

# Editors

**Suzanne M. McSorley** is a shareholder in the Princeton, New Jersey, office of Stevens & Lee, P.C., where she concentrates her practice on construction disputes and transactions and on serving as an arbitrator and mediator in resolving complex commercial matters. In her construction law practice, Ms. McSorley represents owners and developers primarily in the pharmaceutical, healthcare, chemical, education, insurance, and financial services industries in private and public sector projects, in negotiating and drafting agreements, and in dispute avoidance and resolution. She has served as a mediation neutral in New Jersey since 1997 and is an arbitrator on the American Arbitration Association's panel of construction industry arbitrators and a mediator on the New Jersey panel established by the National Academy of Distinguished Neutrals. In addition to *MORE Sticks and Bricks*, Ms. McSorley joined with Roland Nikles, Steven Reisman, and Richard Tyler to edit *Construction Defects*, published by the American Bar Association Forum on Construction Law in 2012. She is a frequent lecturer and trainer on both construction law and mediation topics for the New Jersey State Bar Association, the New Jersey Institute of Continuing Legal Education, and the ABA Forum on Construction Law. She currently serves as the chair of Division 12, the "Owners and Project Finance" Division, of the Forum on Construction Law. She received her undergraduate degree *cum laude* from Princeton University and her J.D. from Columbia University School of Law, where she was a Harlan Fiske Stone Scholar.

**Levi W. Barrett** is an attorney in Peckar & Abramson's New York office, where he focuses his practice on construction law. Mr. Barrett counsels clients on all aspects of domestic and international construction contracts. He works with general contractors and owners to effectively assess and mitigate risk and to evaluate and negotiate construction contracts. He regularly advises clients on a wide array of projects, including commercial and residential buildings, institutional developments, and data centers, as well as industrial and infrastructure projects. Mr. Barrett also has extensive experience representing general contractors and subcontractors in complex disputes involving construction inefficiencies, delays, differing site conditions, changes, extra work, and default claims. He regularly counsels clients regarding dispute resolution and dispute avoidance strategies.

Mr. Barrett is admitted to practice in the State of New York, the State of New Jersey, and the United States District Court for the District of New Jersey. He received his Bachelor of Arts in economics from San Francisco State University and his law degree from Syracuse University College of Law.

Mr. Barrett has lectured on strategies for drafting and negotiating construction contract provisions and is the co-author of a book on the American Institute of Architects' A201 General Conditions. He is also an active member of the Associated General Contractors of America, where he participates in the preparation and revision of ConsensusDocs contract forms.

**Belinda Bacon**, a partner at Hamilton, Miller & Birthisel, LLP, in Miami, Florida, received her law degree from William & Mary and represents owners, engineers, architects, developers, contractors, subcontractors, and design professionals in complex construction contract, project administration, claims management, arbitration, and litigation matters. She has been a member of the ABA Forum on Construction Law since graduating from law school in 1993. She has served on the steering committees of divisions within the forum for both owners and lenders and international construction. She currently serves as a liaison from the forum to the ABA's Commission on Disability Rights. With a practice in both state and federal courts, she has represented clients in matters involving ADA Title III claims, payment disputes, delays and disruptions, construction and design defects, and construction liens. Ms. Bacon is also board certified by the Florida bar in construction law. After graduating from Duke University with an engineering degree, she commenced her career working in Kenya on water projects as a U.S. Peace Corps volunteer. Ms. Bacon continued her work in the public and private engineering sectors in the Washington, D.C., area and then, after law school, obtained her professional engineering license in Florida. She currently serves as vice president of the Miami chapter of the Florida Engineering Society.

# Contributors

**Eric E. Anderson, AIA**, is an assistant professor of architecture and construction management at Farmingdale State College. He has 30-plus years of experience in facilities planning and project management for educational and nonprofit organizations. Specific areas of expertise include master planning, project design for educational and religious occupancies, peer review for projects, capital program management, and forensic investigation of distressed projects. He is a registered architect in New York and West Virginia, and holds degrees from Carnegie Mellon University and West Virginia University. He is a member of the American Institute of Architects, whose local chapter recognized him for excellence in architectural education. He has been recognized for meritorious service by the Association of University Architects for his work in disaster recovery after the September 11 attack in New York, and has received the Pro Ecclesia et Pontifice medal from His Holiness, Pope Francis, for distinguished service to the Catholic Church.

**Martin Anderson** is a private consultant in California, providing construction materials expertise to project engineers. He has worked on a variety of engineering and construction standards committees and task groups, including for the American Institute of Steel Construction and the National Institute of Building Sciences Off-Site Construction Council. A LEED Accredited Professional, he is a current member of ASTM Committee on Steel, Stainless Steel and Related Alloys.

**John T. Boyer, Sr.**, is a principal and MEP leader at Thornton Tomasetti. He specializes in MEP forensics and design, with experience in mechanical/HVAC, electrical, plumbing, and fire suppression/protection systems. John joined Thornton Tomasetti in 2012, after 25 years in private practice, where his projects included commercial, industrial, educational, and institutional facilities. John's responsibilities include MEP/FP forensics and property loss investigations, building system performance issues, engineering design, and building code applications. John holds a bachelor of architectural engineering degree from The Pennsylvania State University, and is a licensed professional engineer in 29 states, the District of Columbia, Guam, and Manitoba Province, Canada. He is International Registry Certified for International Practice, holds an Engineering Expert Witness certification through the ACEC, and is an associate member of the American Institute of Architects. Additional credentials

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include certified plumbing designer, certified green building engineer, certified energy manager, certified energy auditor, and certified demand side manager.

**Daniel Brenner** is a partner at Laurie & Brennan, LLP, in Chicago, Illinois, where he focuses his practice almost exclusively on construction law. He represents construction industry participants from around the country through each phase of the construction process, from project inception through completion and claim resolution. Specifically, Mr. Brenner assists clients in contract drafting and negotiation and advises them on effective strategy for project execution, completion, and dispute avoidance. He also mediates, litigates, and arbitrates multimillion-dollar construction disputes of all types, including construction defects, design errors, mechanic's liens, breach of warranty, change order disputes, delays, and property damage. Throughout his practice, Mr. Brenner has worked on a variety of projects including sports stadiums and arenas, hospitals, hotels, power plants, bridges, historic landmarks, and state-of-the-art research facilities. Mr. Brenner has been recognized as a "rising star" and an "emerging lawyer" for construction litigation by *Super Lawyers* and *Leading Lawyers* publications.

**William R. Broz, P.E., LEED AP**, is a senior managing engineer at the Los Angeles office of Exponent, an international scientific and engineering consulting firm. A licensed mechanical engineer in seven states, he performs both failure analysis and proactive work in the firm's mechanical engineering practice. Mr. Broz is experienced in a broad range of case types including construction claims, engineering standard-of-care, intellectual property, construction defect, casualty, personal injury, and others. Over his 40-year career, Mr. Broz has acquired a broad range of design and operational experience including nuclear power plant operations, mechanical engineering design, project management, cost estimating, economic analysis, and construction administration. His engineering expertise includes building mechanical and plumbing system design, power and process piping design and stress analysis, and cold regions engineering. A LEED 2.0 Accredited Professional, Mr. Broz has considerable experience designing systems for energy efficiency, including LEED projects up to the Gold award level.

**Joseph A. Casali, P.E., MBA**, is the president of Joe Casali Engineering, Inc. (JCE), a civil and geotechnical engineering firm located in Warwick, Rhode Island. Mr. Casali has been practicing engineering for more than 20 years and has owned and operated JCE for over 15 years. Mr. Casali holds a bachelor of science degree in civil and environmental engineering and a master of business administration from the University of Rhode Island. He is currently registered as a professional engineer in the state of Rhode Island and the Commonwealth of Massachusetts, and has also held registrations in Tennessee and Mississippi. Mr. Casali is a past president of the Rhode Island Society of Professional Engineers (RISPE), was a 40 Under 40 award recipient, and was awarded the 2002 RISPE Young Engineer of the Year award. Mr. Casali is married with two children and resides in Scituate, Rhode Island.

**Brian Clifford** is an attorney and partner in the law firm of Faegre Baker Daniels LLP. As a member of the firm's construction and real estate development practice group, he emphasizes risk management, claims avoidance, and the prompt resolution of disputes to help his clients meet their goal: to safely complete their high-performance projects on time and on budget. Brian represents owners, developers,

investors, design-builders, contractors, automation technology integrators, and specialty construction vendors in bringing projects online in locations throughout North America. His legal and advising services include drafting and negotiating design, construction, supply, and other agreements; coordinating project financing arrangements; and instituting project controls in a variety of market segments, including multifamily residential and mixed-use developments, solar and wind energy generation projects, historic redevelopment projects, automated manufacturing and food processing facilities, and more. Brian received his law degree from Indiana University Maurer School of Law, where he graduated magna cum laude.

**Jayne Czik** is vice president and general counsel at Citnalta Construction Corp., a general contractor and design-builder focusing on public sector projects. Previously, Ms. Czik was the deputy general counsel at MTA Capital Construction (MTACC) in New York, the MTA agency responsible for the MTA's system expansion projects. Ms. Czik has been focusing on construction law since 1989 and has worked in a variety of positions including private practice in a law firm and editor of *Construction Company Strategist*, a national newsletter that provided practical business management and legal strategies for construction company professionals and attorneys. Ms. Czik has authored several papers and has been a frequent speaker and instructor on issues related to the construction industry and construction law. Jayne is an active member of the American Bar Association's Forum on the Construction Industry. Ms. Czik is also a member of the American Arbitration Association's National Construction Panel.

**Mark Dalton** is a principal with Henricksen & Co., headquartered in Itasca, Illinois, one of the largest contract furniture dealers in the country, with seven locations around the Midwest and New York City. Mark has been involved in virtually all aspects of the contract furniture industry for the last 35 years and has worked with a Who's Who of Fortune 1000 companies. Mark is a member of the board of directors of DIFFA (Design Industry Foundation Fighting AIDS), a grants organization dedicated to stamping out the disease. He is frequently asked to hold open dialogues with design professionals on the topics of business development and sales for the non-sales professional.

**Patrick Drewry** is a partner with the construction law firm of Drewry Simmons Vornhem, LLP, with offices in Carmel, Indianapolis, and Crown Point, Indiana. He concentrates his practice in the areas of construction law, construction litigation, public contract law, and surety law. He represents all participants in the construction process, including both private and public owners, general and prime contractors, subcontractors, suppliers, and construction sureties. He handles all construction matters from bidding and contract negotiations through field performance problems and claims and dispute resolution. Mr. Drewry received his bachelor of arts degree from Purdue University, Dean's Scholar, in 1998, and earned his JD from Indiana University School of Law-Indianapolis in 2001. Patrick is a frequent author and lecturer on construction law topics for construction trade associations and professional business organizations. He is a member of the ABA's Forum on Construction Law and the Indiana State Bar Association, Construction and Surety Law Section.

**James W. Feuerborn, Jr.**, is a senior principal and New York Wall Street office director for Thornton Tomasetti. James has more than 23 years of experience in

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**Peter C. Halls** is a partner (retired) and past chair of the construction law practice at Faegre Baker Daniels LLP. Peter has handled a full range of construction issues and has been involved with construction projects in most U.S. states and in several foreign countries, including ethanol plants, biomass plants, more than 5,000 megawatts of wind farm capacity, and 2,000 megawatts of solar projects. Peter has been chair of the Minnesota State Bar Association Construction Law Section, chair of the International Construction Division of the American Bar Association Forum on Construction, president of the Minnesota Construction Association, and president of the Minnesota Chapter of the Construction Management Association of America. Peter is a Fellow in the American College of Construction Lawyers and is recognized in *Chambers USA: America's Leading Lawyers for Business*, *The Best Lawyers in America*, *Minnesota Super Lawyers*, and *The International Who's Who of Construction Lawyers*.

**Karie L. Johnson** is an instructor at Dunwoody College of Technology in Minneapolis, Minnesota, and founder of AEC Transformations, LLC. She holds a master in organizational leadership degree from Saint Mary's University of Minnesota; a bachelor of architecture degree from the University of Minnesota; and is a registered architect, certified interior designer, and LEED Accredited Professional. Karie has served as member of the AIA Documents Advisory Board, CIFE's Technical Advisory Board at Stanford University, the writing committee for the development of the AGC CM-BIM Exam, and chair of the Minnesota AIA TAP committee. In addition to being an educator, Karie is an executive industry leader with expertise in advancing organizations through technology integrations, process improvements, and organizational change initiatives.

**Zach Jones** is an attorney in Nashville, Tennessee, with Stites & Harbison. His practice is focused on advising public and private owners, contractors, and manufacturers related to construction and government contracting. Zach has worked in the construction industry since 2005. Prior to becoming an attorney, Zach managed infrastructure construction projects, including water/wastewater projects and a sub-surface nuclear-refueling simulator. Zach is licensed in Tennessee and Kentucky and is admitted to numerous federal courts, including the U.S. Court of Federal Claims and U.S. Supreme Court. He received his BA from Trevecca Nazarene University and JD, magna cum laude, from the University of Memphis. Zach is the author of countless articles on various aspects of construction law and the author of the chapter on deposition in the *Discovery Deskbook for Construction Disputes* (ABA 2015). Zach is actively involved in American Society of Civil Engineers Construction Institute and the Underground Construction Association.

**Richard T. Kaczowski, P.E.**, is a vice president and group manager with CTL-Group, an internationally recognized expert consulting engineering and materials science firm headquartered in Skokie, Illinois. He has conducted hundreds of structural and building envelope leakage investigations to diagnose the cause of construction problems and remedy them. He also spent nearly ten years in the research and development department of a leading building materials manufacturer, where he led a laboratory group responsible for the development of new building products and their certification testing to applicable building code requirements. Rich serves on ASTM technical committees dealing with masonry, roofing, and overall performance of buildings. He is licensed as a Professional Engineer and/or Structural Engineer in 20 states.

**Erin E. Krejci** is a partner with Laurie & Brennan, LLP. Erin focuses her practice on complex construction and real estate disputes and has extensive experience counseling owners, developers, contractors, and subcontractors on resolving project disputes, including design and construction defects, delay claims, cost overruns, mechanics liens, insurance coverage, and payment and performance bonds. Erin also regularly drafts construction contracts and has significant appellate experience. In 2016, 2017, and 2018, Erin was recognized as an “emerging lawyer” in construction law by *Leading Lawyers*, a distinction earned by fewer than 2 percent of Illinois lawyers who are under the age of 40. Erin received her undergraduate degree from the University of Illinois and her law degree from Georgetown University Law Center.

**Larry Lacher** is an engineering manager with WTEC Energy. He has a BS in electrical and electronic engineering from North Dakota State University. He has been involved with the construction of more than ten GW of Wind and two GW of Solar Energy. He has 35 years of experience in the construction industry and 15 years of experience in the renewable industry.

**Mandy Schermer MacVey** is a partner in the Washington, DC, office of Schiff Hardin LLP. Her practice focuses on full-time boots-on-the-ground legal services on mega-projects. She has expertise in developing contracting strategy, executing complex contract negotiations, and implementing construction industry best practices to effectively prevent, mitigate, and resolve disputes that arise over the life cycle of construction projects. She received her BS and her JD from the University of Illinois Champaign–Urbana. She is a frequent lecturer and author, as well as adjunct professor of construction law at John Marshall Law School. Mandy volunteers her time as outside general counsel for Street Law, Inc., and was recognized in the 2015 and 2016 Emerging Lawyer Network.

**Bernard (B.J.) Nodzon, Jr.**, is a partner in the Minneapolis, Minnesota, office of Faegre Baker Daniels LLP. B.J. drafts and negotiates construction, design, automation, and procurement contracts. He has experience representing owners and contractors in connection with alternative energy projects throughout the country, including wind farms, biofuel facilities, solar farms, and ethanol plants. He helps clients manage and evaluative risks and also assists clients in resolving disputes. B.J. is a member of Faegre Baker Daniels’ national construction practice team and regularly speaks on topics of interest to the construction industry. He received his law degree from William Mitchell College of Law where he graduated summa cum laude and was the editor in chief of the *Law Review*.

**Stephanie Nussbaum** is a senior associate at Thornton Tomasetti and has more than 15 years of experience in architectural design. She specializes in building code and zoning issues, as well as building envelope forensics and design. Her current responsibilities include litigation support, building-envelope investigations and consulting, and building code applications. Prior to joining Thornton Tomasetti in 2012, Stephanie had worked for architectural design firms on varied residential, religious, health care, and institutional projects. Stephanie holds a BA degree from the University of Pennsylvania and a master of architecture degree from the Massachusetts Institute of Technology, and is a registered architect in New York State. She is a member of the American Institute of Architects. She has delivered presentations on flood mitigation methods and building codes in New York City and on the design of fire-resistive construction.

**Patrick J. O'Connor, Jr.**, is a partner at Faegre Baker Daniels, LLP, Minneapolis. He earned his BA from Hamline University in 1975, and his JD from American University in 1981. O'Connor clerked for Miles W. Lord, U.S.D.C., District of Minnesota. His practice focuses on construction, suretyship, and insurance. O'Connor serves as litigation counsel for contractors, owners, and design professionals; acts as mediator, arbitrator, and expert witness in construction disputes; co-authors the treatise, *Bruner & O'Connor on Construction Law*; is an advisor to the American Law Institute's Restatement of Law Third, Suretyship and Guaranty; advises industry organizations on BIM and IPD; and counsels the AIA regarding contract forms. O'Connor is Fellow and past president of American College of Construction Lawyers; former member of ABA's Governing Committee, Forum on Construction Industry; and is listed in *Best Lawyers in America*, *International Who's Who of Construction Lawyers*, and *Minnesota Super Lawyers*. Contact Pat by email at [patrick.oconnor@faegrebd.com](mailto:patrick.oconnor@faegrebd.com).

**Leah A. Rochwarg, Esq.**, LEED AP, a partner in Seyfarth Shaw LLP's Boston office, has more than 20 years of experience specializing in construction law matters, including procurement issues, negotiating and drafting design and construction contracts and related agreements, post-project issues, and complex construction defect claims and disputes. Leah has extensive experience working on a variety of public and private improvement projects, including transportation and infrastructure, educational facilities, mixed use development, high rise buildings, desalination plants, airport construction, and cogeneration projects. She regularly speaks and writes on topics of interest to the construction industry and serves as co-editor of the *Aspen Construction Law Handbook*, associate editor of the *ASCE Legal Affairs and Dispute Resolution Journal*, and co-chair of the Construction Law Committee of the Boston Bar Association's Real Estate Section.

**Robert Rodin** joined Thornton Tomasetti in 2014 as a licensed architect with more than 30 years of experience in the design and construction of commercial and residential buildings as well as the rehabilitation and expansion of existing buildings, including historic structures. For 20 years, Robert has specialized in investigating building envelope failures and building code applications. His areas of expertise are roofing, waterproofing, façades, and related components and assemblies. Robert has performed peer reviews for building envelope design for performance, function, economy, constructability, serviceability, and life-cycle costs. He holds a bachelor of architecture degree from the Pratt Institute and is a licensed architect in Hawaii,



Maine, Massachusetts, New Jersey, New York, New Hampshire, Rhode Island, Vermont, and Washington, DC. He is a member of the AIA, NIBS, BEC, ASCE, and NYSA. He is an NCARB certificate holder and holds a Construction Documents Technologist certificate from the Construction Specifications Institute.

**John J. Roller** is a principal structural engineer for CTLGroup headquartered in Skokie, Illinois. He is a licensed structural engineer with over 30 years of professional experience. His career has largely been devoted to performing structural failure investigations, evaluation of damaged or distressed structures, field and laboratory structural load testing programs, material testing and evaluation programs, development and implementation of quality assurance programs, and structural instrumentation and monitoring programs. He frequently provides expert consulting services in support of dispute resolution proceedings related to design, construction, or performance of building or civil structures. Mr. Roller has co-authored more than 50 publications, most of which relate to various structural and materials research projects performed throughout his career. Three of these publications have won awards from American Concrete Institute (ACI) and American Society for Civil Engineers (ASCE).

**Kylie Schalz** earned a BS in mechanical engineering from Oakland University in Rochester, Michigan. Kylie was among the 2017 class of Building, Design + Construction 40 Under 40 talented professionals in the AEC industry recognized for making an impact in business, philanthropy, and in their communities. She was employed by Thornton Tomasetti as the MEP Forensics Practice Coordinator from 2013 to 2018.

**Tim Schap** is the chief operations officer for Construction Process Solutions. He is a licensed architect, a building forensics expert, and a registered exterior wall consultant providing property condition and defect assessment, standard of care analysis, and building envelope commissioning. Mr. Schap performs building assessments to assist owners with operations and maintenance planning as well as real estate acquisitions by developing building failure remedial solutions, prioritizing necessary repairs, providing cost estimates and phasing scenarios, and facilitating the implementation of remedial work. He assists design professionals by providing consulting during building design to identify deficiencies in contract documents and develop building envelope integrity related details. As a project moves into construction, he provides quality assurance and special inspections to verify proper installation techniques, or as circumstances often dictate, he provides postconstruction inspections to analyze existing building conditions and assess workmanship quality and general conformance to the contract documents and industry standards.