reducing Pitfalls in Health Care Construction

November 10, 2020 - Webinar

[Ginger Trunkes](#) will co-present this program, which will examine the cost of addressing claims and disputes on projects which can result in the expenditure of millions of dollars in legal and consulting costs, and the potential exposure to additional construction and delay costs. In that light, the benefit of risk management strategies cannot be overstated. The typical project team is normally consumed in the daily details of getting the project completed and may not be focused on the identification of potential negative trends and issues. Outside counsel and subject matter experts can be assets in identifying and addressing problems early. This program will cover several key areas to consider in achieving the on-time, on-budget, and quality completion of a project.

### I. Just. Can’t.: Contractual Non-Performance Theories of Impossibility and Impracticability in the COVID Era

November 18, 2020 - Webinar

[Ginger Trunkes](#) will be a featured speaker at the Westchester Women’s Bar Association, co-presenting the virtual program as part of the Leading Lady Lawyers Monthly Luncheon Series on November 18, 2020.

## Robinson+Cole Lawyers Tee Up for Worthy Causes

Members of the Construction Group kept busy on regional golf courses over the summer to benefit a number of charitable causes and organizations. We were proud to support the 34<sup>th</sup> Annual Brain Injury Alliance of Connecticut's (BIAC) "Golf for Thought" on July 6, 2020, at TPC River Highlands in Cromwell, CT. The fundraising event is a financial lifeline that allows BIAC to continue its critical work with brain injury survivors. This year's event raised \$97,000. You can learn more about the organization [here](#).



(L to R) Derek Hutchison, Cumming; Paul Cicerchia, Willis Towers; Gregory Faulkner, R+C; Dennis Cavanaugh, R+C

[Dennis Cavanaugh](#) and [Greg Faulkner](#) took to the links in the New York Building Congress' Annual Golf Outing on September 21, 2020, at the Westchester Country Club in Rye, NY. That same day, [Fred Hedberg](#) and [Marty Onorato](#) were among 100 participants who played in the CT Building Congress' 25<sup>th</sup> annual LeFloch Memorial Golf Outing & CBC Scholarship Fundraiser, which has raised more than \$520,000 over the past 24 years. The socially-distanced event, including a 19<sup>th</sup> Hole cocktail hour and dinner, took place at the Shuttle Meadow Country Club in Kensington, CT.



(L to R) Fred Hedberg, R+C; John Petronella, Enfield Builders, Inc.; Seth Firmender, The Lane Construction Corp.; Marty Onorato, R+C

Robinson+Cole's [Lisa Andrzejewski](#) played in the van Zelm Charity Golf Outing on September 3, 2020, at the Tunxis Country Club in Farmington, CT. In addition to making generous annual contributions to a range of worthy organizations in the community, van Zelm Engineers donates annually to its endowed scholarship fund within the University of Hartford's School of Engineering, Technology and Architecture.



(L to R) Barrie Deschaine, BD Dir., KBE Building Corp; Angela Hyatt, Principal, Schwartz Silver Architects; Lisa Andrzejewski, R+C

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 Khan](#)

[Paul S. Lopez](#) | [Martin A. Onorato](#) | [Kenneth A. Sherman](#) | [Virginia K. Trunkes](#)

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## Construction Law **Zone**

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