

September 24, 2019

Paul Mankins, FAIA, Chair 2020 Jury of Fellows

The American Institute of Architects
1735 New York Avenue, NW
Washington, DC 20006

Re: Joelle Jefcoat, AIA, Esq. – Fellowship Candidate

Dear Mr. Mankins and members of the jury,

It is a great honor to sponsor Joelle Jefcoat for elevation to the College of Fellows of the American Institute of Architects. I have worked closely with Joelle over the past several years in her role as in-house attorney for our global architecture firm and have personally witnessed the extraordinary and trailblazing efforts she has undertaken to protect and ensure the value of our profession for current and future generations.

Joelle has uniquely and intentionally positioned herself to address the challenges, and even threats, the profession faces due to changes in practice and in the laws that govern our industry, many of which Joelle foresaw during her decade as a practicing architect. Joelle is rare—she is one of only a handful of attorneys nationally to remain in architectural practice. She built an impressive body of work as an architect and project manager before earning her Juris Doctorate. On those projects, she became keenly aware of two things occurring simultaneously in architectural practice: the emergence of BIM and how alternative delivery methods threaten to diminish the architect's role and market share. Joelle recognized these as a fundamental shift for our profession and gained the legal expertise to champion and protect practice. Now as an architect *and* attorney, Joelle's greatest impact is achieved in leading the profession *from within*.

Joelle recognizes significant progress is urgently needed, and she is educating and inspiring her fellow architects to action. I admit to having had a narrow awareness of the implications of potential legislation and risks from emerging technologies and methodologies. Joelle has elevated my appreciation of risk, and that of so many others, improving the way we practice. With many years of AIA service to her credit, Joelle is currently serving a six-year term on the AIA Risk Management Committee and as a liaison to the AIA Documents Committee. She frequently speaks locally, nationally, and beyond to educate AIA members, our professional and legal allies, and regulating agencies on legal and risk management issues as well as the impact of new delivery methods and technologies on producing high quality design work. In our home state North Carolina, she authored and was a defining voice in passing HB 871, important legislation that protects architects from highly unreasonable indemnity provisions in design contracts.

It is indeed remarkable to encounter someone like Joelle in our profession. I could not be prouder to support Joelle Jefcoat for elevation into our College of Fellows.



Zena Howard, FAIA
Principal, Managing Director



JOELLE D. JEFLOAT

AIA, Esq.

Foreseeing risk stemming from numerous changes influencing practice, Joelle Jefcoat gained legal expertise to guide the profession in risk management, advance advocacy among experts and practitioners, and educate the building industry to safeguard architecture's future.

Managing Risk in Practice

Early in her architectural career, Joelle Jefcoat recognized that emerging technologies would permanently alter the way buildings are designed, documented, and constructed. Joelle was determined to ensure that architects would, despite the forces of change, remain vitally important to, and legally protected in, the design and construction process. She decided to become an attorney—not to leave the profession of architecture, but to lead it.

According to The Jefferson Society, Inc., there are only 88 AIA members in the United States who are also attorneys. Of that small group, Joelle may be the only “Jeffersonian” who has over a decade of project experience in today's era of digital practice.

As an architect and attorney, Joelle is “bilingual”—fluent in the languages of architecture and law. She translates risk management challenges into practical insight that can be fully understood by architects, owners, contractors, and even other attorneys. She applies her firsthand experience delivering complex projects via BIM and through alternative delivery processes where it is needed most, counseling the Institute and its members on the AIA Risk Management Committee. She is uniquely positioned to lead architects navigating changes within the profession now and in the future driven by technological innovations and evolving practice methods.

Advancing Expertise in Advocacy

Joelle co-drafted and lobbied for a bill recently passed by her state's legislature, creating statutory protections for all design professionals, especially small businesses, so that owners can no longer demand unreasonable contractual “duty to defend” clauses in North Carolina. Joelle is a leader in the American Bar Association's (ABA) Forum on Construction Law, the North Carolina Bar Association's Construction Section, and the AIA Large Firm Round Table Legal Committee. She leads monthly conversations with attorneys who represent design professionals on landmark cases and new laws affecting architects as the Hot Topics Coordinator for the ABA Forum on Construction Law's Design Division. She has presented to national audiences of construction lawyers at Forum on Construction Law meetings and webinars, and she co-chairs the North Carolina Design Professionals Liaison Committee to connect attorneys and the Executive Directors of AIA and ACEC on North Carolina legislative issues.

Educating the Industry

Joelle is an advisor and consultant to Mecklenburg County Code Enforcement, the largest code enforcement jurisdiction in North Carolina. She developed and teaches a legal training curriculum to all code enforcement officials, plan reviewers, field inspectors, and code administrators in the department annually. She educates the department's staff on new laws impacting their duties, new department policies, ethics, and legal issues important to design professionals and contractors.

Joelle educates emerging architects as a volunteer Architect Registration Examination (ARE) contracts instructor for AIA Charlotte, as well as architecture students as a regular design critic, panelist, and adjunct graduate design professor at University of North Carolina at Charlotte's School of Architecture. She has fostered the ‘next generation’ as an Explorers volunteer for high school students and through career days at local elementary schools. Her dedication to education is ensuring understanding of the critical role of architects in construction projects and the value architects bring to society through creative thinking, design, and built work.

MANAGING RISK IN PRACTICE

Preceding her transition to legal counsel, Joelle practiced architecture for 11 years, gaining critical knowledge of the processes, technology, documentation, and construction of healthcare, educational, residential, and corporate projects. This insight accelerates her ability to bring valuable and meaningful counsel to the legal and risk challenges facing the profession.



University Cancer Chicago

Associate General Counsel | Chicago, IL | 2018

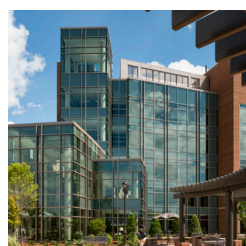
Counseled project team leadership on risk management strategies to address contract and digital collaboration challenges for a major renovation of a cancer center, including interior renovations and a new curtainwall building envelope.



Clemson University Life Sciences Research Building

Project Manager | Clemson, SC | 2013

Managed a multi-office design team to create a new research laboratory facility for Clemson's nationally recognized life science biology programs, including flexible laboratory, teaching, and faculty office spaces. Utilized BIM to facilitate collaboration between offices, engineering coordination, and code compliance, including an atrium smoke evacuation simulation.



Moses H. Cone North Tower

Project Architect | Greensboro, NC | 2011

Documented in BIM interior and exterior drawings and details for a 240,600 sf project with 16 operating rooms, post-anesthesia care unit, central sterile supply, 54 prep/post positions, expanded emergency department, loading dock, and 96-room patient tower. *LEED Silver Certified*



Moses H. Cone Central Energy Plant

Project Architect/Project Manager | Greensboro, NC | 2010

Led the design, detailing, coordination, and management of a complex utilities consolidation project to create a new state-of-the-art central utility plant for a major hospital campus, enabling construction of a new patient tower addition and major renovation project. Utilized new technologies and collaborated with specialized design engineers, envelope consultants, and a sophisticated construction management team to achieve timely completion on budget.



Octapharma Plasma Corporate Headquarters

Project Architect/Project Manager | Charlotte, NC | 2010

Designed and managed a 23,000 sf corporate interiors workplace upfit for a company that specializes in the development and fractionation of human proteins. Refined and sophisticated details for materials and furnishings created an office environment that supports employee recruitment and retention, brand integration, sustainable design, and the technology to support computing, training, and video-conferencing.

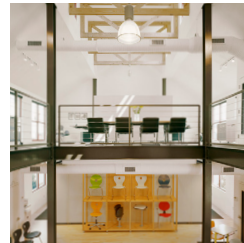
MANAGING RISK IN PRACTICE



North Carolina Biotechnology Center Gov. James B. Hunt, Jr. Leadership Annex

Project Manager | Research Triangle Park, NC | 2010

Managed the design and construction administration of a 23,000 sf addition showcasing energy-efficient technologies, superior workplace design, and the importance of biotechnology research in the state. *AIA North Carolina 2012 Honor Award, AIA Charlotte 2015 Honor Award*



V/S America Headquarters and Showroom

Project Manager/Project Architect | Charlotte, NC | 2007

Managed design and construction of the largest school and office furniture manufacturer in Europe's U.S. headquarters with a space custom designed to showcase their furniture. Travel to V/S Furniture's Germany factory embodying German engineering and technology innovations informed the project's sleek design and minimalist detailing.



New Bluffton Elementary School Master Plan

Project Manager | Bluffton, SC | 2008

Led the design and planning team for a new PK-5 facility to support 650 students with a 21st century curriculum with a small school feel to respond to escalating operating costs. The design is based on a learning community concept, where four classrooms are grouped around a small commons area. Dining, art, science, technology and resources are distributed to each commons space to minimize student circulation throughout the school, and help foster a sense of community, belonging, and identity.



Charlotte Mecklenburg Schools | Clear Creek Elementary School

Project Manager/Project Architect | Charlotte, NC | 2007

Led project design and construction after completing a feasibility study to connect the aggregated campus of aged buildings and bring the school up to current standards addressing the most important needs: life safety, accessibility, and instructional upgrades. The existing school received a full renovation and multi-purpose room addition.



Clemson University Precinct Master Plan

Project Designer | Clemson, SC | 2007

Led planning of a new life sciences precinct designed to update to Clemson's campus master plan to add research facilities and develop the southeastern quadrant of campus. Pedestrian pathways, open spaces, central utilities, and future buildings were considered to transform the southern edge of campus into an active place for research, innovation, and collaboration.

MANAGING RISK IN PRACTICE



Carolina International School Master Plan

Project Manager | Harrisburg, NC | 2006

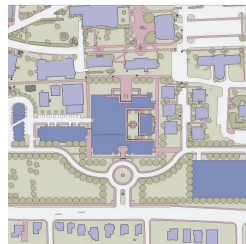
Led planning of this 520 student K-12 charter school campus focused on environmental respect and global awareness. Small learning pavilions housing 3 to 4 grade levels suited for project-based learning front a “green street,” which becomes a shared outdoor learning environment. The facilities utilize sustainable design principals including day lighting, green roofs, storm water recovery, and use of materials found on-site for construction. *AIA Charlotte 2007 Sustainable Design Merit Award*



Charlotte Mecklenburg Schools | Sharon Elementary School

Project Manager | Charlotte, NC | 2006

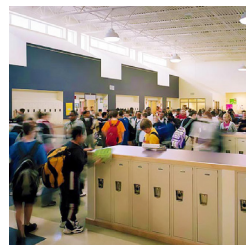
Led design to update this 53,000 sf building to meet the district’s new standard for highly-efficient 800-student elementary schools, including window and HVAC replacement. The 14-classroom addition connects to the existing school in two places providing secure, easy access to all areas, while preserving a courtyard for outdoor learning.



South Carolina State University | Clyburn Transportation Research Center

Project Designer | Orangeburg, SC | 2005

Led design of a facility focused on research to transform America’s highways and transportation infrastructure. This unique program’s vision was to attract top students to a historically black college. The center includes high-bay research labs, administrative offices, a library and archives, and a world-class conference center.



Charlotte Mecklenburg Schools | Mint Hill Middle School

Project Designer/Construction Administrator | Charlotte, NC | 2003

A new middle school delivered through traditional design-bid-build procurement, faced significant budget challenges and low-bid contractor performance difficulties. Despite the challenges, the project was delivered on schedule while maintaining design quality and integrity. Designed for a flexible, team-focused concept, the building supports a team teaching “grade house” model with classroom daylighting.

MANAGING RISK IN PRACTICE



Service

AIA Risk Management Committee

AIA Presidential Appointment, 2018-present

- Advise the Institute and its members on risk in practice.
- Prepare AIA risk management resources and materials through close collaboration with AIA staff attorneys.
- Develop risk management educational content for publication on AIA website, in AIA publications, and at the AIA Conferences on Architecture.
- Documents Committee Liaison

AIA Large Firm Round Table (LFRT) Legal Committee

Member, 2017-Present

- Discuss risks to large architectural firm practice with other in-house counsel from AIA member large firms
- Share best practices, including practical examples for managing risk by contract.
- Invite speakers to present legal topics of importance to in-house lawyers serving large architecture firms.

AIA North Carolina

Legal Representative for HB 871, 2019

- Co-drafted HB 871 protecting design professionals from unreasonable indemnity and defense obligations in contract.
- Lobbied the North Carolina legislature to achieve the passage of the bill, ratified June 28, 2019 and signed into law by Governor Roy Cooper.

Practice Forum Speaker, 2016

- Presented trending issues in owner-architect agreements to AIA NC members.

AIA Board Community Committee

AIA Presidential Appointment, 2012

AIA Board Strategic Initiatives Group

AIA Presidential Appointment, 2008

- Member, Diversity and Inclusion subgroup
- Part of the core team that developed the:
 - AIA Diversity Recognition Program
 - Diversity Council
 - Diversity Action Plan
- Attended AIA Grassroots Leadership and Legislative Conference, Washington D.C. 2008

AIA Strategic Advance 2008

- Developed the Institute's Strategic Plan with AIA President, Executive Committee, board members, and component leaders in Reno, NV.
- Recommended alternative paths to leadership within the Institute in order to promote diversity and inclusion.

AIA Diversity Committee

AIA Presidential Appointment, 2007

- Created the plan for the groundbreaking 2008 multiFORMity AIA Diversity Plenary, including identifying and inviting key participants.
- Advocated for diversity in thought and composition within the profession and the AIA.
- Original signatory of AIA's "Gateway Commitment" April 16, 2008

MANAGING RISK IN PRACTICE



Speaking

“Risk Management Essentials: Part II The Construction Project”

AIA Conference on Architecture, Los Angeles, 2020

(co-presenting with Forrest Lott, FAIA and Kevin Miller, AIA)

AIA Conference on Architecture, Las Vegas, 2019

(co-presented with Forrest Lott, FAIA and Kevin Miller, AIA)

“10 Contract Trends: Trending issues in Owner-Architect Agreements”

AIA Charlotte Risk Management Seminar, Charlotte, NC

November 2018

“10 Contract Trends: Trending issues in Owner-Architect Agreements”

AIA North Carolina, Raleigh, NC April 2016

“Integrated Project Delivery”

IPD Symposium, Charlotte, NC September 19, 2013

(Panel with Joan Blumenfeld, FAIA, FIIDA, Roger Johnson, TD Bank, and Mark Iammarino, Turner Construction)

ADVANCING EXPERTISE IN ADVOCACY

Joelle is a leader in construction law groups. Her involvement advances understanding of issues affecting architects among legal experts and allied organizations to foster their engagement in advocacy for the profession.



NORTH CAROLINA
BAR ASSOCIATION
seeking liberty + justice

Service

American Bar Association Forum on Construction Law

- In-House Counsel Advisory Group, 2019-present
- 2020 Fall Meeting Advisory Committee, 2019-present
- Awarded In-House Counsel Fellowship, 2016-2019 (3-year award)
- Appointed to Design Division Steering Committee, 2017- present
- Design Division's "Hot Topics" coordinator 2017-present
- Author, *The Design Contracts Book* Chapter 21 "Reuse of the Documents after the Project Is Complete" 2019
- Editor, Design Division's 2018 "Concepts Book" presenting division's educational programming and publications to the ABA Forum on Construction Law's Governing Committee.
- Diversity Scholarship Recipient, 2015

The Jefferson Society, Inc. Member, 2014-Present

- One of 88 AIA members who are licensed attorneys in the United States.
- Admitted to the Supreme Court of the United States Bar with fellow members November, 2016

North Carolina Bar Association, Construction Section Co-Chair, Design Professionals Liaison Committee, 2017-present

- Connect construction attorneys, executive directors of professional organizations and state boards of architecture and engineering and identify legislation affecting design professions.
- Strategize lobbying and advocacy in North Carolina General Assembly.

Member, Design Professionals Liaison Committee, 2010-2017

NCARB Graphic Pretest Committee, 2005-2007

- Voluntarily worked multiple solutions to ARE vignettes to ensure the computer-generated exam problems could be solved by ARE candidates.
- Identified inadvertent unsolvable vignettes so they could be removed from the exam database.
- Verified dozens of ARE graphic vignettes prior to roll-out to examinees.



→
The Jefferson Society
members, following the
swearing-in ceremony for the
SCOTUS Bar (seated in center)

**ADVANCING
EXPERTISE IN
ADVOCACY**



Speaking

“North Carolina HB 871: How This New Law May Impact Practice in Your State”

ABA Forum on Construction Law Division 3 Hot Topic Webinar,
September 2019

“Mind the Gap: Avoiding Design Delegation Dangers”

(co-presented with Paul James, Esq. and Brian Schoolman, Esq.)
ABA Forum on Construction Law Webinar, September 2018

“Finding Common Ground: Shared Interests Among Architects and Contractors”

ABA Forum on Construction Law Division 9 Hot Topic Webinar,
May 2019

“Using AIA’s Digital Practice Documents to Manage the Risks of BIM and Digital Data”

(co-presented with Michael Bomba, Esq. and Jeremy Baker, Esq.)
ABA Forum on Construction Law Webinar, May 2018

“Laying a Solid Foundation: Special Contract Considerations for Sustainable Construction Projects”

(co-presented with Kory George, Esq. and Philip Beck, Esq.)
ABA Forum on Construction Law Midwinter Meeting,
Palm Desert, CA, January 2017

“From Static to Dynamic: Changes to Permitting Construction Projects”

ABA Forum on Construction Law Division 3 Hot Topic Webinar,
September 2016

“Who Holds the Bag? Risk and Liability in Design Firm Mergers and Acquisitions”

ABA Forum on Construction Law Division 3 Hot Topic Webinar,
October 2013

“From P3 to BIM: How External and Internal Forces Are Changing the Design Professional’s Role”

(co-presented with Jay Wickersham, FAIA, Esq.)
ABA Forum on Construction Law Fall Meeting Washington, DC
September 2013

EDUCATING THE INDUSTRY

Joelle has devoted her career to education. Beyond education within her firm, she has developed education curriculum for local code enforcement, educated ARE candidates on the AIA Contract Documents, taught graduate design studio, and volunteered with college, high school, and elementary students interested in a career in architecture.



Service

Mecklenburg County Code Enforcement Legal Consultant 2015-present

- Develops curriculum and training presentations for ISO Certified legal training required for all code officials, plan reviewers, field inspectors, and staff.
- Approved by the Department of Insurance and the North Carolina Code Officials Qualifications Board

University of North Carolina at Charlotte Guest Design Critic/Juror, 2003-present

Adjunct Professor, 2nd Year Graduate Advanced Design Studio, Fall 2012

- Created a studio culture balancing design excellence, academic rigor, and paced project development to promote time management life skills, preparing students for a rewarding career in architectural practice

Guest Lecturer & Panelist, Professional Practice 2005 to 2012

- Guided students to achieve IPD and ARE success
- Impacted over 400 architecture students

AIA Charlotte Instructor, ARE Study Group, April 2019

- Educated ARE candidates on the AIA Contract Documents to prepare them for the ARE
- Demystified the AIA B101 2017 Owner-Architect Agreement for emerging design professionals

Speaker, AIA Charlotte Risk Management Seminar, November 2018

- Presented trending risks in Owner-Architect agreements



Charlotte Mecklenburg Schools

Career Day Volunteer 2004-2013

- Introduced thousands of elementary students to a career in architecture in several Title I schools

Explorers Program Volunteer 2001-2008

- Mentored dozens of high school students considering a career in architecture

EDUCATING THE INDUSTRY



Speaking

“Professional Obligations and Liability in Construction Projects”

Mecklenburg County Code Enforcement Legal Training,
September 2019

“Legislative and Policy Updates for the Code Enforcement Official”

Mecklenburg County Code Enforcement Legal Training,
September 2019

Instructor, AIA Owner-Architect Agreements

ARE Contracts Study Group, AIA Charlotte, April 2019

“Legal Framework for the Code Enforcement Official”

Mecklenburg County Code Enforcement Legal Training,
January-March 2019

“Ethics, Fire Districts, & Significant Legislative Changes Affecting the Code Enforcement Official”

Mecklenburg County Code Enforcement Legal Training,
January-March 2019

“Professional Responsibility in Construction Projects”

Mecklenburg County Code Enforcement Legal Training,
January-March 2018

“Legislative and Department Policy Updates”

Mecklenburg County Code Enforcement Legal Training,
January-March 2018

“Professional Obligations and Liability in Construction Projects”

Mecklenburg County Code Enforcement Legal Training,
January-March 2017

“Legislative and Policy Updates for the Code Enforcement Official”

Mecklenburg County Code Enforcement Legal Training,
January-March 2017

“Designer Concerns in P3 Project Delivery”

Construction Specifications Canada Conference, Halifax,
NS, Canada May 2016

“BIM, Digital Signatures, and Easements”

Mecklenburg County Code Enforcement Legal Training,
January-March 2016

“Professional Responsibility, Stop Work Orders, Notices of Violation, and Preparing for Court”

Mecklenburg County Code Enforcement Legal Training,
January-March 2016

Adjunct Professor

2nd Year Graduate Advanced Design Studio,
University of North Carolina Charlotte School of Architecture,
Fall 2012

Professional Practice Guest Lecturer on IPD and the ARE

University of North Carolina Charlotte School of Architecture,
2005-2012

Design Juror

University of North Carolina Charlotte School of Architecture
2003-2018

AWARDS & HONORS



Project Awards

AIA

Honor Award | AIA Charlotte

NC Biotechnology Center Gov. James B. Hunt Leadership Annex, 2015

Honor Award | AIA North Carolina

NC Biotechnology Center Gov. James B. Hunt Leadership Annex, 2012

Sustainable Design Merit Award | AIA Charlotte

Carolina International School Master Plan, 2007

Professional Awards & Honors

American Bar Association Forum on Construction Law

Awarded In-House Counsel Fellowship

2015-2018

Diversity Scholarship Recipient

2015

Appointed to Design Division Steering Committee

2017-present

North Carolina Bar Association

Construction Law Section, Design Professionals Liaison Committee

Appointed Co-Chair, 2019

Construction Law Section, Design Professionals Liaison Committee

Appointed Co-Chair, 2018

Construction Law Section, Design Professionals Liaison Committee

Appointed Co-Chair, 2017

Engineering News Record Southeast

Top 20 Under 40

Honored as Next Generation Top Construction Industry Professional, 2015



NC Biotechnology Center
Governor James B. Hunt
Leadership Annex

PUBLICATIONS



Publications by the Nominee

“A New Anti-Indemnity Statute Protects Design Professionals from ‘Duty to Defend’ in North Carolina”
Under Construction, ABA Forum on Construction Law Newsletter, expected publication December 2019

“North Carolina House Bill 871: An Act to Protect the Interests of Designers, Particularly Small and WMBE Entities, from Unfair Contracting and Duty to Defend Requirements that Violate the Existing Public Policy of North Carolina”
 General Assembly of North Carolina (co-authored with David Ferrell, Esq. and Neale Johnson, Esq.) August 2019

“On Solid Ground? Risks in Contracting for Geotech & Survey” AIA.org Article September 2019

“Reuse of the Documents after the Project Is Complete” Chapter 21 of *The Design Contracts Book* (publication pending)

“Laying a Solid Foundation: Special Contract Considerations for Sustainable Construction Projects”
 ABA Forum on Construction Law White Paper (co-authored with Philip Beck, Esq., and Kory George, Esq.) 2017

“From P3 to BIM: How External and Internal Forces Are Changing the Design Professional’s Role”
 ABA Forum on Construction Law White Paper (co-authored with Jay Wickersham, FAIA, Esq.) September 2013

Publications About the Nominee’s Work

“North Carolina Anti-indemnity Statute Update, New Changes Now in Effect” *The National Law Review*, August 7, 2019

“The Dangers of Design Delegation: Identifying and Avoiding or Shifting the Risk” *Construction Executive*, August 4, 2019

“Celebrating Success” 2019 AIA State Government Network Conference

“Breaking News: ACEC/NC-led Coalition passes historic Indemnification/Duty to Defend Relief with HB 871!”
www.acecnc.org, July 10, 2019

“NC Legislative Update - End of 2019 Session in Sight” www.aia.org, July 3, 2019

Publications About Nominee

“Member Profile: Joelle D. Jefcoat, AIA, Esq.” *Monticello: Quarterly Journal of the Jefferson Society, Inc.*, October 2014

EXHIBIT LIST

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When people hear I'm a lawyer, they always ask if I miss being an architect, as if the two are mutually exclusive. I am an architect and my passion is and always will be architecture.”

—Joelle Jefcoat, AIA , Esq.

MANAGING RISK IN PRACTICE

3.1

North Carolina
Biotechnology Center

3.2

Moses H. Cone Central Energy Plant

3.3

University of Chicago Cancer Center

ADVANCING EXPERTISE IN ADVOCACY

3.4

American Bar Association Forum
on Construction Law Leadership

3.5

North Carolina House Bill 871

3.6

Counseling the Institute and
its Members on the AIA Risk
Management Committee

EDUCATING THE INDUSTRY

3.7

A Leading Expert on BIM &
Alternative Project Delivery

3.8

Guiding Code Enforcement Officials

Managing Risk



Aerial View of
North Carolina
Biotechnology
Center Gov.
James B. Hunt
Leadership Annex

overruns, but NC Biotech had high expectations for design expressive of their values and space for their growing functional needs.

Actions

Joelle assisted the Center in prequalifying, shortlisting, interviewing, and selecting a construction manager (CM). Through constructability reviews, value engineering work sessions, and a trip to Buffalo, NY, to visit the terra cotta panel manufacturer, Joelle worked with the contractor and suppliers to ensure a project the Center would be proud of that could be delivered within their budget by:

- Challenging the CM to reduce their early conservative estimate for steel—particularly at risk for cost escalation—by proving terra cotta panels on the exterior skin weighed less than traditional brick and thus needed less bulky steel structural support.
- Finding a lightweight stone veneer panel system as an alternative to solid limestone. This panel's veneer could be quarried from the same stone as the original building to provide a common thread between the addition and existing building with lighter structure.



Firm of Record & Design Firm
Perkins and Will

Completion Date
2010

Role
Project Manager

Awards
2015 AIA Charlotte Honor Award
2012 AIA North Carolina Honor Award
USGBC LEED Silver Certified

3.1 North Carolina Biotechnology Center Research Triangle Park, North Carolina

Presenting new challenges to success, alternative project delivery provides benefits, but may also change the traditional owner-architect dynamic.

Challenge

After two decades of growth, the NC Biotechnology Center, which provides statewide support of biotechnology research and development, needed an additional 23,000 sf for their iconic building. At the time, construction costs were rapidly escalating. The owner elected the still new CM at Risk delivery to alleviate concerns of budget

Managing Risk

I have personal knowledge of the nominee's responsibility for the exhibit listed below. That responsibility included: project under direction of the nominee.



Zena Howard, FAIA | Principal, Managing Director
Perkins and Will North Carolina Practice

*Administrative offices
overlooking the outdoor
terrace and rain garden*



Impact

The CM at Risk delivery process posed opportunities and concerns, including a new dynamic where the CM aggressively challenged the design professionals' selections, details, and opinions in front of the client. While the client gained relative certainty about project costs, the CM gained significant influence over the project.

Named for the former Governor, and dedicated at the grand opening by North Carolina's first female Governor, Bev Perdue, the James B. Hunt Leadership Annex expresses the importance of biotechnology research to the state of North Carolina.

Risk Takeaway

Alternative project delivery methods change the traditional owner-architect dynamic. To achieve design goals, an architect must be a vocal advocate for the client's values and apply creative thinking to cost control.



Managing Risk



Moses Cone
Central Energy
Plant Boiler
Room interior



3.2 Moses Cone Central Energy Plant Greensboro, North Carolina

*Managing risks through
information exchange protocol
is necessary to open doors to
enhanced collaboration with BIM.*

Challenge

An outdated hospital serving the state's third largest county needed a major renovation and expansion, including utilities infrastructure to consolidate obsolete operations scattered about the site into a new central energy plant, all while providing uninterrupted patient care. The owner elected CM at Risk delivery, enabling early planning and coordination by the construction manager, but the selected CM and specialized MEP engineers were not yet BIM capable. Joelle was challenged to lead a design team cutting their teeth on new BIM software for architecture and structure, while all others worked in CAD.

Actions

Joelle led utilities consolidation, working closely with the construction manager and design engineers to plan and execute the central energy plant project—the first construction phase organizing all support utilities and underground site work necessary to enable all subsequent hospital expansion phases.

She led engagements with the County Planning & Development Department to pilot the county's first electronic plan review through all construction phases, including the Phase I CEP. The overall project was the county's largest new construction and renovation effort (over a half-million square feet) documented in 10 drawing volumes for multi-year, multi-phased construction.

Joelle ensured coordination with building and structural elements, switching between 2D CAD information from the engineering consultants and 3D BIM information in the architectural and structural models. Controlling cost through close coordination with the CM enabled the utility building, occupying prominent real estate, to become an architectural feature on the hospital's campus.

Firm of Record & Design Firm
Perkins and Will

Completion Date
2010

Role
Project Architect/Project Manager

Managing Risk

I have personal knowledge of the nominee's responsibility for the exhibit listed below. That responsibility included: project under direction of the nominee.



Sean Murphy, AIA | Principal, Perkins and Will
Managing Principal for the Moses Cone Hospital
Expansion Project

Exterior of the Moses Cone
Central Energy Plant



Impact

Despite different documentation methods, Joelle's leadership and project management ensured creation of a state-of-the-art central plant with the capacity to keep the hospital fully functional for 7 days on emergency systems, on schedule, on budget, and without operational disruptions.

Risk Takeaway

Joelle's experience delivering a complex project in BIM during the technology's infancy exposed her to the challenges and risks of this new system, including levels of development (LOD), reliance on modeled information by the CM and others, the importance of a BIM execution plan, dangers of quantity take-offs, the business impact of exporting files to CAD, and more.

This experience continues to guide Joelle as BIM has become mainstream for project delivery.



Managing Risk

“

Joelle has the unique ability to translate complicated legal jargon and suggest practical strategies that I can implement with my team to understand and actively manage risk.”

—Clark Miller, AIA



University of
Chicago Medicine
Cancer Center
interior atrium view

3.3 University of Chicago Medicine Cancer Center Renovation

Chicago, Illinois

Applying practice experience to counsel a project team on managing risks arising from contract and technical challenges.

Challenge

This major cancer center renovation included interior renovations and a new curtainwall building envelope. After the project agreement was executed, the project's Managing Principal reached

out to Joelle for legal advice when he learned the client's construction manager wanted to engage in a design-assist process and LEAN design, eliminating traditional shop drawings and requiring a level of BIM development beyond what the firm's staffing and fee could support, and, as Joelle uncovered, the CM's agreement with the owner required it.

Yet the owner-architect agreement was based on an entirely different project delivery method and did not provide for LEAN design or design assist. Moreover, rather than discuss modeling protocols, the contract required the architect to deliver 2D CAD files to the contractor. All this created the potential for dispute early in the project and risked project delays. The Managing Principal of the project, not being BIM proficient, was instinctively wary of hidden risks.

Firm of Record & Design Firm
Perkins and Will

Completion Date
2018

Role
Associate General Counsel

Actions

Joelle noted the executed agreement required shop drawings be submitted by the contractor and reviewed by the Architect as part of a traditional CA phase of architectural services. She organized a meeting with the project team leadership and the digital practice manager to discuss challenges posed by the owner and CM, identify contract provisions that supported or inhibited the process, and determine ways to either accept and manage the risk or propose alternate solutions to the client.

For contract provisions inhibiting the process, she recommended presenting language to the owner for a proposed contract amendment to better align the owner-architect agreement to the owner-construction manager agreement. For items that could be accepted and managed, like the cost of additional modeling in BIM, Joelle recommended the team quantify that effort and present it to the owner as additional services. To facilitate digital data exchange and sharing of the BIM model with the construction manager and its subcontractors, Joelle recommended the design and construction teams complete a BIM execution plan.

Impact

Joelle's risk management strategies avoided a stalemate—she assisted the team in informing the client's decision-making related to the CM's proposed process. The project was able to move ahead, and the Managing Principal fully understood the risks, with a plan in place to effectively and confidently manage them.

Managing Risk

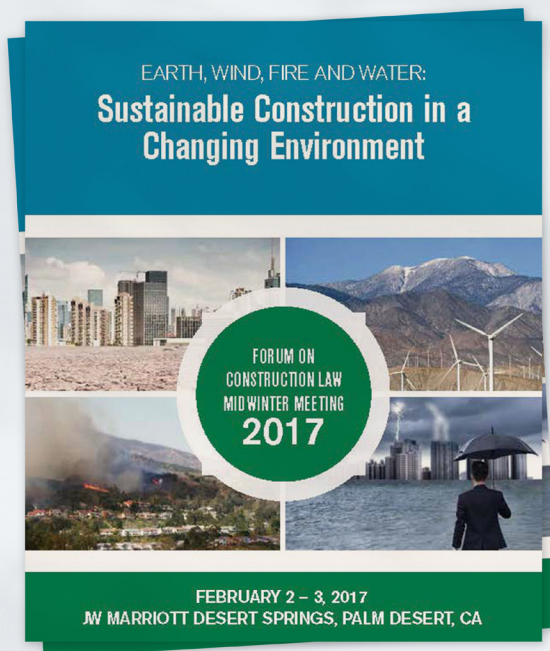
I have personal knowledge of the nominee's responsibility for the exhibit listed below. That responsibility included: in-house legal counsel for the University of Chicago Cancer Center designed by Perkins and Will.



Clark Miller, AIA | Principal, Perkins and Will
Managing Principal for the University of Chicago Cancer Center



→
University of Chicago
Medicine Cancer
Center exterior curtain
wall replacement



“

Joelle's perspective as both an architect and a lawyer is highly valued in our ranks. She's also a passionate, credible, generous, and sought-after speaker, author, and advisor in the ABA Forum's national platform.”

—Arlan Lewis, Esq.
Chair-Elect, ABA Forum
on Construction Law

Actions

To ensure the architect's voice is heard in this important forum, Joelle sought a leadership role in the organization, receiving an in-house counsel fellowship to fund her attendance at all three national meetings for three consecutive years and securing an appointment to the Forum's Design Division Steering Committee by the Governing Committee in 2017.

She leads conversations among lawyers within the American Bar Association Forum on Construction Law and has authored or co-authored four publications, including:

- **“A New Anti-Indemnity Statute Protects Design Professionals from ‘Duty to Defend’ in North Carolina”** Under Construction ABA Forum on Construction Law Newsletter, December 2019
- **“Laying a Solid Foundation: Special Contract Considerations for Sustainable Construction Projects”** ABA Forum on Construction Law White Paper (co-authored with Philip Beck, Esq., and Kory George, Esq.) 2017



Brochures for national meetings of the ABA Forum on Construction Law where Joelle was a featured speaker.

Entity

American Bar Association
Forum on Construction Law

Completion Date

2013-present

Role

Speaker/Steering Committee
Member/Hot Topics Coordinator

Awards

In-House Counsel Fellowship
Diversity Scholarship

Publications

See next page

3.4 American Bar Association Forum on Construction Law Leadership

Advancing expertise among construction lawyers to protect architects' interests and their role in project delivery.

Challenge

The ABA Forum on Construction Law is the nation's leading organization for construction lawyers. Lawyers meet nationally three times a year delivering in-person expert continuing legal education programming and hold monthly division calls, present webinars, publish papers, newsletters, and treatises all tailored to the design and construction industry. With strong voices advocating for contractors and owners, the voice of architects and design professionals must not be overshadowed.

Advancing Expertise

I have personal knowledge of the nominee's responsibility for the exhibit listed below. That responsibility included: speaking, writing, awards, and service to the ABA Forum on Construction Law.

Kristine A. Kubes, Esq. | National Chair |
ABA Forum on Construction Law

- **“From P3 to BIM: How External and Internal Forces Are Changing the Design Professional’s Role”** ABA Forum on Construction Law White Paper (co-authored with Jay Wickersham, FAIA, Esq.) 2013
- **“Reuse of the Documents after the Project Is Complete”** Chapter 21 *The Design Contracts Book* (publication pending)

Her speaking engagements at the Forum Fall Meeting in Washington, DC, and Midwinter Meeting in Palm Desert, CA, have added insight to approximately 500 attendees. Her nationwide webinars for construction lawyers include:

- **“Using AIA’s Digital Practice Documents to Manage the Risks of BIM and Digital Data”** ABA Forum on Construction Law Webinar 2018 (co-presented with Michael Bomba, Esq. and Jeremy Baker, Esq.)
- **“Mind the Gap: Avoiding Design Delegation Dangers”** ABA Forum on Construction Law Webinar, 2018 (co-presented with Paul James, Esq. and Brian Schoolman, Esq.)
- **“Finding Common Ground: Shared Interests Among Architects and Contractors”** ABA Forum on Construction Law Division 9 Hot Topic Webinar, May 2019
- **“From Static to Dynamic: Changes to Permitting Construction Projects”** ABA Forum on Construction Law Division 3 Hot Topic Webinar, September 2016

Since joining the Design Division Steering Committee, Joelle has been the Hot Topics Coordinator, identifying emerging legal issues affecting design professionals and organizing and moderating monthly calls among Design Division construction lawyers across the country to discuss and raise awareness of important developments in laws that affect architects and other design professionals. A selection of the Hot Topics Joelle has presented and/or moderated include:

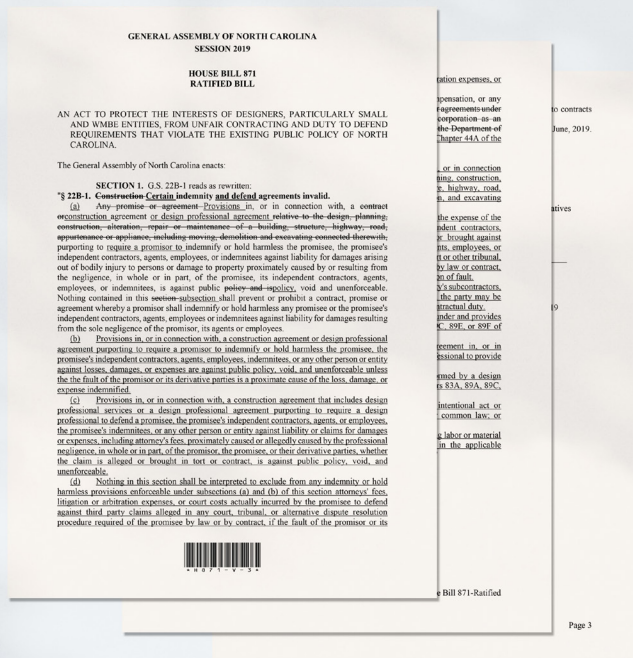
- **“North Carolina HB 871: How This New Law May Impact Practice in Your State”** ABA Forum on Construction Law Design Division Hot Topic Webinar, September 2019)
- **“Design Professionals and Fiduciary Duty”** ABA Forum on Construction Law Design Division Hot Topic Webinar, March 2019
- **“Design Professionals’ Challenges with Contracting with Geotechnical Engineers”** ABA Forum on Construction Law Design Division Hot Topic Webinar, February 2019

Impact

Through her leadership and voice in the ABA Forum on Construction Law, Joelle has reached and benefited hundreds of construction lawyers throughout the United States, ensuring that architects are never left out of the conversation and are valued for their critical role in delivering projects.

Publications

- **“A New Anti-Indemnity Statute Protects Design Professionals from ‘Duty to Defend’ in North Carolina”** *Under Construction*, ABA Forum on Construction Law Newsletter, expected publication December 2019
- **“Reuse of the Documents after the Project Is Complete”** Chapter 21 of *The Design Contracts Book* (publication pending)
- **“Laying a Solid Foundation: Special Contract Considerations for Sustainable Construction Projects”** ABA Forum on Construction Law White Paper (co-authored with Philip Beck, Esq., and Kory George, Esq.) 2017
- **“From P3 to BIM: How External and Internal Forces Are Changing the Design Professional’s Role”** ABA Forum on Construction Law White Paper (co-authored with Jay Wickersham, FAIA, Esq.) September 2013



“

I’ve been a lobbyist for this profession for more than 30 years, and I’ve never seen a proponent turn an entire legislative committee around the way Joelle did in the first hearing on HB 871. The bill was going down to defeat in the Judiciary Committee until she stepped in and brilliantly debunked the many misperceptions held by the senators on the panel.”

- David Crawford, Hon. AIA
AIA NC Executive Vice President



HB 871 An Act To Protect the Interests of Designers, Particularly Small and WMBE Entities, From Unfair Contracting and Duty to Defend Requirements That Violate the Existing Public Policy of North Carolina

Entity
AIA North Carolina

Completion Date
2019

Role
Co-author

Publications
See next page

3.5 North Carolina House Bill 871

Co-drafting and lobbying for a new law protecting architects from “duty to defend.”

Challenge

Joelle was AIA North Carolina’s legal representative on an AIA/ACEC committee with a vision to amend an existing state anti-indemnity statute to address concerns by design professionals statewide that contracts increasingly include “take it or leave it” indemnity provisions requiring a “duty to defend” the owner from third party claims.

Action

Joelle co-drafted North Carolina’s statute making “duty to defend” void and unenforceable in design professional contracts.

She attended the House Budget Committee Meeting when the statute was introduced by the sponsoring senator for debate. Following vocal opposition from the Association of General Contractors (AGC), legislators failed to grasp the need for statutory protections for design professionals, and even opined that the issue sounded like an insurance problem the insurance industry should solve.

When one senator asked if anyone was an expert on insurance, Joelle raised her hand and was invited to take the microphone. She explained:

- How “duty to defend” clauses in indemnity provisions go unreasonably beyond a design professional indemnifying an owner for damages and defense costs arising from third party claims once negligence has been determined.



Discussing the
protections
HB 871 gives
architects

I have personal knowledge of the nominee's responsibility for the exhibit listed below. That responsibility included: co-authoring and lobbying the legislature to pass HB 871.

David A. Crawford
David Crawford, Hon. AIA | Executive Vice President,
AIA North Carolina | AIA NC Lobbyist for HB 871

- How professional liability insurance cannot be underwritten to insure a risk as unquantifiable as a design professional taking over the defense of any claims brought against an owner by third parties alleging designer fault.
- Why requiring a design professional to assume an owner's defense of a claim by a third party on mere allegations could put small architecture and engineering businesses out of business.
- Why shifting an owner's insurable risk to a designer is patently unfair.

Impact

The committee listened—they voted to advance the bill out of committee. Joelle subsequently worked directly with the AGC to address their concerns and co-draft a bill that unanimously passed both chambers and was

signed into law by the Governor. She convinced lawmakers that such provisions were not in the interest of the state, especially when most public contracts establish goals for small and minority business participation.

Effective August 1, 2019, HB 871 is protecting design professionals practicing in North Carolina from unreasonable and uninsurable contractual indemnity and defense provisions. Joelle presented "North Carolina HB 871: How This New Law May Impact Practice in Your State" in an American Bar Association Forum on Construction Law Design Division Hot Topic webinar in September 2019 to a nationwide audience of attorneys. The statute has received national press and is building momentum for similar bills in states where architects still need protection from unfair contracts that counter public policy.

Publications

"A New Anti-Indemnity Statute Protects Design Professionals from 'Duty to Defend' in North Carolina" Under Construction, ABA Forum on Construction Law Newsletter, expected publication December 2019

"NC Anti-Indemnity Statue Update, New Changes Now in Effect" www.natlawreview.com, August 7, 2019

"Celebrating Success" David Crawford, Hon. AIA, 2019 AIA State Government Network Conference, Providence, RI, July 19, 2019

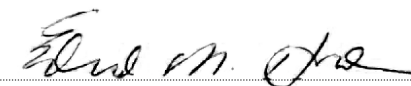
"Breaking News: ACEC/NC-led Coalition passes historic Indemnification/Duty to Defend Relief with HB 871!" www.acecnc.org, July 10, 2019

"NC Legislative Update - End of 2019 Session in Sight" www.aia.org, July 3, 2019

"North Carolina Anti-indemnity Statute Update, New Changes Now in Effect" *The National Law Review*, August 7, 2019

Advancing Expertise

I have personal knowledge of the nominee's responsibility for the exhibit listed below. That responsibility included: member of the AIA Risk Management Committee.



Ed Hord, FAIA | Senior Principal, Hord Coplan Macht | Chair, AIA Risk Management Committee

“

Joelle is that rare practitioner that bridges the gap between architecture and the law in a way that enhances architects' ability to pursue their passions.”

–Kevin Miller, AIA
A'19 Co-Presenter

Roundtable Legal Committee and the ABA Forum on Construction Law, to creating educational materials for AIA members. Together with her RMC committee colleagues, she monitors legal, economic, legislative, and practice-related developments affecting architects.

Impact

During her time on the RMC, Joelle has created resources for members to learn more about risks in practice:

- “On Solid Ground? Risks in Contracting for Geotech and Survey,” Author, AIA.org September 2019
- “Risk Management Essentials: Part II The Construction Project,” Co-Presenter, AIA Conference on Architecture, Las Vegas, NV, 2019

31 people attended her A'19 pre-conference workshop, including owner's representatives, project managers, and construction administrators. The program generated over \$8,000 for the AIA and has been renewed for A'20.



Presenting “Risk Management Essentials Part II: The Construction Project” at AIA Conference on Architecture, Las Vegas, NV

3.6 AIA Risk Management Committee: Counseling the Institute and Its Members

Expanding AIA member benefits to include risk management expertise for all, especially those without an in-house legal department.

Challenge

The practice of architecture is not without real and substantial risk. The risks associated with practicing architecture, however, can be effectively managed. While all architects and design professionals need to be aware of the risks and tools to manage risk, not all architects have access to an in-house legal department.

Action

The AIA created a new AIA Risk Management Program in 2017 to focus on legal, practice, and economic issues impacting risk in practice. A critical component of the AIA's Risk Management Program is the six-person Risk Management Committee (RMC). Joelle was appointed to the RMC by AIA National President Carl Elefante in 2018 to serve a six-year term. Joelle applies her experience as an in-house attorney for one of the largest global design firms and her involvement with the AIA Large Firm

Entity

AIA

Role

Risk Management Committee Member

Completion Date

2018-present

Publications

“On Solid Ground? Risks in Contracting for Geotech and Survey,”
Author, AIA.org 2019



“

Joelle's knowledge on P3 was so vital to the Canadian construction industry that we invited her to be a main focus of our conference. She did not disappoint! She enlightened us with new and unfamiliar risk issues, engaging all disciplines in the conversation.”

–Abigail MacEachern,
Int'l Assoc. AIA



Presenting “Designer Concerns in P3 Delivery” at Construction Specifications Canada's National Conference, Halifax, NS

Entity
Perkins and Will

Completion Date
2013–present

Role
Author/Speaker

Publications
“From P3 to BIM: How External and Internal Forces Are Changing the Design Professional's Role,” Co-author (with Jay Wickersham, FAIA, Esq.), American Bar Association Forum on Construction Law white paper, 2013

3.7 A Leading Expert on BIM and Alternative Project Delivery

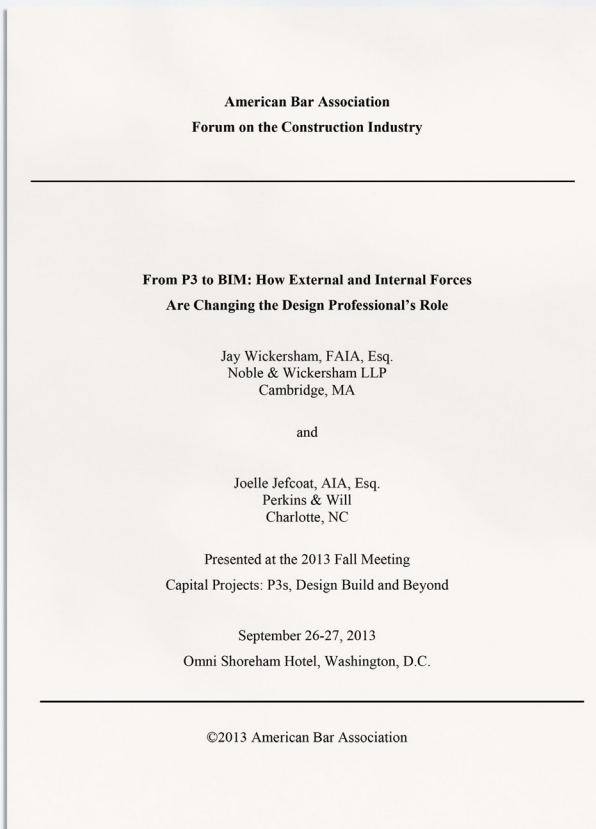
Educating and guiding industry players as internal and external forces impact the architect's role.

Challenge

After a century of documenting projects in 2D print, technological advancements like BIM, 3D printing, and AI, as well as economic drivers like P3 procurement, fast-tracking, and block chain are forces of change creating uncertainty and new risks to architectural practice. These forces are rapidly and fundamentally changing the way projects are conceived, visualized, documented, and constructed. Early project involvement by contractors, whether through pre-construction services like cost estimation and constructability reviews, or design assist and design-build, in concert with building information modeling provides opportunities for enhanced collaboration, but it also creates enhanced risk.



**From P3 to BIM: How External and Internal Forces
Are Changing the Design Professional's Role**



I have personal knowledge of the nominee's responsibility for the exhibit listed above. That responsibility included: speaking, writing, and educating about legal risks in BIM and alternative project delivery.

Abigail MacEachern, Int'l Assoc. AIA | Design Manager,
Pomerleau Construction | CSC Technical Program
Committee

Action

After over a decade documenting and managing projects, Joelle recognized the need for leadership and expertise to navigate these forces of change. She sought a legal education while practicing architecture full-time to gain the ability to lead and guide the profession, so architects remain vitally important to the design and construction of buildings. Joelle has spent her time as an attorney educating design professionals, contractors, owners, and lawyers about risks from emerging industry trends.

Joelle educates her audiences on the process of establishing protocols for digital information exchange to enable the sharing of project data. She speaks to owners and contractors about reasonable allocation of risk among project participants and contract structures to enable collaborative delivery of projects. Her guidance at the national scale has impacted hundreds of projects and enabled success through teaming.

Impact

As a project architect with BIM experience, Joelle educates architects, contractors, owners, and the lawyers that represent them on the risks unique to BIM and alternative project delivery.

To date, she has held 35 education sessions for roughly 1,900 professionals, allied professionals, code officials, and procurers of design services.

Seminars

"From P3 to BIM: How External and Internal Forces Are Changing the Design Professional's Role," Presenter, ABA Forum on Construction Law, Washington, DC, September 27, 2013

"Designer Concerns in P3 Project Delivery," Presenter, Construction Specifications Canada's National Conference, Halifax, Nova Scotia May 26, 2016

"Integrated Project Delivery" Panelist, IPD Symposium, Charlotte, NC September 19, 2013



“

Through Joelle’s training, our staff, who are charged with ensuring public health and safety, are able to gain in-depth context for the legal issues impacting their day-to-day responsibilities. Her background as an architect brings hands on insight that allows them to more fully grasp the complex legal aspects of the building industry.”

–Patrick Granson, Director,
Mecklenburg County Code Enforcement



Giving NC Code
Enforcement Officials
Legal Training

Entity
Mecklenburg County
Code Enforcement

Completion Date
2015—present

Role
Curriculum Developer,
Educator, and Advisor

3.8 Guiding Code Enforcement Officials

Educating North Carolina’s code officials on technology, project delivery, and legislative changes impacting their duties and the role of architects.

Challenge

The largest code enforcement jurisdiction in North Carolina also happens to be among the most forward thinking in the country, piloting a BIM plan review and inspections process. This progressive approach to project review and construction presents new, unforeseen, and complex challenges.

When the state legislature passed a new law permitting engineers, architects, and their unlicensed staff to perform inspections of elements and components of construction, Mecklenburg County recognized inherent risks for code officials in their daily inspections activities.

Action

The county's Director of Code Enforcement decided to retool the department's training program in 2015, and turned to Joelle, who developed more than 36 hours of legal training curriculum to educate field inspectors, plan reviewers, fire marshals, and code administrators on alternative project delivery methods, including design-build and IPD, state licensing laws, legislative updates affecting code enforcement and design professionals, proper use of seals, understanding the legal process, and ethics.

Impact

Joelle has presented the curriculum to over 600 code enforcement officials. She is also a state approved instructor, and her curriculum has been approved by the NC Department of Insurance, drawing code officials from counties across the state to attend her training.

She is evolving the program to include emerging challenges such as the use of digital seals and the necessary associated modernization of state board of architecture rules, issuance of permits at the inception of a project (instead of at the completion of design documents) to enable fast-track design and construction, and code changes to enable building departments to accept incomplete designs for review.

She has also served as an advisor to facilitate the department's thinking

beyond traditional sheet set based plan review to achieve fully digital BIM plan reviews and inspections, which are now standard for all large projects in the City of Charlotte.

Joelle continues to serve as an expert advisor to Mecklenburg County Code Enforcement, including reviewing with the county attorney language developed to warn architects and engineers about the assumed risks of performing inspections in lieu of code enforcement. The result has been that most architects have declined to perform such inappropriate (and uninsurable) services, keeping that duty appropriately within the responsibility of the government.

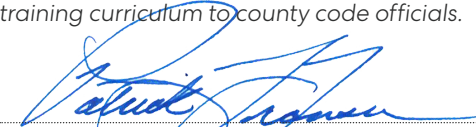
Seminars

"Designer Inspections," Presenter (with Patrick Granson, Director of Code Enforcement), ABA Forum on Construction Law Hot Topic webinar, November 2018

35 attorneys nationwide attended to gain insight on the trend by state legislatures to privatize inspections.

"Use of Electronic Seals and Signatures" Presenter; ABA Forum on Construction Law Hot Topic webinar, September 2016
40 attorneys nationwide attended to gain insight on counseling their clients on using new technologies in practice and advocating to their local licensing boards on modernizing their board's rules on the use of seals.

I have personal knowledge of the nominee's responsibility for the exhibit listed below. That responsibility included: Legal consultant and creating and teaching legal training curriculum to county code officials.



Patrick Granson | Director, Mecklenburg County Code Enforcement | Client Representative