

Robinson+Cole



Construction Group Out + About

October 2019

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.



Robinson+Cole Expands Construction Industry Practice with Additions in Boston, New York, Hartford and Stamford

Robinson+Cole announced the recent additions of [Kenneth A. Sherman](#) and [Virginia K. "Ginger" Trunkes](#) as Counsel and [Lisa B. Andrzejewski](#) and [Choity Khan](#) as Associates in the firm's Construction practice. Ken joins the firm's Boston office, Ginger is resident in the New York office, and Choity joins the Hartford office. Lisa rejoins the team after a brief stint in a well-regarded New York construction law firm and will be resident in the Stamford office.



"Ken, Ginger, Lisa and Choity are welcome additions to our accomplished group of skilled construction litigators and transactional

lawyers, especially in four highly active markets where the firm is focused on continuing to strengthen its presence," said Construction Group Chair, Greg Faulkner. "Their hands-on experience is an added value to our practice and further enhances our collective ability to provide the best service to our clients in each of these strategic markets."

Construction Group Retreat in NYC

The Construction Group held its annual retreat in New York City on September 19, 2019. The event was hosted at the offices of Robinson+Cole client, Lehrer Cumming, a strategic advisor to owners, developers, and institutions in the academic, cultural, commercial, residential and infrastructure sectors. Special thanks to Lehrer Cumming COO, Gavin Middleton, who gave an excellent presentation on the state of the NY construction market, and R.J. Panda, Project Director, who offered a tour of recent construction at Barnard College.



Construction Group Members Recognized

52 Robinson+Cole lawyers were recognized in 2019 *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 Kenneth Sherman, who was recognized as a "Rising Star." Additionally, the following lawyers were named to the Top 50: 2019 Connecticut Super Lawyers list: Dennis C. Cavanaugh, Gregory R. Faulkner and Todd R. Regan. [View list](#)

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

Robinson+Cole is honored to have 57 lawyers selected by their peers for inclusion in The Best Lawyers in America© 2020. Among those lawyers, seven Construction Group members were selected. They include: [Dennis C. Cavanaugh](#) – Construction Law and Litigation-Construction; [Gregory R. Faulkner](#) – Construction Law and Litigation-Construction; [Christopher J. Hug](#) – Litigation-Construction; [Martin A. Onorato](#) – Construction Law and Litigation-Construction; [Todd R. Regan](#) – Construction Law and Litigation-Construction; [Peter E. Strniste Jr.](#) – Construction Law; and [James A. Wade](#) – Litigation-Construction. Robinson+Cole had the highest number of listed lawyers in Connecticut in the area of Litigation-Construction. The Best Lawyers in America lists are compiled based on an exhaustive peer review evaluation. The 2020 edition of The Best Lawyers in America is based on some 8.3 million votes. Read more in the [press release](#).

Counsel to Conde Nast Recognized Properties

We are proud to have served as construction counsel to three clients who were listed in Conde Nast's *Traveler* 2019 Readers' Choice Awards: The [Top 30 Hotels in New York City](#): Baccarat Hotel ranked no. 2, 1 Hotel Central Park ranked no. 8 and Marriott's Moxy NYC Downtown ranked no. 29. Additionally, we served as construction counsel to 1 Hotel West Hollywood, which was listed at no. 2 on Conde Nast's *Traveler* 2019 Readers' Choice Awards: [The Top 30 Hotels in Los Angeles](#). Congratulations to all.



[Joseph A. Barra](#)

Joe Barra Authors Part 2 of BSCES News Article on Hidden Pitfalls of the Massachusetts Prompt Pay Act

[Joe Barra](#) authored the article "[Engineers Beware: The Massachusetts Prompt Pay Act Contains Hidden Pitfalls for the Uninformed \(Part 2\)](#)," published in the June 2019 issue of BSCES News, a monthly publication of the Boston Society of Civil Engineers Section/ASCE. This second article addresses the proper use and application of "Pay-if-Paid" clauses; provisions negating a contract obligation that requires a contractor to continue working when an approved payment is more than 30 days late; and contract clauses that improperly restrict a contractor's ability to trigger a contract's dispute clause. Joe summarizes the Act's impact on current practices and makes clear that project participants must understand how the Act renders unenforceable certain contract provisions and common methods of practice. To read the article in the full edition of the BSCES News, click [here](#). To read Part 1, click [here](#).

Joe Barra Serves as Panelist at Massachusetts Bar Association Event

[Joe Barra](#) was a panelist for the program "Using Experts in Litigation ADR in Domestic and International Matters," hosted by the Society of Construction Lawyers of North America on July 25, 2019. The program was presented by the Massachusetts Bar Association and featured a discussion on using experts in litigation and Alternative Dispute Resolution from the perspective of both counsel and the experts.



[Kenneth A. Sherman](#)

Ken Sherman Presents on Contract Law for Engineers

Ken Sherman presented the program “Contract Law Primer for Engineers” as part of the Engineering Law and Ethics Seminar in Manchester, NH on September 5, 2019. The presentation included discussions of contract law, the necessary elements of a contract, understanding contract “legalese,” liability-shifting contract provisions, and other related subjects.



[Virginia K. Trunkes](#)

Virginia Trunkes Authors *New York Law Journal* Article on Underpinning Dispute

Virginia Trunkes authored the article “Court Allays Tensions in Underpinning Dispute” published in the *New York Law Journal* on August 13, 2019. The piece examines a new dispute involving the practice of underpinning in New York, a method used by developers to reinforce and stabilize a foundation to enable it to withstand heavier weights above ground. A link to the article is available [here](#) and on the firm’s LinkedIn page.

Virginia Trunkes Featured in *New York Real Estate Journal’s* 2019 Women in Real Estate Spotlight

Construction Group lawyer Virginia Trunkes was among those featured by the *New York Real Estate Journal* in the publication’s annual “Women in Real Estate” spotlight, which recognizes the achievements of women engaged in specialized real estate industries. In the Q&A spotlight, she discusses her favorite motivational quote, one of her biggest accomplishments in the last 12 months, and the podcasts and books she recommends to women. Read the [full article](#).



[Todd R. Regan](#)

Todd Regan Presents at Surety Claims Institute Annual Meeting

Construction Group Partner Todd Regan co-presented the program “Making the Case Against Product Manufacturers and Suppliers” at the 2019 Surety Claims Institute’s Annual Meeting in St. Simon Island, Georgia on June 19-21. The presentation addressed the fundamentals and legal framework of the types of claims that can be brought against product manufacturers, including: the impact of modified terms and conditions on express warranty rights; implied warranties and claims for indemnity; and the economic loss doctrine, all of which were highlighted with discussion of applicable case studies.



[Megan E. Baroni](#)

Megan Baroni and Jon Schaefer Co-Author Article on OSHA’s Use of Drones as an Inspection Tool

Environmental, Energy + Telecommunications Group lawyers Megan Baroni and Jon Schaefer co-authored the article “Drones: OSHA’s Newest Inspection Tool,” published by *Construction Executive* on August 4, 2019. The piece covers the Occupational Safety and Health Administration’s (OSHA) newly formalized internal drone policy for inspection activities, which could be especially important at construction sites “where OSHA may feel the use of a drone is safer than sending inspectors into an active site or to significant heights.” The article encourages employers to prepare an OSHA drone strategy plan before an OSHA inspector arrives and offers some concepts to consider when developing such a strategy. A link to the article is available [here](#) and on the firm’s LinkedIn page.



[Jonathan H. Schaefer](#)

Megan Baroni and Jon Schaefer Co-Author *Construction Executive* Article on OSHA’s Fall Protection Standard

Environmental, Energy + Telecommunications Group lawyers Megan Baroni and

[Jon Schaefer](#) co-authored the article “Falling Down on the Job: OSHA Violations Carry Tremendous Costs,” published by *Construction Executive* on September 5, 2019. The piece focuses on the Occupational Safety and Health Act’s (OSHA) fall protection standard for construction, the most cited OSHA violation in the country, which in some recent years has accounted for more than one-third of workplace deaths. The article covers fall protection requirements, including training; recent notable citations; and multi-employer worksite policy, and offers standard fall protection tips. Read the [full article](#).



[Gregory R. Faulkner](#)

2019 HEREL Conference at UCLA

[Greg Faulkner](#) and [Marty Onorato](#) attended the 2019 HEREL Annual Conference, hosted by the University of California, Office of the General Counsel, at the UCLA Meyer and Renee Luskin Conference Center on Thursday, October 17 and Friday, October 18, 2019. HEREL (Higher Education Real Estate Lawyers) is an organization of attorneys and real estate professionals from more than 20 states who work for institutions of higher education. Its members represent a variety of public and private universities and colleges as both in-house and outside legal counsel in the areas of real estate and construction law.



[Martin A. Onorato](#)

Recent + Upcoming Events

Harvard Real Estate Alumni Organization - “Innovative Building Methods and Modular Construction”

September 10 - Boston

Real Estate + Development Group lawyer [Jerome Garciano](#) moderated the panel discussion as part of organization’s Innovation in Real Estate series.

Professional Women in Construction – “Deal or No Deal: Negotiating for a Better Future”

September 10 - New York

Construction Group member [Virginia Trunkes](#) attended.

2019 American Bar Association Construction Forum’s “Construction Law: Sticks & Bricks”

September 20 - New York

[Virginia Trunkes](#) attended.

American Bar Association Forum on Construction Law - 2020 Midwinter Meeting

January 22-24, 2020 - Tucson, AZ

[Virginia Trunkes](#) will attend.

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

[Lisa B. Andrzejewski](#) | [Joseph A. Barra](#) | [Robert M. Barrack](#) | [Dennis C. Cavanaugh](#)

[Gregory R. Faulkner](#) | [Aniello P. Franzese](#) | [Christopher J. Hug](#) | [Choity Khan](#)

[Paul S. Lopez](#) | [Martin A. Onorato](#) | [Todd R. Regan](#) | [Kenneth A. Sherman](#)

[Peter E. Strniste Jr.](#) | [Virginia K. Trunkes](#)

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Construction Law **Zone**

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