Monticello

THE QUARTERLY JOURNAL OF THE JEFFERSON SOCIETY, INC.

A Non-Profit Organization for Architect-Lawyers

Issue No. 41 Fall Issue – Oct. 2022

PRESIDENT'S MESSAGE

By Joshua Flowers, FAIA, Esq.
Gresham Smith

Members of The Jefferson Society,

As we are close to completing a busy 2022 with TJS members and events, we are considering the future opportunities for members, our professions and the industries we advise and serve. **Where do you see your profession and industry in 100 years?** That was the central question presented by the AIA National Young Architects Forum (YAF) *Summit 30: Mission 2130* in August. Every five years, the YAF holds a summit to address issues of importance to architects licensed 10 years or less, and this year I was invited to serve as a juror to select participants and as an advisor during the event. It was enlightening to see how the next generation of architects envisions the future of the profession and society. Participants were assigned to teams based on personality profiles and shared interests in core values. The event used technology to facilitate the strategic planning process by incorporating images generated through artificial intelligence to envision the future, and participants developed a timeline working from the future suggested by the images back to the present day. The exercise generated action items that the organization will address in the next five years.

How is your organization planning for the future? As dual background professionals, TJS members frequently advise clients and organizations about planning for the future, particularly in areas of risk and compliance. What resources do you use to help you identify future outcomes that are important to your decision making? What is your role in strategic planning and innovation?

What is the role of the past in planning for future events? Earlier this month I attended the AIA Documents Committee fall meeting in Washington, DC. The event was one of the last that will take place at the AIA National headquarters before the building undergoes a renovation. The meeting took place in the AIA board room where many meetings of significance to the architecture profession have played out over the years. The building is a repository of the history of the profession, with names of Gold Medal and Firm Award recipients etched in stone in the lobby. My task group met in the meeting room where names of past AIA Presidents and CEOs are displayed on the wall. At this point in the process, the headquarters is mostly cleared out, staff is largely working from home, and the building Mount

(continued on p. 2)

Know of Another Architect-Lawyer Who Has Not Yet Joined The Jefferson Society, Inc.?

Send his or her name to TJS President Joshua Flowers, FAIA, Esq. at: josh.flowers@greshamsmith.com and we will reach out to them. Candidates must have dual degrees in architecture and law.

Inside This Issue:

Pg. 1, Our President's Message

Pg. 3, Federal Court Grants Stay on Vaccine Mandate for Contractors

Pg. 4-5, TJHS Football Program 2022

Pg. 5-10 and 16-18, Case Summaries

Pg. 11-13, The Debate Continues Over The Legacy of Slave-holder Thomas Jefferson

Pg. 13-14, TJS Members Write Two New Books

Pg. 19-21, Member Profile: Arlan Lewis

Pg. 22-23, Should We Unionize the Architectural Profession?

Pg. 24-25, Did Thomas Jefferson Submit a Design for the White House?

Check us out on Facebook and LinkedIn

(President's Message, continued)

Vernon and learned about the buildings and grounds of George Washington's estate, including Washington's experience as a self-taught surveyor.

What is the future for project delivery? At the ACEC Fall Conference, the ACEC Research Institute released *Design-Build State of Practice: Recommendations for Agencies & Industry on Effective Project Delivery*, a study of challenges and successes of design-build project delivery. ACEC partnered with the University of Colorado Boulder to obtain data regarding a range of design-build projects. The research determined that of the projects surveyed, 85% of disputes were resolved through executive-level negotiation before resorting to the dispute resolution provisions of the agreement. The study is expected to provide insights as new infrastructure projects consider utilizing design-build for project-delivery, and surveyed professionals stated design-build would need to continue to evolve and referenced progressive design-build as a path forward for the future.

What is your vision for the future? I look forward to hearing thoughts from the perspective of our diverse members. Please send your thoughts and ideas.

Thanks,

Josh

josh.flowers@greshamsmith.com

Pres. Biden EO Requires PLA's on Large Federal Projects Over $35 Million.

On Feb. 4, 2022, President Biden signed Executive Order 14063, Use of Project Labor Agreements for Federal Construction Projects, requiring federal construction contracts greater than $35 million to be subjected to project labor agreements (PLAs). E.O. 14063 mandates that Federal Government agencies require the use of PLAs for large-scale Federal construction projects, unless an exception applies. Agencies still have the discretion to require PLAs for smaller Federal construction projects that do not meet the $35 million threshold.

The E.O. also directs the Office of Management and Budget (OMB) to issue implementation guidance to agencies on exceptions and reporting.

The new EO drew quick criticism from some sectors of the industry. On Feb. 15, the Associated Builders and Contractors (ABC) and 15 organizations representing tens of thousands of companies and millions of employees in the construction industry sent a letter to President Biden outlining concerns with the EO. That letter was followed by another letter on Feb. 28, which was sent to Congress in support of the Fair and Open Competition Act (S. 403/H.R. 1284), which would restrict government-mandated PLAs on federal and federally assisted construction projects.

On March 7, Sen. Todd Young (R-Ind.), led a group of 42 Senate Republicans in sending another letter to President Biden opposing the EO, saying that "a fair and open bidding process for federal construction projects would guarantee the best value for hardworking taxpayers located in all geographies and regions across the United States."

The next day, on March 8, Rep. Ted Budd (R-N.C.) and 59 House members signed a letter to President Biden saying that PLA mandates and preferences will "deny critical construction jobs to local workers and small businesses," urging the White House to refrain from "attaching strings to infrastructure funding that create discriminatory barriers to recovery."

In response, DoD, GSA, and NASA have proposed to amend the FAR to implement EO 14063. The proposed rule was published in the *Federal Register* on Aug. 19, with comments due **by Oct. 18**. Over 8,300 comments were received.

What's Next? The public comment period has ended, so now the EO will be sent back to the FAR Council. After reading and debating comments, the agencies will determine whether to revise the proposed rule, abandon the proposal, or move forward to the final rule stage of the rulemaking process. It could be months before a final rule is issued.

We will report any final action on the proposed rule in a future issue of *Monticello*.

Our Mission

The Jefferson Society, Inc. is a non-profit corporation, founded on July 4, 2012 for the advancement of its members' mutual interests in Architecture and Law. The Society intends to accomplish these purposes by enhancing collegiality among its members and by facilitating dialogue between architects and lawyers.

Federal Court Grants Stay on Vaccine Mandate for Certain States and Contractors.

On Aug.t 26, 2022, the U.S. Court of Appeals for the Eleventh Circuit upheld a lower court's injunction of Executive Order 14042, President Biden's executive order requiring employees working on federal government contracts to be vaccinated for COVID-19 (the "contractor mandate"), but narrowed the scope of the injunction from applying nationwide to now applying only to those plaintiffs in the case (seven states, and members of the national trade association Associated Builders and Contractors (ABC), which intervened in the case). In *Georgia v. President of the United States*, 46 F.4th 1283 (11th Cir. 2022), the Court of Appeals held that:

1. The Executive Order likely exceeded scope of President's authority;
2. The District Court did not abuse its discretion in determining that contractors faced irreparable harm;
3. The District Court did not abuse its discretion in determining that balance of equities and public interest favored issuance of preliminary injunct-ion;
4. The District Court relied on improper considera-tions to justify its nationwide injunction; and,
5. The nationwide injunction was not overbroad to extent that it precluded the Government from considering bidder's compliance with mandate when deciding whether to grant contract.

The Eleventh Circuit's ruling upheld the District Court's reasoning that plaintiffs were likely to succeed on the merits of their claim (that the contractor mandate was not within the authority of the president to issue under the Procurement Act), and that the plaintiffs had made the requisite showing to justify injunctive relief, but narrowed the court's nationwide injunction to apply only to those plaintiff states and trade association ABC. In doing so, the Court of Appeals noted that nationwide injunctions are generally disfavored and stressed the value of consideration of these issues by other courts. Indeed, as of this writing, a number of challenges to the contractor mandate remain pending in federal district or appellate courts. Still other courts deferred ruling on requests for injunctive relief, citing the U.S. District Court for the Southern District of Ga.'s imposition of the nationwide stay.

Background. In July 2021, during the COVID-19 pandemic, President Biden announced new requirements for federal employees and onsite federal contractors regarding vaccination, masking, and social distancing. The president subsequently issued Executive Order 14042 on Sept. 9, 2021, requiring that federal agencies add to their contracts and solicitations a requirement that federal contractors and subcontractors obtain proof that their employees working on or in connection with federal contracts are vaccinated for COVID-19. A number of states sued the federal government to enjoin the contractor mandate and ABC subsequently intervened in the action.

On Dec. 7, 2021, the U.S. District Court for the Southern District of Georgia became the first court to enjoin the contractor mandate on a nationwide basis. In its order, the lower court it determined that: 1. injunctive relief was warranted insofar as the plaintiffs were likely to succeed on the merits of their claim that the subject executive order exceeded the limits of the president's authority under the federal Procurement Act (also known as the "Federal Property and Administrative Services Act"); and, 2. a nationwide injunction was necessary to afford effective injunctive relief, insofar as ABC members are located throughout the country, as are various contractors and subcontractors who may contract with businesses in the plaintiff states. *Georgia v. Biden*, 574 F. Supp. 3d 1337 (S.D. Ga. 2021). The United States appealed to the Eleventh Circuit Court of Appeals.

Non-Enforcement Policy. The Eleventh Circuit's narrowing of the injunction from a nationwide stay to a more limited one may have limited practical impact at this time, however. Shortly after the executive order was initially enjoined, the federal government announced via the Safer Federal Workforce website that it would not attempt to enforce the order in light of the court's injunction. As of August 31, the government appears to be maintaining that non-enforcement posture. On Aug. 31, 2022), the following notice appears:

"Regarding Applicable Court Orders and Injunctions: To ensure compliance with an applicable preliminary nationwide injunction, which may be supplemented, modified, or vacated, depending on the course of ongoing litigation, the Federal Government *will take no action* to implement or enforce Executive Order 14042. For existing contracts or contract-like instruments (hereinafter "contracts") that contain a clause im-

plementing requirements of Executive Order 14042, the Government will take no action to enforce the clause implementing requirements of Executive Order 14042, absent further written notice from the agency." (Emphasis added).

This does not mean that the Government will never enforce the contractor mandate. But enforcement seems unlikely, and that would certainly draw more lawsuits challenging the presidential mandate. Federal contractors, particularly those in states where the contractor mandate was not enjoined by a different court, should keep a close eye on developments, as well as any change in federal enforcement policy.

Thomas Jefferson High School Aiming to Regain Championship Mojo

(reprinted from The High School Sports Network, HSSN, Aug. 15, 2022)

The 2021 season was not a customary prize-winner for the Thomas Jefferson [high school] football team. The Jaguars fell short on all three of their annual goals of winning conference, WPIAL and PIAA titles, and the TJ coaching staff hopes that fact doesn't bode well for opponents this fall. "Now is when all the work is done to prepare for the season," TJ coach Bill Cherpak said. "The team bonding that takes place over the course of the summer as they work together is a huge part of the success of a team. There is no way around it and there is no easy way. Football is a demanding sport and you must be physically and mentally tough to play it."

Last year, TJ fell from its perch as a WPIAL favorite after losing twice in the regular season. The two-time defending WPIAL and state champion Jaguars placed third in the Big Eight Conference and lost to rival Belle Vernon, 21-7, in the WPIAL semifinal round. TJ had won the past two and five of the last six WPIAL Class 4A crowns and had advanced to the finals for six consecutive seasons. The Jaguars finished 8-3 overall and were 4-2 in league play in 2021, lagging behind BVA and McKeesport.

"(That) was obviously not the outcome we had hoped for," Cherpak said. "We had so many injuries, but overall the kids worked hard."

(below) Thomas Jefferson's star Jordan Mayer works out in practice last season.

The headliner on this year's team is senior Jordan Mayer, a 6-foot-5, 230-pound tight end/defensive end and Wisconsin recruit (see photo, above). An all-state player for the Jaguars, Mayer decommitted from an offer from Boston College in opting for the Badgers. Mayer chose Wisconsin over West Virginia, Cincinnati and Virginia Tech. He also had FBS offers from Akron, Bowling Green, Buffalo, Charlotte, Central Michigan, Duke, Eastern Michigan, James Madison, Kent State, Miami (Ohio), Navy, Ohio and Toledo.

Mayer leads a group of talented returning starters at TJ that includes senior Peyton Krueger at offensive guard and defensive tackle, Sean Sullivan, a junior wide receiver/defensive back, senior center Nick Florian, junior defensive back Aidan Whalen and Kam Eggerton, a junior linebacker. Mayer, Krueger (6-2, 275) and Sullivan were first team all-conference selections in 2021. "My expectation is the same as it was last year and that is to win a state championship," Krueger said. "Our strength is the offensive and defensive line, as it has been for years."

Others who were termed part-time starters a year ago and are looking to expand their roles this fall include seniors Nathan Everley (OT), John Janusek (DE), Dom Donatelli (LB) and Ryan Lawry (DB) and junior Elias Lippincott (RB).

Look for Lawry, Mayer, Lippincott, senior WR/DB Danny Carroll and junior WR/DB Joe Mendyk to possibly complement Sullivan in the receiving department. Mayer, Krueger, Lawry and Bryce Heller, a senior running back, are expected to step up into leadership roles on this year's team. TJ's dual-threat quarterback Joe Lekse graduated last spring, leaving the Jaguars with an open position on offense. Lekse was backed up by Brody Evans, Kooper Kamberis and Bode Marlow in 2021. Evans is a junior; Kamberis and Marlow are sophomores. Another quarterback prospect is [6'-3", 200 lb.] sophomore Luke Kosko, a Seton LaSalle transfer. Kosko passed for almost 1,000 yards last year and has been offered a D1 scholarship from Marshall. Kosko was ruled ineligible for the 2022 football season after a hearing Aug. 1 [2022] with the WPIAL board. PIAA rules prohibit transfers for athletic purposes. If he remains ineligible, Kosko could continue to practice with the Jaguars but wouldn't be allowed to compete for the football team until the 2023 season.

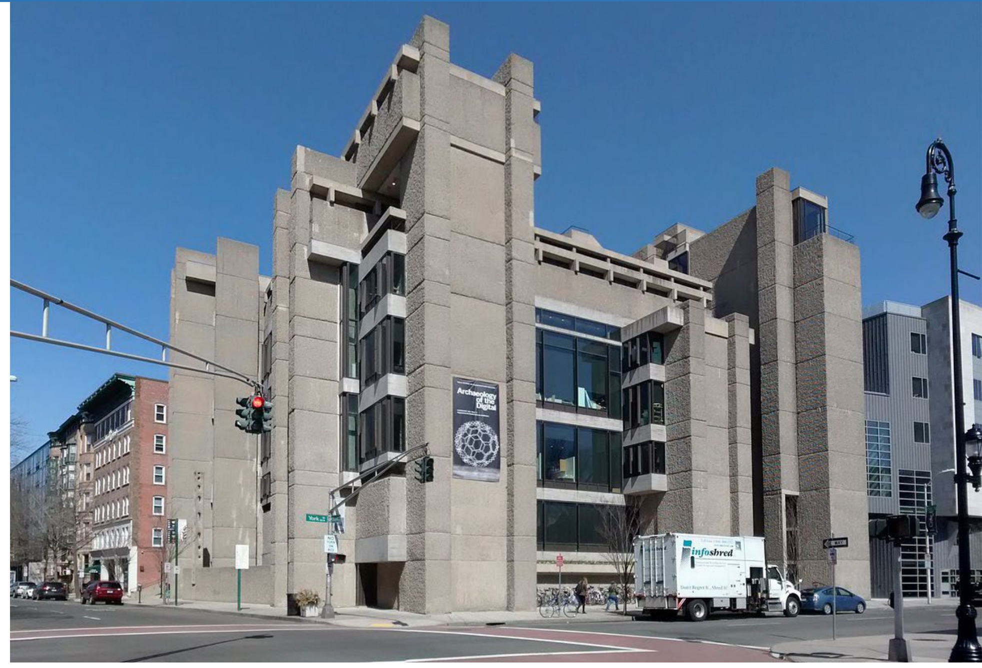
[Editor's Update: As of Oct. 5, 2022, the Thomas Jefferson Jaguars were off to a disappointing start, at 3-3 and in last place in its conference, their worst start to a season since 1994].

ARKANSAS. ARCHITECTURAL FIRM SUES IRS FOR $1.4 MIL. IN TAX REFUNDS FOR QUALFIED RESEARCH EXPENSES.

Plaintiff Cromwell Architects Engineers, Inc. ("Cromwell") a full service architectural and engineering firm with its principal place of business in Little Rock, Arkansas. The firm claims that it "performs sophisticated research and development activities for complex government facilities," such as creating project designs for "buildings and their component systems for schools, hospitals, military installations, and government buildings." Specifically, Cromwell claims that is "creates architectural and engineering designs for building envelopes, plumbing systems, mechanical systems, and electrical systems." Cromwell sued the United States government to recover over $1.4 million in federal income taxes paid during two tax years. According to the firm, under 26 U.S.C. § 41 a taxpayer can claim a tax deduction for qualified research expenses ("QRE") that exceed the amount they spent during an earlier comparison period. Under 26 U.S.C. § 179D, a taxpayer can deduct the cost of an energy efficient commercial building property "placed in service during the taxable year." The Government moved to dismiss the lawsuit. The Court explained that:

Research And Development Tax Credits Under § 41. Under 26 U.S.C. § 41, taxpayers can claim a tax credit for QREs that exceed the amount they spent during an earlier comparison period. This credit is equal to 20% of the difference between a taxpayer's QREs from the year in which the credit is claimed and the "base amount" – the QREs from the comparison period. QREs include wages paid to employees who perform or supervise qualified research. Qualified research includes research and development in the experimental or laboratory sense, research that is undertaken to discover information that is technological in nature and that is intended to be used in the development of a new or improved business component of the taxpayer, and activities that constitute elements of a process of experimentation for a specified purpose.

Energy Efficient Commercial Buildings Deduction Under § 179D. Under 26 U.S.C. § 179D, a taxpayer can deduct the cost of an energy efficient commercial building property "placed in service during the taxable year." The term "energy efficient commercial building property" means property that, among other requirements, is installed as part of: 1) the interior lighting syst-



(above left) Architect Paul Rudolph (1918-1997); (above right) Rudolph's Yale Art and Architecture Building at Yale University (1963), in New Haven, Connecticut.

em, 2) the HVAC system, or, 3) the building envelope, and is certified as installed as part of a plan to reduce the total annual energy and power costs with respect to the interior lighting systems, heating, cooling, ventilation, and hot water systems of the building by 50% or more as compared to a reference building that meets the minimum requirements of Reference Standard 90.1.

If a property cannot meet the 50-percent threshold, the owner may deduct the cost of energy-efficient property installed as part of one of the three systems mentioned above if the system has reduced the total energy cost of the building by a certain percentage.

Cromwell's Claims Can Proceed.

Cromwell claimed that the IRS erred in denying its § 41 tax credits ("R&D Credits") and that it also erred in disallowing its § 179D tax deduction for work that qualified for both § 41 R&D credits and § 179D tax deductions. In denying the Government's motion, the Court held that, "Cromwell, at this stage of the litigation, need only allege sufficient factual matter that, accepted as true, states 'a claim to relief that is plausible on its face.'" The Court concluded that the allegations in the complaint could lead to relief, and that the firm sufficiently stated a claim upon which relief can be granted. The Government's motion to dismiss was denied. See _Cromwell Architects Engineers, Inc. v. U.S._, 2022 WL 4484676 (E.D. Ark. 2022).

NEW YORK. LAWSUIT FILED OVER COPYRIGHTS TO A FAMOUS ARCHITECT'S WORK.

Copyright cases almost always involve residential designs, so this case caught our attention for its unusual subject matter. Paul Rudolph (1918–1997) was a well-known American architect and the chair of Yale University's Department of Architecture for six years, known for his use of reinforced concrete and highly complex floor plans. His most famous work is the Yale Art and Architecture Building (A&A Building) (above), a spatially-complex concrete structure. Before he died, Mr. Rudolph executed a will in 1996 which named his attorney John Newhouse as his executor. Pursuant to the 1996 Will, a $2 million testamentary trust was established for the benefit of Ernst Wagner, Rudolph's longtime friend. The trust was to be funded by the sale of certain real property at in Manhattan.

In the 1996 Will, Mr. Rudolph bequeathed the physical copies of his drawings, plans, renderings, blueprints, models, papers, treatises, and other materials related to his architectural practice (the "Rudolph Archive") to the Library of Congress. There was no mention of any disposition of the intellectual property in those materials in the 1996 Will, but Mr. Wagner was named as the residuary beneficiary under the '96 Will.

In March 1997, Paul Rudolph suffered a heart attack and

went into a coma. In April 1997, after Rudolph awoke from the coma, he executed a new will (the "1997 Will"), under which he bequeathed $1 million to Ernst Wagner outright, as opposed to $2 million in trust. The 1997 Will also provided for the transfer to Mr. Wagner of a piece of property that Rudolph owned. In the 1997 Will, as in its predecessor, Mr. Rudolph bequeathed his Archive to the Library of Congress but, again, said nothing about the intellectual property rights appurtenant to the physical items in the Archive.

In July of 1997, Rudolph's sister and his office manager instituted a guardianship proceeding alleging that Mr. Wagner had induced Mr. Rudolph to amend his will in 1997 to Wagner's benefit. Rudolph died in Aug. 1997 before the hearing took place, and the '97 Will was submitted for probate.

Plaintiff, the Paul Rudolph Foundation ("PRF"), a non-profit organization, sued Defendant Paul Rudolph Heritage Foundation ("Heritage") and Mr. Wagner, personally, challenging the validity of the 1997 Will. Defendant Ernst Wagner was one of the founding members of Plaintiff PRF, but he was voted off PRF's board of directors in 2014. Wagner thereafter founded the competing foundation, Heritage. PRF claims in the lawsuit that Heritage is nothing more than "a copycat organization," founded by Wagner to impede PRF's efforts to function without him. According to Plaintiff, in reality, Wagner founded Heritage to compete with and harass PRF. PRF sued Heritage and Wagner for trademark infringement, willful copyright infringement, and related common law claims. Plaintiff also sought a declaration that certain images of Rudolph's work that were transferred to the Paul M. Rudolph Archive at the Library of Congress (and the intellectual property rights to those images dedicated to the public) are in the public domain, and that Defendants' copyright registration purporting to cover those images is, therefore, invalid. PRF also claimed that a Court-appointed evaluator had questioned whether Mr. Rudolph had the mental capacity to execute documents during the period when the '97 Will was signed. Defendants filed their own counterclaim for copyright infringement. PRF moved to dismiss that counterclaim for failure to state a claim upon which relief may be granted.

Counterclaim Dismissed. To state a claim for copyright infringement, the Court said that a counterclaim plaintiff must allege: 1) which specific original works are the subject of the copyright claim; 2) that plaintiff owns the copyrights in those works; 3) that the copyrights have been registered in accordance with the statute; and, 4) by what acts during what time the defendant infringed the copyright. In granting the motion to dismiss, the Court held that Defendants failed to specify *which* works within a 152-photograph group copyright registration were used by PRF in violation of Defendants' copyrights, and also failed to plead *how* and *when* PRF infringed those copyrights.

As to who owned the intellectual property, the Court said that as the "residuary beneficiary" under Mr. Rudolph's revised 1997 Will, Mr. Wagner inherited any intellectual property rights that Rudolph owned at the time of his death (other, of course, than the intellectual property rights attendant to the items that the Library of Congress (LOC) chose to keep for its archive).

The Defendants' counterclaim asserted that the images at issue included two residences which were not selected by the LOC to be featured in the Paul Rudolph Collection. But, PRF argued that one residence was actually selected by the LOC and, therefore, was in the public domain as part of the Paul Rudolph Collection. The Court took judicial notice that the images of one residence were selected by the LOC, and the images had "passed into the public domain," such that Defendants could not claim ownership of the intellectual property rights. As to the second residence, Defendants plead that those images were created as "work for hire." Seizing on that, the Court held that "Under the Copyright Act, the person who hired Rudolph to take the photographs as 'works for hire' became the 'author' of those works, and so is the owner of the copyright in those works." As a result, Rudolph did not own the copyright in those images and could not have passed on any such interest to Mr. Wagner through his residuary estate. Therefore, the counterclaim was dismissed.

In addition, Defendants were denied leave to amend the counterclaim. The Court said: 1) Defendants failed to attach their proposed third amended counterclaim, contrary to the Federal Rules of Civil Procedure; and, 2) "I cannot see how it would be possible for Defendants to state a viable counterclaim. Moreover, they have had long enough to do so. They have had ample time to investigate and plead sufficiently any counterclaims or affirmative defenses they wish to assert. The court declines to give Defendants a third bite at the apple to do what they should have done in the first (and second) place."

The case continues as *Paul Rudolph Found. v. Paul Rudolph Heritage Found.*, 2022 WL 4109723 (S.D.N.Y. Sept. 8, 2022).

D.C. ARCHITECTS WHO SUED FOR THE "TRUTH" ABOUT 9/11 LACK STANDING; SUIT DISMISSED

Eighteen individuals and a California nonprofit called "Architects & Engineers for 9/11 Truth," claimed that a government agency incorrectly reported why a World Trade Center (WTC) building collapsed on 9/11. Similar suits have been dismissed by New York federal judges for lack of standing. In dismissing this lawsuit, the D.C. District Court noted, "Not much changes here. Although Plaintiffs' claims look different, they suffer from the same infirmities as before."

At the core of the lawsuit is WTC 7, a lesser known 47-story building that did not fall when the Twin Towers fell, but collapsed later that day "without having been struck by an aircraft." In November 2008, an agency in the Dept. of Commerce (called the National Institutes of Standards and Technology, or NIST) released three reports about the collapse of WTC 7. NIST concluded that debris from the collapse of one Tower ignited fires in WTC 7, generating so much heat that a structural support inside the building collapsed. The Plaintiffs, however, believe that WTC 7 collapsed not from fire but from a "controlled demolition," involving "pre-placed explosives and/or incendiaries" in the building.

Architects & Engineers for 9/11 Truth has a mission to educate the public about the causes of the collapse and "has made hundreds of public presentations" to show that "pre-placed explosives and/or incendiaries" destroyed the WTC buildings. Eight Plaintiffs are relatives of those who died on 9/11, though the collapse of WTC 7 "is not known to have directly caused the death of any" Plaintiff's family member. The other ten Plaintiffs are engineers and architects who have studied the 9/11 collapses.

Plaintiffs invoked a procedure under the Information Quality Act, 44 U.S.C. § 3516, passed in 2001, which requires each agency to "establish administrative mechanisms allowing affected persons to seek and obtain correction" of any agency-published information that did not comply with the agency's own guidelines. In April 2020, the Plaintiffs filed a request for correction of NIST's WTC 7 Report and some FAQs about the investigation that NIST had published on its website. They challenged NIST's conclusion that fires caused the collapse and argued that "dispositive evidence" showed "the use of explosives and incendiaries" in the building. NIST denied the request.

Plaintiffs then sued NIST, its Director, and the Secretary of Commerce, arguing that NIST violated several federal laws when it denied the request for correction. The Secretary of Commerce moved to dismiss the suit for lack of standing. Plaintiffs argued that they have "informational standing," since they suffered an informational injury due to the false report.

The family members claim that they need correct information on the cause of the collapse for "emotional closure." The individual architects and engineers also claim to "have suffered a special information injury," because the false NIST report "significantly eroded" public trust in the research and publishing institutions involved. In a lengthy analysis, the Court concluded that these Plaintiffs had not shown an informational injury.

The defendants next claimed to have a "financial interest at stake" because it applied for a reward under federal law to individuals who provide information that leads to the arrest or conviction of terrorists. Also, they claim to have spent private money on a study about the collapse of WTC 7. The Court called these activities "classic descriptions of advocacy activities." The Court held that the Plaintiffs lacked standing for their claims, granting the Secretary's motion to dismiss. See, <u>*Architects & Engineers for 9/11 Truth v. Raimondo*</u>, 2022 WL 3042181 (D.D.C. Aug. 2, 2022).

[Editor's Note: a similar 9/11 suit against the U.S. Attorney General and the U.S. Attorney for the Southern District of New York was dismissed for lack of standing, and affirmed on Aug. 5, 2022 by the Second Circuit Court of Appeals in <u>Lawyers' Comm. for 9/11 Inquiry, Inc. v. Garland</u>, 43 F.4th 276 (2d Cir. 2022)]

PENNSYLVANIA. ARCHITECT CAN BE SUED FOR "PATTERN AND PRACTICE" OF DESIGNING NON-ACCESSIBLE FACILITIES.

In this case, the United States sued the owners of fifteen senior living facilities and against the architect who designed them to enforce the Fair Housing Act ("FHA") and the Americans with Disabilities Act ("ADA"). The Government claimed that certain senior living homes fall short of the FHA's and ADA's disability accessibility requirements. The architect moved for judgment on the pleadings, arguing that a federal statute of limitations and two states' statutes of repose should limit the United States' claims. The Court denied the architect's motion, and here is why. Eleven of the fifteen facilities were allegedly built <u>*more than five*</u>

years before the Government sued. Four of the facilities are located in Pennsylvania and were allegedly built *more than twelve years* before the commencement of this lawsuit. Three other facilities are located in New Jersey and were allegedly built *more than ten years* before the commencement of this lawsuit.

The United States Code provides a five-year statute of limitations for lawsuits brought to enforce civil "fine" or "penalty" provisions. 28 U.S.C. § 2462. Unrelated to this federal rule, Pennsylvania and New Jersey have statutes of repose that require victims of design or construction defects to bring their suits within 12 years (Pa.) after construction has been completed, or 10 years (NJ) after construction has been completed. The architect relied on the federal 5-year statute of limitations, and Pennsylvania's 12-year and New Jersey's 10-year statutes of repose as bars to the suit.

However, the Court explained that the architect's motion "misconceives the nature of the United States' claims. The United States claims that the Architect engaged in a *pattern or practice* of discrimination by repeatedly failing to design facilities accessibly. Accordingly, the United States has not brought fifteen claims—one for each of the facilities identified in the Second Amended Complaint — against the Architect under each statute. Instead, the United States has brought a *single* claim against the Architect under each statute. Each facility that the Architect allegedly designed and constructed inaccessibly represents a constitutive act of the United States' overarching pattern or practice claims rather than an independent basis for liability." Therefore, the "pattern and practice" claim is not based upon isolated incidents, but upon a continuing violation manifested in a number of incidents. Actions to collect these civil penalties must be "commenced within five years" of when the pattern or practice claim "accrued." And, so long as one of the incidents making up a pattern or practice has occurred within the statute of limitations, the pattern and practice claim is timely.

Here, the lawsuit alleged that the architect designed and constructed at least one facility in 2020, well within five years from filing of the lawsuit. "Because the United States has plead a plausible pattern or practice of discrimination with at least one incident occurring within the federal limitations period, the Court cannot enter judgment on the pleadings in favor of the Architect on the United States' claims for civil penalties," the Court held. The Court also found that the state statutes of repose would not resolve the architect's entire pattern or practice claims. As a result, the architect's motion was denied. See, U.S. v. J. Randolph Parry Architects, P.C., 2022 WL 2240038 (E.D. Pa. June 22, 2022).

[Editor's Note (1): In a related opinion issued one month prior, the trial judge denied the architect's attempt to assert three crossclaims against each of its co-defendants (who owned the facilities) and to implead 39 additional defendants into the case, on the basis that they are the true parties responsible for non-compliance. In denying the architect's motions, the trial judge held that this was "a federal civil rights enforcement action. Accepting supplemental jurisdiction over the Architect's claims would transform this case into a wide-ranging construction defect case. The Architect's state law claims would simply inundate this Court with state contract, tort, contribution and indemnity law issues and the proof related to them. This inundation, and the substantial delay it would cause, would come at the expense of the alleged victims of disability discrimination and the vindication of their federal rights. Rather than sideline the federal rights that are at the core of this case, the Court will decline to exercise supplemental jurisdiction over the Architect's claims." See U.S. v. J. Randolph Parry Architects, P.C., 2022 WL 1645796 (E.D. Pa. May 24, 2022).]

[Editor's Note (2): On Sept. 29, 2022, the DOJ announced that it had reached a settlement with the architect. Under the consent order, the architect will pay $350,000 to fund retrofits at eight properties, $75,000 into a settlement fund to compensate individuals harmed by the inaccessible housing, and another $25,000 as a civil penalty. The DOJ's lawsuit against the owners of other properties will continue].

NEW YORK. ENGINEERING CONSULTANT WITH POWER TO STOP THE WORK (AND DID NOT) HELD LIABLE FOR WORKER'S DEATH.

[Editor's Note: The New York Scaffold Law, Labor Law § 240(1) provides special protection to workers engaged in the "erection, demolition, repairing, altering, painting, cleaning or pointing of a building or structure," where there are "special hazards" presenting "elevation-related risks." New York courts have held that the Scaffold Law was designed to prevent those types of accidents in which the scaffold, hoist, stay, ladder "or other pro-

The statue of UVA's founder, Thomas Jefferson, on the north plaza of the Rotunda, Charlottesville, Virginia.

tective device proved inadequate to shield the injured worker from harm directly flowing from the application of the force of gravity to an object or person." The Scaffold Law has resulted in liability for design professionals who have authority to stop the work. This is one of the primary reasons that neither AIA nor EJCDC documents currently give the design professional the power to stop the work]. In this case, the city of New York owned a site that was selected for the construction of a concrete mockup of an aqueduct. The city contracted with Halmar (the contractor) to build the mockup. An engineering consultant (JA) was hired as the assistant resident engineer on the project, with authority to stop the work. Tragically, a concrete pump truck operator and his co-worker were killed in a construction site accident as they were conducting a concrete pour into the mockup's formwork (constructed by Halmar carpenters). The structure collapsed, crushing the operator and his co-worker. The operator's spouse sued the city, the owner, a safety engineering firm, and the engineering consult-ant, alleging violations of a workplace safety statute applicable to owners and contractors, the New York Scaffold Law. The engineering consultant moved for summary judgment dis-missing both the lawsuit and related cross-claims and third-party claims for common law indemnification, contribution, and apportionment. The trial judge denied that motion. See 2021 WL 2580280, 2022 WL 462754. But, the court granted partial summary judgment in favor of the spouse on the issue of the consultant's liability. The engineering consultant appealed.

The record established that the contractor, Halmar, performed defective work, in that it improperly constructed the formwork by using an insufficient quantity of anchors and installing them improperly. The record also showed that this defective work was a proximate cause of the collapse of the formwork during the concrete pour, as was the failure to inspect the formwork before the pour took place. The trial judge found that the contractor, Halmar, was actively negligent in causing the worker's death. An employee for the engineering consultant testified that, prior to the fatal concrete pour, he advised his direct supervisor that he believed that the formwork had not been completed and that the ironworkers were not ready to proceed. He claimed, however, that a city employee overruled him and ordered the concrete pour to proceed as scheduled, lest there be a delay to the project schedule. Therefore, the employee of the engineering consultant authorized the concrete pour to proceed.

The New York Supreme Court, Appellate Division held that the engineering consultant was liable, as a statutory agent, for the worker's injuries, under the Scaffold Law. However, the consult-ant was entitled to dismissal of cross claims and third-party claims brought by others. *Winkler v. Halmar Int'l, LLC*, 206 A.D.3d 508 (N.Y. A.D. 1st Dept. 2022).

(above-left) The Peabody Hotel in Memphis, TN; (above) The famous Peabody ducks made an appearance at the 2022 Fall Meeting of the ABA Forum on Construction Law in Memphis.

TJS Members Attend the ABA Forum Meetings in Memphis.

The ABA Forum on Construction Law held its 2022 Fall Meeting at the famous Peabody Hotel in Memphis, TN, on Sept. 28-30, 2022. TJS Members attending included Suzanne Harness, Arlan Lewis, and Joelle Jefcoat. The meeting's theme was "Building the Next Generation: Learning from the Past." Highlights of the meeting included a Tour of Graceland (with a free pair of gold sunglasses), Tour of the National Civil Rights Museum (at the r Lorraine Motel, where civil rights leader Dr. Martin Luther King Jr. was assassinated on April 4, 1968), Beale Street and, of course, the famous Peabody ducks. Music by the "Hitmakers" was enjoyed by the attendees. TJS Member Arlan Lewis is the immediate past-president of the Forum.

THE DEBATE OVER THOMAS JEFFERSON'S LEGACY CONTINUES

POINT:
RECTOR REAFFIRMS UVA'S INSTITUTIONAL CONNECTION TO THOMAS JEFFERSON

(reprinted from UVA Today, Sept. 16, 2022)

The head of the University of Virginia's governing board last month reaffirmed the position of University leadership regarding the institutional connection to its founder, Thomas Jefferson.

"We are a University founded by Thomas Jefferson, and honoring his legacy and his contributions to our nation has, and will always be, an indelible part of what it means to live, learn and work here," UVA Rector Whittington Clement said in remarks at the Board of Visitors meeting. "That is the policy and the position of this institution and it will not change under our leadership or that of President Ryan or his team."

Jefferson, the country's third president, founded UVA in 1819 as an institution dedicated to the creation of citizen leaders to serve the country's young democracy. He considered the creation of UVA as one of his most worthy contributions, along with authoring the U.S. Declaration of Independence and writing the Virginia Statute for Religious Freedoms.

However, he also was a slave owner with complicated and contradictory actions and opinions that have come under increased scrutiny as both the University and country explore and acknowledge difficult histories against modern standards. In considering those contradictions, UVA, for example, has implemented a process through which some honorific namings of facilities and components of its physical environment from decades past have been changed in recent years. And it has pledged to provide context about statues and other physical markers on Grounds – including Jefferson – to provide a more complete set of information. The University also has researched its experience related to enslaved laborers, who built and maintained the institution in its early years.

"This institution has made great progress telling a more complete

story of our history and of the life of Jefferson over the past few years, and none of that has undermined the clear and obvious contributions he made to this institution, to the nation, and really to humankind," Clement said. "Jefferson's legacy is not so fragile that it cannot withstand an honest reflection on the fullness of his life."

Clement also referenced remarks delivered two years ago by President Jim Ryan, who also addressed the University's relationship with its founder, including skepticism regarding UVA's decision to contextualize the Jefferson statue on the Rotunda plaza. "I do not believe the statue should be removed, nor would I ever approve such an effort," Ryan said at the time. "As long as I am president, the University of Virginia will not walk away from Thomas Jefferson."

[Editor's note: The comments by Rector Clement drew a rebuttal in an Op Ed piece by Ryan Landord, published on Oct. 5, 2022, in The Cavalier Daily. It is printed below]

COUNTERPOINT:
JEFFERSON MUST BE CONFRONTED HEAD ON

Being Critical of Jefferson's Legacy Does Not Mean Walking Away from him or Giving into "Wokeness"

by Ryan Landord, The Cavalier Daily

Rector Whitt Clement reaffirmed the University's commitment to its founder Thomas Jefferson at a recent meeting of the Board of Visitors, stating that "honoring his legacy and his contributions to our nation has, and will always be, an indelible part of what it means to live, learn and work here." This statement stood out to me due to the way it conceives of what it means to honor someone. This is complicated, and Clement is right to admit that "Jefferson's legacy is not so fragile that it cannot withstand an honest reflection on the fullness of his life." To me, honoring someone means to revere them — inherently deflecting criticism. While practicing a critical history is no easy task, I find it necessary all the same.

With respect to Jefferson, those who seek to complicate a glorified view of the University's founder are not seeking to disassociate entirely from Jefferson, but instead, to meet him head on. Contextualizing the history of Jefferson is a good start, but reckoning with the past requires making amends with history. Intellectual diversity requires an abundance of views on Jefferson, not solely rose-tinted ones. A greater reflection on what honor truly means is necessary before progress can be made.

Many who seek to praise Jefferson often claim that we cannot judge the man through the morals of our time as enslaving people was simply the practice of the 18th century and most of the founders did the same. Just as we better understand history with more knowledge and varying accounts, applying modern morals to the past is a fact we cannot escape, as our perspective shapes what narratives we form when looking to the past. But still, even during the Revolutionary era, Jefferson fell behind his colleagues who were active in the abolitionist movements like Ben Franklin. Similarly, the same argument is often used to claim that monuments to the Confederacy were just a product of their time as a means of obscuring them from their white supremacist origins or cover up the fact that they were a focal point for the neo-Nazis who came to Charlottesville.

When it comes to Jefferson himself, it is hard to deny the revolutionary potency of his political philosophy. There is obviously a great deal of praise for the Declaration of Independence or the Virginia Statute for Religious Freedom. Despite the good in Jefferson's work, there is a deep hypocrisy of his actions lying beneath the inspiring words. To enslave people while proclaiming the equality of all men is paradoxical. In acknowledging the legacy of Jefferson's work on equality — as Board member Bert Ellis would like us to — we must recognize the Declaration as well as Jefferson's failure to choose to live up to the morals of said document. We don't need

People On The Move:

Theresa M. Ringle, AIA, Esq. joined Perkins & Will around March of 2020 as an Associate General Counsel. She works remotely from Indiana, but she is listed corporately as with the Chicago office. She can be reached at:

1950 E. Greyhound Pass,
Suite 18 #223
Carmel IN 46033-7730
theresa.ringle@perkinswill.com

Have you changed firms or moved?
Email webmaster@thejeffersonsociety.org

to give leeway to Jefferson, who knew enslavement was wrong, but continued to practice it any way.

Another key idea of Jefferson's focused on reforming the Constitution in line with new generations — an idea that goes directly against those who seek to blindly hold onto tradition.

Creating a scare around the need to "reverse the path to 'wokeness'" on Grounds by halting projects like contextualizing Jefferson's legacy ignores this important area of Jefferson's ideals and that very legacy.

With all of the fearmongering from Ellis, reckoning with Jefferson is more necessary than ever. While the Jefferson Council — which Ellis is president of — may claim that the University was a "more intellectually vibrant place" when Ellis was a student, his denial of the Queer Student Union's request to co-sponsor gay rights speaker Frank Kameney says otherwise. Student-guided tours — which the Council complains are too "woke" — represent a new high point of students encouraging each other to think about multiple perspectives when it comes to Jefferson. If challenging the status quo of a venerated figure to the University does not represent diversity of thought, then it is not entirely clear what the Jefferson Council actually desires other than blind allegiance to this University's founder.

Contextualizing the legacy of Jefferson is a good first step, but it is still just that. Founder's Day should be seen as more than just a day to praise Jefferson but a day to be critical of his mistakes and failures as well. One day, a statue of Jefferson might not stand in front of the Rotunda. To me, such a change would not be getting rid of Jefferson.

We will not lose sight of the founding of this University if Jefferson does not tower over us. His legacy will not be forgotten, and he will be remembered for what he was — all of what he was — without the need for glorification. This is the difference between honor and critical understanding.

To place a figure on a literal pedestal is to think of them in an uncritical light. Doing so deifies people who were simply human and goes against any sort of commitment to truth that Jefferson himself surely believed in. History will move on and be sure to remember the past out of necessity for understanding the present and preparing for the future.

Ryan Lanford is an Opinion Columnist for The Cavalier Daily. He can be reached at opinion@cavalierdaily.com.

Welcome Our Newest Member:

Douglas DuCharme, AIA, Esq.
BLRB Architects
1250 Pacific Ave., Ste. 700
Tacoma, WA 78402

dducharme@BLRB.com

MEMBER TO PUBLISH CHILDREN'S BOOK ON ARCHITECTURE!

TJS Member Jon B. Masini, of Chicago, is an architect and a lawyer. He is about to add "published author" to his CV. "I have some exciting news!" Jon recently wrote. "In my spare time (of which I have none!), I have written a soon-to-be-published children's book on architecture called *Archie the Architect* ! I actually started the book years ago, and when my mom - who was an artist her entire life- passed away, I decided I had to finish what I started. In addition to educating children about architects and what they do, hopefully I can inspire some children at a young age who may someday become architects."

Jon is donating a portion of the proceeds from the book to the Henry Schueler 41 & 9 Foundation for pediatric cancer research, in honor of Jon's best friend's son who died way too young at age 14 from leukemia. (www.henryschueler.org)

As part of the publication process, Jon has asked for some help to establish a "launch team." Team members need to do two small things: 1) commit to buying a book on the date it becomes

available for sale on Amazon; and, 2) commit to writing a review on Amazon asap after reading the book.

Jon needs to notify Amazon of the approximate number of members on his launch team before Amazon launches the book to the public for sale ("not quite sure why," he says, "but it's Amazon- don't really have a choice").

How can you help? Jon says: "If you - and any of your friends or family who are not TJS members - are interested in being part of my 'launch team,' please let me know, and provide the names and email addresses of friends and family members who are also interested. I will keep all launch team members updated on the status of publication and the final 'launch date,' which should be in a couple weeks.

To join the launch team, email Jon at: jbm@mvhlawpc.com

TIM BURROW PLANS SECOND BOOK!

As Jon Masini prepares to publish his first book, TJS member Tim Burrow, AIA, Esq., is working on his second book. Tim's first book, *What Does It Take to Get to Heaven*, (2014) was generally well-received by readers, but it generated small sales. "To give more life to the story, I decided to write another book on the same subject with the title *If I Could Do It Over Again*," Tim told us.

The story line of the new book involves a typical middle-aged, lukewarm, church-going Christian, who wakes up on judgment day from a bad car accident, and during the ensuing examination by God, he is asked gain-of-entry questions such as "Were you born again?," "Does believing in Jesus allow you to sin as you wish?," "Did you repent?," and "What does repent mean?"

The lead character, Thomas, is shocked when God answers His own questions by quoting Scripture never or virtually never mentioned by Thomas' preacher. More shocking is his being re-peated scripture stating that reliance on false teaching is no excuse. Out of earshot of Thomas is a conversation between senior devil, biblical-scholar Lucious and young devil Davan, who is in training. They laugh at the fear coming over Thomas, Lucious explaining how easy it is to deceive millions of church-goers, largely by tempting preachers to draw in the crowds by tell-what-they-want-to-hear-messages. Thomas's begging God to allow him to go back and do it all over again provokes the devils to hearty belly-laughing, knowing it's too late.

Stay tuned for more information on Tim's new book.

"Thomas Jefferson" by Mike Scott

MEMBERS IN THE NEWS

On Sept. 19, 2022, **David Garst** presented a seminar to the Tennessee Engineers' Conference in Franklin entitled "Landmines and Pitfalls of Design Professional Practice." The seminar was attended by engineers from across the state.

Theresa Ringle has successfully completed the requirements of the ACC In-house Counsel Certification Program, earning the Association of Corporate Counsel Credentialing Institute's In-House Counsel Certified (ICC) designation. This elite credential indicates that its holder (Theresa) possesses the competence, skills, and acumen to complement a high-performing organization. ***Congratulations, Theresa!***

AIA SEEKS ASSISTANCE FOR 2022 HURRICANE VICTIMS

AIA and its architects, often serving as volunteers, assist communities following disasters. The AIA's webpage for Disaster Assistance, published this call for assistance following last month's destructive Hurricane Ian:

"On September 28, Hurricane Ian made landfall near Fort Myers, Fla. as a Category 4 hurricane. AIA Florida is in contact with members who sustained damage from Ian and evaluating local needs. Members from AIA Florida Southwest are collecting relief supplies at two locations:

- Studio+ Gateway offices: 12271 Towne Lake Dr., Fort Myers, Fla., 33913
- South Florida Architecture office: (Please email Brian Ahmedic to coordinate drop-off), 9990 Coconut Rd, Bonita Springs, Fla., 34135

Requested supplies include, but are not limited to:

- Towels
- Clothes
- Food with longer shelf life
- Water
- Bleach / cleaning supplies
- Baby wipes
- Hand sanitizer
- Personal hygiene items
- Reusable ice packs

If you would like to make a monetary donation to this effort, please complete AIA Florida's Hurricane Ian relief form. (The money collected will go directly to local components to assist in relief efforts.)

Hurricane Ian also made landfall in South Carolina as a Category 1 hurricane. We will continue to update this page with information regarding how you can support local efforts in the Carolinas."

(above) Destroyed homes and businesses on Pine Island, Florida are seen from a U.S. Army National Guard Blackhawk helicopter on Oct. 1, 2022. Pine Island, a barrier island off of Florida's southwest coast, only had one link to the mainland — a bridge that was heavily damaged by Hurricane Ian and is now impassible.

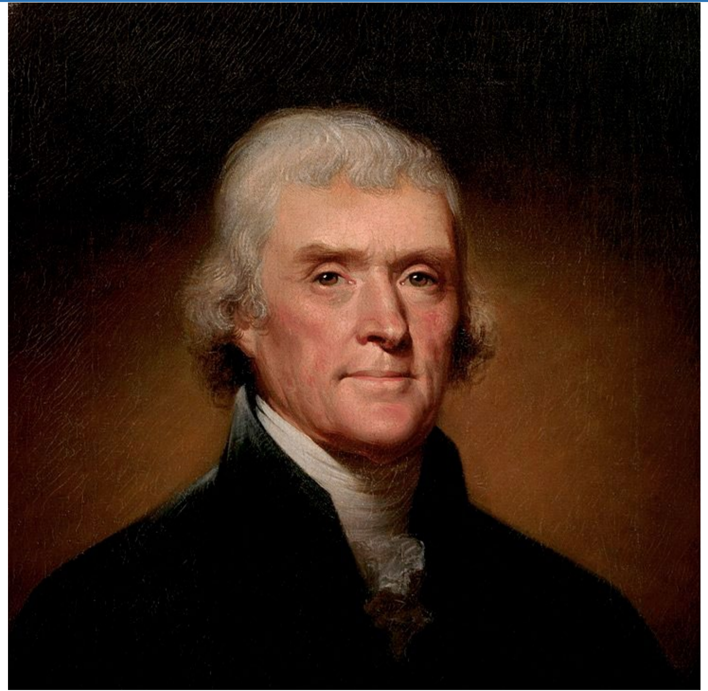
TEXAS. SUIT BY INJURED TOP GOLF GUEST AGAINST ARCHITECT AND OTHERS CAN PLAY THROUGH!

Here, the plaintiff suffered injuries when a golf ball struck her on the head at a Top Golf center in Texas. She sued the golf center, the golf course engineers, and an architectural firm, alleging negligence. The trial court granted the architectural firm's motion to dismiss since plaintiff failed to include the statutory Certificate of Merit, but dismissed the claims without prejudice, granting plaintiff 60 days to file a certificate of merit. After plaintiff filed two further amended complaints, the trial court again granted the architectural firm's motion to dismiss, this time dismissing the claims with prejudice. Plaintiff appealed. The Texas Court of Appeals reversed and remanded, in a narrow 2 to 1 decision, with one judge filing a dissenting opinion.

As we have reported in prior issues of _Monticello_, Chapter 150 of the Texas Civil Practice and Remedies Code requires a sworn "certificate of merit" to accompany a lawsuit complaining about a licensed architect's services. Under the Texas statutes, failure to file the affidavit "shall result in dismissal of the complaint against the defendant." Tex. Prac. & Rem. Code. Ann. 150.002(a), (e).

Initially, the trial court dismissed the plaintiff's suit "without prejudice" to allow her to amend her pleadings against the architectural firm including a Certificate of Merit complying with the Texas statutes within 60-days. In response, plaintiff filed a Fourth Amended Petition with a certificate of merit executed by Mr. Johnstone, who claimed that he was currently licensed to practice architecture in Texas. Shortly thereafter, plaintiff filed her Fifth Amended Petition with a new certificate of merit from Mr. Johnstone and another Certificate of Merit from Mr. Valtierra, who both averred they were currently licensed to practice architecture in Texas. The architectural firm filed a Motion to Dismiss, claiming that Mr. Johnstone was not licensed to practice architecture in Texas when he signed the first Certificate. Therefore, for failure to comply with the trial court's initial order, any subsequent pleadings that failed to include a proper Certificate should be dismissed with prejudice.

Plaintiff argued that both her Fourth and Fifth Amended Petitions were filed within the 60-day deadline, therefore, when



Mr. Johnstone discovered that his Texas license had expired due to non-payment of fees, he promptly remitted those fees, was reinstated as a licensed Texas architect, and reissued his certificate of merit. Plaintiff also included the additional Certificate of Mr. Valtierra, another licensed architect. The firm argued, however, that because a dismissal with prejudice in this case "would be akin to a death penalty sanction," the failure to file a proper Certificate with the Fourth Amended Petition should have brought the claim to an end. The firm also argued that Mr. Johnstone's error was not a mere administrative oversight, since his Texas license had been expired since the early nineties!

The plaintiff complained that the trial court abused its discretion by dismissing her claims against the firm with prejudice. Since her Fifth Amended Petition included proper certificates of merit and was filed within the 60-day deadline ordered by the trial court, this should be a no-harm, no-foul. The Texas Court of Appeals agreed with her, finding that the trial court abused its discretion. Therefore, the case could move forward on plaintiff's Fifth Amended Petition with its valid certificates of merit.

A very lengthy dissenting opinion argued that plaintiff's Fourth Amended Original Petition "was the first-filed petition after the trial court's April Order dismissing the claims against [the firm] without prejudice." Since that petition had an invalid Certificate of Merit by Mr. Johnstone, who was not then licensed in Texas, that petition should have been dismissed with prejudice. See, _Pipkins v. LaBiche Architectural Group, Inc.,_ 2022 WL 3868105 (Tex. App. Aug. 31, 2022).

FLORIDA. ORIGINAL ARCHITECT MAY BE SUED FOR PROJECT SEALED BY A "SUCCESSOR ARCHITECT"

[Editor's Note: The published opinion did not give a sufficient history of the parties, so we had to look at the district court filings to sort out who did what. This case summary is aided by that added information, not found in the published opinion].

This suit arose out of alleged deficiencies related to the design of a hotel in Deerfield Beach, Florida by two different architects. The case is novel in that it involves the liability of what is known as a "successor architect," that is – one who adopts as his/her own the work of a prior architect. Under Florida licensing statutes, Chapter 481 (as in many other states), an architect can take over the design of a project begun by a prior architect, as long as the "successor architect" completes a full review of the documents, makes needed changes, adopts them as his/her own, seals and signs them, and assumes liability for them. When a successor architect signs and seals original documents prepared by others [in this case, the Defendants], those documents are treated as though they are the succesor architect's original work product. The novel question here was whether in such a situation, the original designer [here the Defendants] is released from all professional and legal responsibility for the prior work, leaving the successor architect solely liable. Of course, you say? Not so fast. Read on.

First, some background found in the pleadings. A hotel developer first hired Studio 78 as the "Architect of Record" for the hotel. However, there was a falling out between the developer and Studio 78 over the quality of the preliminary architectural designs for the project. As a result, the developer hired a "replacement design team," which allegedly delayed the construction of the hotel. In depositions, the developer admitted that it hired another architect, Anderson, to redraw this building. "They redesigned the whole project. And the hotel was built off of Anderson's designs." So, under the Florida rules, Anderson became the successor architect of the project replacing Studio 78. Nonetheless, the developer (or its successor) sued the original architect, Studio 78, for negligence in its design. The defendant architects, Studio 78, raised the "Successor Architect" rules as an affirmative defense, claiming that they could not be held liable for alterations made to their project by a successor, Anderson. Plaintiffs filed a motion for summary judgment to challenge that affirmative defense.

Under Florida's Rule 61G1-18.002, "A successor registered architect seeking to reuse already sealed contract documents under the successor registered architect's seal must be able to document and produce upon request evidence that he has in fact recreated all the work done by the original registered architect. Further, **the successor registered architect must take all professional and legal responsibility for the documents which he sealed and signed and can in no way exempt himself from such full responsibility.** Plans need not be redrawn by the successor registered architect; however, justification for such action must be available through well kept and complete documentation on the part of the successor registered architect as to his having rethought and reworked the entire design process." In addition, by sealing the adopted documents, the Florida rule states that **"the successor registered architect will take full responsibility for the drawing as though they were the successor registered architect's original product."**

> **" Further, the successor registered architect must take all professional and legal responsibility for the documents which he sealed and signed and can in no way exempt himself from such full responsibility."** – Florida Rule 61G1-18.002

The architect's rule is nearly identical to Rule 61G15-27.001, which applies to engineers. In a 2015 Florida case under the engineer's rule, *Villanueva v. Reynolds, Smith and Hills, Inc.*, 159 So. 3d 200 (Fla. App. 5th Dist. 2015), the state court of appeals rejected the argument that the successor rule "places all professional responsibility and legal responsibility for a project on a successor engineer where the successor engineer signs and seals a set of design plans superseding an initial engineer's plans." The Court held that the Florida rules discuss a successor architect's (or engineer's) signing and sealing of plans *only in the context of licensing and disciplinary proceedings* – not in the context of civil liability.

As to civil liability, the federal trial judge here first ruled that a plaintiff may properly challenge an affirmative defense by a motion for summary judgment and need not rely solely on a motion to strike a defense. The federal judge was also persuaded by the 2015 Florida ruling in *Villanueva* (even though that case dealt with an engineer, not an architect). Although the architect rule (61G1-18.002) does not state whether the original architect escapes liability when a successor architect has signed and sealed a set of plans that alter and supersede the original plans, the Court found that in light of *Villanueva*'s guidance, for a related profession, there was no basis to conclude that the successor architect rule releases the original architect of liability in a civil suit for damages. "Therefore, as a matter of law, the Rule cannot be utilized by Defendants as an affirmative defense." The plaintiffs' Motion for Summary Judgment on the original architect's affirmative defense concerning the successor architect was granted.

Hotels of Deerfield, LLC v. Studio 78, LLC, 2022 WL 3226970 (S.D. Fla. Aug. 10, 2022).

[Editor's Note: In addition to Florida, several other states allow for a Successor Architect to take over a project. See, e.g., Alabama: Ala. Admin. Code 100-X-5-.05; Mississippi: 30 Code Miss. R. Pt. 201, R. 3.2; Missouri: 20 CSR 2030-13.010 (4)(E); North Carolina: Successor Architect Policy. But, there is very little caselaw on the topic].

WASHINGTON (STATE). ATTORNEY GENERAL ISSUES VAGUE OPINION ON OVERLAP BETWEEN ARCHITECTS AND ENGINEERS.

On May 24, 2022, Washington (state) Attorney General Robert W. Ferguson issued an advisory opinion on the age-old question of which design documents must be completed by an architect vs. an engineer. The opinion began by stating: "Washington law provides no bright line rule for distinguishing between design documents that must be completed by an architect and those that must be completed by an engineer." He acknowledged there is an overlap and that engineers can lawfully do work that falls into both buckets. "If design work falls within an engineer's scope of practice," he wrote, "such work does not require an exemption from the practice of architecture to be lawful, even if the work would simultaneously fall within an architect's scope of practice."

The opinion was limited to design documents created by an engineer for a non-agricultural and non-residential building that exceeds four thousand square feet. The AG acknowledged that, "When and how those drawings are prepared, stamped, and submitted is governed by statute and local building codes, but the law is less clear about when a building project will require either engineering or architectural drawings."

In early 2021, "citing ongoing confusion on the matter," a Washington state representative requested an opinion about whether engineers may continue to stamp plans submitted to local building officials. In response, the state AG issued a formal opinion, *AGO 2021 No. 2*, in which it is stated that the stamping of *architectural* drawings by non-architects is a violation of the Architect's Act and possibly the unlicensed practice of architecture. However, the 2021 opinion did not opine on when drawings are architectural or engineering in nature. Nor did it preclude an engineer from stamping design documents that fall within an engineer's scope of practice. Thus, the call for a new opinion in 2022.

The AE Overlap Issue has plagued both professional for decades, resulting in so-called "turf wars" nationwide. As the Washington AG noted, "The scope of practice of engineering and architecture are related yet independent from one another [but] it is difficult to draw a bright line rule that delineates when design documents created and stamped by an engineer are sufficient, or when a project requires design documents created and stamped by an architect, and vice versa."

The primary statutory difference, he wrote, "appears to lie in whether the work requires the education of an engineer or that of an architect." The AG cited to a joint working group of members of the two Washington state boards for engineers and architects, who agreed there is no bright line rule because each project has specific needs and requirements, "thus the local permitting office is in the best position to understand each project and make a determination of whether a project will require architectural or engineering designs (or both)."

So, in the end, the AG punted the question back to local codes officials, saying, "Absent more specific statutes, local planning offices are in the best position to make these determinations based on local building codes and the specifications of each project." See, *Wash. Att'y Gen. Op. 2022 No. 3 (2022)*

MEMBER PROFILE: ARLAN D. LEWIS

Blueprint Construction Counsel, LLP
Birmingham, AL

TJS member Arlan D. Lewis studied architecture at Hampton Univ. in Hampton, VA. He chose Hampton "primarily because of the financial package offered to me," he told us. "I was also accepted to the University of Southern California School of Architecture, offered a partial scholarship, and I committed to attend. But, given the expense of USC, I would have incurred significant student debt, even with a partial scholarship. A few weeks before I was set to leave for USC, I received a financial offer from Hampton, and it ultimately was an economic decision."

Arlan chose Vanderbilt Univ. in Nashville, TN for law school. "I chose Vanderbilt based on its excellent academic reputation. I had family in Nashville and was somewhat familiar with the city based on numerous visits over the years, including the summer of my sophomore year of college where one of my jobs was working in the copy center of a prominent Nashville law firm. *[See Fun Fact, on the next page]* I found the atmosphere at Vanderbilt to be refreshingly collegial. It was absolutely the best law school choice for me," Arlan said.

As the first lawyer in his family, Arlan says that he had no idea what to expect in law school. His only references to law school were Scott Turow's book *One L* and the movie *The Paper Chase*. So, why go from architecture to law? "Creative problem-solving was the aspect of architecture I most enjoyed," he said. "I first considered law as a potential path when I took a professional practice class in my third year of architecture school at Hampton. I was intrigued by the discussion of contracts, risks, and the business of architecture and construction. I was a reasonably good writer as well. The next year I took a business law course as an elective, and that further guided me toward the legal profession."

Arlan went to law school immediately after graduating from Hampton. While he never practiced architecture, during his last few of years at Hampton, Arlan worked in the graphic design department at NASA's Langley Research Center, which is in Hampton, VA.

After law school, Arlan's first legal job was as an associate in the construction practice group at Bradley in Birmingham, AL. "When I went to law school, I didn't realize that there was a special niche for construction law, and I expected to practice corpor-

(Below) Arlan at Tralee Golf Club (County Kerry, Ireland) (Aug 2022)

ate law or to be a litigator. Bradley recruited heavily from Vanderbilt and as I was exploring summer clerkship opportunities as a 1L student, I came across the Martindale-Hubbell profiles of several Bradley construction lawyers. Although I didn't get on Bradley's formal interview list, I waited outside of the interview room and, during a break, I walked in with my resume and transcript, and told them that I had an architecture degree, grew up in Alabama, and saw that they had several lawyers who practiced construction law and that I was interested in that practice." Impressed with that bold move, the firm "graciously took my materials, asked a couple of questions, and a couple of weeks later invited me to Birmingham for further interviews. The rest is history," he said.

After clerking with firms in Houston and Dallas, Arlan ultimately decided to work at Bradley, where he practiced for more than 22 years (until January 2019).

Fun Fact: While he was a Partner at Bradley, that firm merged with the Nashville firm where Arlan had worked in the copy room during the summer of his sophomore year of college. "It was interesting to recognize many of the names of the lawyers to whom I'd delivered faxes and copy jobs many years before!" Arlan said.

Today, Arlan is a partner in the Birmingham, AL office of Blueprint Construction Counsel, LLP, a boutique construction law firm with a national practice. All of the firm's partners came from large firms and/or in-house positions and have practiced construction law for most of their careers. "Accordingly, my practice is similar to what it was at Bradley in terms of type, the sophistication of matters, and geographical diversity. We primarily represent general contractors, major subcontractors, owners, and developers."

(Below) Arlan speaking at ABA Forum on Construction Law 45th Anniversary Gala (May 2022)

(Above) Arlan and his twins (Arlan "A.D." and Chrissy) in Seaside, FL (Jun 2015)

Arlan has 19-year-old boy-girl twins (Arlan and Chrissy) *(above)* who are currently in their sophomore year of college. The twins are very close, and they both decided to attend the same college in Florida. Outside of his law practice, Arlan enjoys golf, a game he took up during his first year at Vanderbilt. "I have been hopelessly addicted to the game since then," he said, adding "I enjoy traveling as well, and combining golf and travel is a win-win." He has a goal to play golf in all 50 states and anywhere else in the world. "So far, I've played golf in 27 states, Puerto Rico, Canada, the Bahamas, and most recently, Ireland (August 2022)." *(See photo on page 20, above).*

Arlan is the Immediate Past Chair of the American Bar Association Forum (ABA) on Construction Law. With more than 6,000 members, the Forum on Construction Law is the largest organization of construction lawyers in the world. He served as Forum Chair from Sep 2020-Aug 2022. Previously, he held several leadership positions within the ABA Forum including Governing Committee member, Chair of the Division Chairs Standing Committee, Chair of the Diversity Fellowship Committee (a leadership development program), and Chair of the Project Delivery and Construction Technology Division.

An accomplished lawyer, Arlan has been ranked in *Chambers USA – Construction* (Alabama) since 2021, and he has also been included among the U.S. lawyers identified as Construction Experts in the *International Who's Who Legal* since 2016. He is included in *WWL's Thought Leaders: USA 2023*. In 2017, Arlan was the only lawyer selected as a part of the Alabama Association of General Contractors' *Future Leaders in Construction: Masters Class*, a year-long leadership development program for construction executives. In 2011, he was also ranked by *Super Lawyers* (Alabama) as a Rising Star in Construction/Surety. Arlan has maintained a Martindale-Hubbell® AV Preeminent™ Rating for more than 20 years.

Arlan is involved with many organizations in his community including Greater Birmingham Habitat for Humanity – *Chairman Board of Directors (since 2021);* ABA Section Officers Conference ("SOC") Executive Committee *(2021-2022)*; City Club of Birmingham - Board of Governors *(2019 – Present);* and the boards of Firehouse Shelter and the Cahaba River Society.

His advice for a young architect thinking about law school? "Don't underestimate the value of your architectural education/ experience and its relevance to the study of law. Although I never practiced architecture, I found that the well-rounded curriculum of architecture was valuable in law school and in the practice of law. You've been trained to think about problem-solving in a way that is different from those who come to the law from political science, history, business, or other traditional backgrounds that feed the law school pipeline. The diversity of thought and perspective that you bring to a law school is important."

A NEW CALL TO UNIONIZE THE ARCHITECTURAL PROFESSION!

There is a new call for unionizing the architectural profession led by a professor at Yale School of Architecture, Peggy Deamer. Prof. Deamer, an emeritus professor at the Yale, first raised the issue of unionization in a thoughtful article she wrote for the Avery Review, published in January 2019.
www.averyreview.com/Jan_2019_Deamer.

There, while not a lawyer, she engaged in a detailed legal analysis of why the AIA will not lobby for higher fees, fearing another antitrust lawsuit by the DOJ. As she noted, Congress officially exempted unions from antitrust laws in 1932. Therefore, she urges the profession to unionize to improve working conditions and to raise fees. A new article titled, "*Unionization in Architecture: Reviving a Dormant Movement to Fix a Broken Industry*," published in May 2022, gives new life to the call for unionizing the architectural profession. It states that: "After decades of inactivity, 2022 saw the resurgence of the union movement in architecture with an effort by workers at New York-based SHoP to collectively organize." Prof. Deamer was the founding member of The Architecture Lobby, for whom the SHoP effort was the culmination of years of activism and campaigning for reform of what an increasing number of architects see as a broken business model.

"Unionization in architecture is not a ridiculous idea nor an unrealistic possibility," wrote Prof. Deamer in her 2019 Avery Review article. As proof, the article tells us that in 2019, architectural workers in the UK formed a union. In 2022 U.S. workers are following suit and unionization efforts are growing.

The early months of 2022 saw shifts in the move to unionize some industries. Coffee giant Starbucks has seen nine successful union elections since the beginning of the year. In addition, in April, 2022, workers at an Amazon warehouse in Staten Island, New York achieved the first successful union organizing effort in the company's U.S. history.

"I think this is going to grow," Prof. Deamer said. "While watching the Starbucks and Amazon workers, architects are for the first time relating these stories to themselves. We no longer read news of these efforts and see it as foreign. We are now identifying with them and saying 'this has something to do with me.' Once that lightbulb goes on, it's hard to turn it off. Once you realize that you, too, are an exploited worker, just like those workers in Amazon, it's hard to put the genie back in that bottle."

> "Once you realize that you, too, are an exploited worker, just like those workers in Amazon, it's hard to put the genie back in that bottle."
>
> - Prof. Peggy Deamer.

The May 2022 article states that, "While some speculated on what the union effort at SHoP would mean for the [architectural] profession, others wondered why it took so long to get here. Before the SHoP workers went public with their effort in December 2021, the last momentous union effort in the U.S. for

the architectural profession was in 1933, the article states. "Architects often don't recognize that much of their working conditions are illegal and inhumane," Prof. Deamer has said. "There is a feeling that architecture is an art, and that architects are artists. There is a rhetoric in the profession that we are a family, and there cannot be a divorce between employers and employees. Because of this false sense of equality, architects are susceptible to being convinced they are not workers. In short, we think we are exceptional."

U.S. antitrust laws are so restrictive, she says, that it is illegal for two architects to agree to boycott an architectural competition or agree not to submit a bid for a project in an effort to resist procurement methods they believe to be unfair or damaging. With no enforceable floor beneath architectural fee levels, firms are inevitably encouraged to lower fees as much as possible in order to win work. With other overheads such as rents, software licenses, and insurance offering little room for savings, employers see labor costs as their only variable, creating a nationwide profession dependent on low wages and millions of hours of unpaid overtime in order to survive, the May 2022 article stated. Deamer emphasized to us that unionization does not happen overnight, and instead requires methodical, informed steps.

[Editor's Note: The Architecture Lobby operates a dedicated unionization campaign to support the education and proliferation of unions].

RIGHT OR WRONG, GOVERNMENT LEADERS OFTEN USE THE TERM "ARCHITECT."

Scrolling through various 2022 news releases, it is apparent that our nation's leaders often use the term "architect" out of context, in a generic sense, to describe a designer of some plan (good or bad). Here are a few:

- On July 14, 2022, while making comments in Jerusalem, Israel, President Biden said to Prime Minister Yair Lapid of Israel, "Throughout all your years in public service, you were **one of the chief architects** of this relationship. For that, you have the everlasting gratitude of the people of Zion." 2022 WL 2752094
- On March 10, 2022, while addressing Pres. Duque of the Republic of Colombia, Pres. Biden said, "We have to also express not only our gratitude but the continuous gratitude for **you being one of the architects** of Plan Colombia. That was a milestone in the bilateral relationship and that allowed Colombia to face and defeat many challenges that we had over the last two decades." 2022 WL 714847
- On Jan. 17, 2022, Secretary of the Treasury, Janet L. Yellen, used the term "architects" in her comments to the Nat'l Action Network's Ann. King Day Breakfast. She said, "**When the architects of our republic** wrote the magnificent words of the Constitution and the Declaration of Independence … they were signing a promissory note to which every American was to fall heir." 2022 WL 142330
- On March 11, 2022, the Leaders of the Group of Seven (G7) issued a statement condemning Russia's invasion of Ukraine, stating, "Since President Putin launched the Russian Federation's invasion on February 24, our countries have imposed expansive restrictive measures that have severely compromised Russia's economy and financial system, as evidenced by the massive market reactions. We have collectively isolated key Russian banks from the global financial system; blunted the Central Bank of Russia's ability to utilize its foreign reserves; imposed sweeping export bans and controls that cut Russia off from our advanced technologies; **and targeted the architects of this war**, that is Russian President Vladimir Putin and his accomplices, as well as the Lukashenko regime in Belarus." 2022 WL 736239
- Similarly, on Feb. 26, 2022, the leaders of the European Commission, France, Germany, Italy, the United Kingdom, Canada, and the United States condemned Putin's attack on Ukraine, stating, "This past week, alongside our diplomatic efforts and collective work to defend our own borders and to assist the Ukrainian government and people in their fight, we, as well as our other allies and partners around the world, imposed severe measures on key Russian institutions and banks, and **on the architects of this war, including Russian President**

Vladimir Putin." 2022 WL 594321

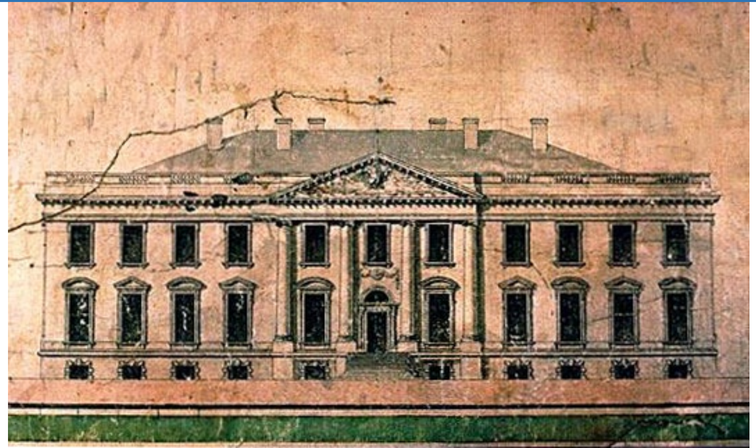
- On April 15, 2022, in nominating Michael Barr as the next Vice Chair for Supervision of the Federal Reserve, Pres. Biden said, "Barr served in the Obama Administration as the U.S. Department of the Treasury's assistant secretary for financial institutions, and was **a key architect of** the Dodd-Frank Act." 2022 WL 1125314
- On Aug. 3, 2022, in addressing a Virtual Democratic National Committee Event, Pres. Biden called Egyptian-born terrorist Ayman Mohammed Rabie al-Zawahiri "Osama bin Laden's deputy, **one of the principal architects** of 9/11." 2022 WL 3098229
- On March 26, 2022, while in Warsaw, Poland, Pres. Biden used the term "architect" when talking about the United Efforts of the Free World to support the People of Ukraine. He said, "We've sanctioned more than 400 Russian government officials, **including key architects of this war**." 2022 WL 897753

However, the term "architect" is occasionally used correctly. Vice President Kamala Harris used the term on Sept. 14, 2022, in her comments at an Inflation Reduction Act Climate event. She said, "You are chemical engineers working to make our solar panels more efficient. **You are architects designing sustainable homes and communities**. You are climate scientists modeling the impact of rising seas and warming temperatures. And you are public health experts providing hope and healing to so many." 2022 WL 4234248

Did You Know …
That the White House was Designed by Irish immigrant James Hoban?

In his comments on St. Patrick's Day, March 17, 2022, Pres. Joe Biden said, "Irish Americans rose to occupy prominent positions in every walk of American life, including today in this White House, designed by an Irish architect, James Hoban." 2022 WL 819685.

It is true. James Hoban (1755-1831) was an Irish immigrant, from County Kilkenny, Ireland. Following the American Revolutionary War, Hoban emigrated to the U.S., and established himself as an architect in Philadelphia in 1785. Hoban was in South Carolina by April 1787, where he design-



(above) James Hoban's Amended Elevation of the White House (late-1793 or early-1794).

ed numerous buildings including the Charleston County Courthouse (1790–92), built on the ruins of the former South Carolina Statehouse (1753, burned 1788).

President George Washington admired Hoban's work on his Southern Tour. Washington may have met with him in Charleston in May 1791, and summoned the architect to Philadelphia, Pennsylvania (the temporary national capital) in June 1792. The next month, in July 1792, Hoban was named winner of the design competition for the White House. His initial design seems to have had a 3-story facade, nine bays across (like the Charleston courthouse). Under Washington's influence, Hoban amended this to a 2-story facade, 11 bays across, and, at Washington's insistence, the whole presidential mansion was faced with stone.

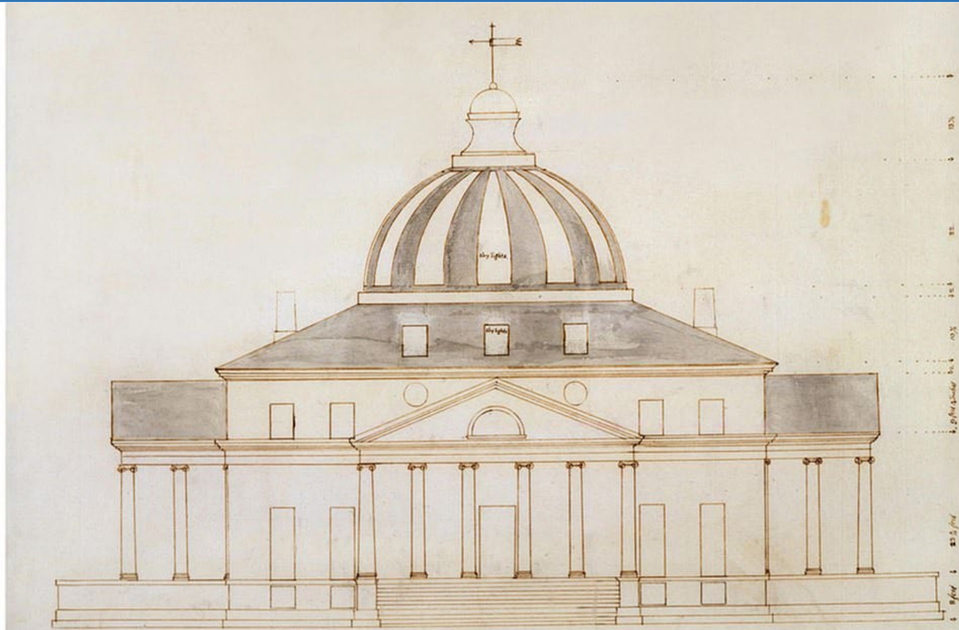
It is known that Hoban owned at least three slaves who were employed as carpenters in the construction of the White House. Their names are recorded as "Ben, Daniel, and Peter" and appear in a James Hoban slave payroll.

Hoban was also one of the supervising architects who served on the Capitol, carrying out the design of Dr. William Thornton, as well as with The Octagon House (on the AIA property on New York Ave.).

Hoban lived the rest of his life in Washington, D.C., where he worked on other public buildings and government projects, including roads and bridges. Architect James Hoban died in Washington, D.C., on Dec. 8, 1831.

And … One of the Losing Designs Was Submitted by Thomas Jefferson!

Back in 1792, one person was the judge of only six proposals to determine the image of what is arguably now the nation's most



(left) Thomas Jefferson's losing design entry for the Executive Mansion, today known as the "White House."

prominent house and a symbol of democracy. The sole judge was none other than Pres. George Washington.

The 1792 design competition is calling on designers to propose a new house for the President of the United States. Proposals were sought for an "Executive Mansion," a key feature in Pierre L'Enfant's master plan for the capital city. Washington was the sole juror for this competition and quickly selected Hoban's design from only six proposals.

But most people have never seen the alternative designs for the presidential palace - including a losing entry from future president Thomas Jefferson himself. Jefferson would go on to live in a competitors design a decade later as our third president.

You would think that Jefferson, who was serving as Secretary of State at the time of his submission and worked closely with the administration of the competition, would have a clear advantage but his design ultimately was not selected. Experts attribute a losing entry labelled "Abraham Faws" to Jefferson. Faws himself had submitted his own entry, described as "amateurish," but due to a clerical error, Jefferson's anonymous design was mis-labeled. Jefferson would ultimately move into the residence in 1801. He said it was "big enough for two emperors, one Pope and the grand Lama," but he would end up expanding the property.

To see how Jefferson's design would look today, as well as the other losing entries, go to this site: www.dailymail.co.uk/9893675.

2022-23 Officers:

Joshua Flowers, FAIA, Esq.
President
Gresham Smith
(Nashville, TN)

Mark A. Ryan, AIA, Esq.
Treasurer
Ryan Patents
(Henderson, NV)

Michael Bell, FAIA, Esq.
Secretary
Bell Architecture
(New Orleans, LA)

Laura Jo Lieffers, Assoc. AIA, Esq.
Perkins + Will
Vice President/President-Elect
(St. Petersburg, FL)

Alexander van Gaalen
Crest Real Estate
Treasurer-Elect
(Los Angeles, CA)

2022-23 Directors:

Jessyca Henderson, AIA, Esq.
Law Office of Jessyca L. Henderson
(Baltimore, MD)

Margaret "Peggy" Landry
Landry Architecture, LLC
(New Orleans, LA)

Donna Hunt, AIA, Esq.
Ironshore
(Boston, MA)

Joshua Flowers, FAIA, Esq.
Gresham Smith
(Nashville, TN)

Laura Jo Lieffers, Assoc. AIA, Esq.
Perkins + Will
(St. Petersburg, FL)

Joyce Raspa, RA, Esq.
Law Office of Joyce Raspa
(Red Bank, NJ)

Michael Bell, FAIA, Esq.
Bell Architecture
(New Orleans, LA)

Mark A. Ryan, AIA, Esq.
Ryan Patents
(Henderson, NV)

Alexander van Gaalen
Crest Real Estate
(Los Angeles, CA)

Editor:
G. William Quatman, FAIA, Esq.
Quatman ADR, LLC
(Kansas City, MO)

The Jefferson Society, Inc.
c/o 2170 Lonicera Way
Charlottesville, VA 22911

Copyright 2022
The Jefferson Society, Inc