

By Louis Duva, AIA | DC Communications Coordinator

Architecture is fundamental to the social, physical, and mental health of individuals and of society as a whole. This is an important and significant responsibility for designers and planners and one that they must remain conscious of throughout the design process(s)

**Constructing an Equitable Future** calls for us to use our power as designers, planners and policymakers to create spaces of opportunity for all. For the past decade, increased development in urban areas has been beneficial to builders, property owners, and designers alike. This has also resulted in more working citizens enjoying the vitality of urban life than in past generations. However, there remains a widening gap between those with the assets and resources to gain

sustainable access to the city and those reliant on affordable housing stock, transportation infrastructure, and community services, all of which often struggle to keep up with demand. As stakeholders in the quality of life in our cities and as actors in and creators of its built development, it is critical that we take time to evaluate our roles and efforts in creating a sustainable, healthy and more accessible human habitat for all.

**We are calling on members of the architecture community to participate in DesignDC 2018, a three-day conference that will explore the theme of Constructing an Equitable Future.**

We are excited to welcome our keynote speaker, **Jonathan F. P. Rose** to DesignDC 2018. Rose, a socially-conscious developer and philanthropist, leads the multi-disciplinary design firm, Jonathan Rose Companies. He is the author of *The Well-Tempered City: What Modern Science, Ancient Civilizations and Human Nature Teach Us About the Future of Urban Life*, an award-winning book that considers the role of cities in addressing the environmental, economic, and social challenges of the 21st century. He has been called a visionary

*(continued on page 2)*



## DesignDC 2018 *(continued from cover)*

in urban development and renewal and we are proud to share this vision with DesignDC conference attendees.

On the first and second days of the conference, seminars will advance ideas on creating improved conditions of equity and sustainability in development. Concepts like walkability, short-term housing, inclusive planning, and the democratization of public space will be examined. On the ecological front, sessions will approach designing for net-zero energy buildings, Passivhaus, urban gardens, and cycling infrastructure.

Tuesday's session will anchor the entire conference, reinforcing this year's theme. On the third and final day of the conference, we urge you to take the opportunity to tour around town. Visit working facilities for the DC Streetcar, the new Kenilworth Recreation Center, St. Elizabeths campus redevelopment, and other new and important projects around town. You will also be able to take a bike-tour to learn about DC's cycling community and explore Alexander Court, a major building recycling project.

Registering early means you can reserve your place in limited-capacity sessions like Lunchtime Learning and tours. Please visit [aiadesigndc.org](http://aiadesigndc.org) to accept this invitation to DesignDC 2018, a special and informative event designed to bring our professional community together to create a healthier, happier, more sustainable and more equitable DC region.



## Exhibitor Spotlight

Phoenix Noise & Vibration



Contact: DesignDC Exhibitor Booth 310  
[www.phoenixnv.com](http://www.phoenixnv.com)

Beginning with DesignDC 2010, Phoenix Noise & Vibration expanded their relationship and out-reach to the architectural community. PNV began providing Lunch and Learn sessions at architects' offices as well as during subsequent DesignDC conferences and has enjoyed partnering with AIA's continuing education program.

DesignDC's 2018 theme, Constructing an Equitable Future, has significant relevance to Phoenix Noise & Vibration's business in "Creating healthier, more resilient, places to live, work, and play". Addressing acoustics, noise, and vibration creates a healthier environment in living and work spaces. Through analyzing site conditions, integrating noise solutions into a new design or resolving issues in a completed building, PNV brings specialized, focused expertise to your project team to help create that environment.

## Obituary: Charles Silverman, AIA

The Chapter recently learned that Charles Silverman had passed away. He was born in Manhattan, New York in 1935, graduated from Queens College with a BS in Bio Chemistry and subsequently pursued a BS and an MS in Architecture at Columbia University. He worked for Gruzen Associates, AECOM, and other architecture firms in NY, San Francisco,

Washington, DC. He is survived by his widow Dr. Joyce Hagel and myriad other family members.

He was a member of many organizations including, The Phillips Collection, The Kennedy Center, Arts for the Aging, the Washington International Piano Arts Council and the Latch Key League in Naples Florida. He was also a member of Chabad Synagogue.

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The editorial deadline for each issue is the first day of the preceding month. Submissions received after this date may be held for publishing due to spatial

limitations. Editorial contributions and letters are welcome. We reserve the right to edit submissions. Opinions expressed by contributing authors do not necessarily reflect the policies or views of the Washington Chapter/AIA, or its officers, directors, or employees.

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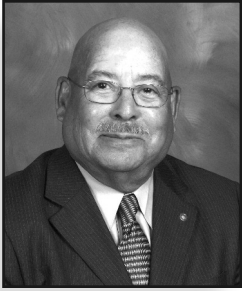
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Mortimer Mercer Marshall Jr.

## Obituary: Mortimer Mercer Marshall Jr.

Mortimer Mercer Marshall Jr, a distinguished AIA Fellow, NOMA Council member, Construction Specifications Institute Fellow and Whitney Young Jr Award recipient passed away on June 13, 2018.

Marshall was founder and President of The Marshall Group a firm specializing in architecture, interiors and general contracting. He held a bachelor's degree in architecture from Tuskegee University.

Following graduation and service in the United States Air Force, Marshall served in several positions with the Naval Facilities Engineering Command. From 1967 to 1982 he served as director of design on the staff of the Secretary of Defense where he was responsible for the development and implementation of all design criteria, policies and construction standards used in the U.S. Department of Defense's annual, multi-billion-dollar, worldwide design and construction program.

Marshall was a member of the DC Chapter of AIA for 55 Years. During his tenure he made numerous contributions including serving on the Board of Directors, Chairing the Fellows Committee and serving on the AIA National Federal Architecture Task Group. His

other honors included Council, National Organization of Minority Architects; recipient of National Institute of Building Sciences' inaugural Mortimer M. Marshall Jr. Lifetime Achievement Award; Tuskegee North-Eastern "Alumni Achievers Award" and Construction Alumni Association's Pioneer Award and the 2012 Whitney M. Young Jr. Award

A memorial service took place on Friday, June 15, 2018 in conjunction with that of the late Betty LaVerne Marshall, his wife of 66 years, who passed away on April 26, 2018. Mortimer M. Marshall Jr and his wife, Betty, are survived by three adult children, Joy Marshall Ortiz, Mortimer M. Marshall III, and Deborah Crews and six grandchildren.

**A scholarship fund has been established in their memory.**

Contributions can be made payable to:

**The Betty and Mort Marshall Memorial Scholarship Fund  
C/O The Marshall Group, Ltd., Architects  
11250 Roger Bacon Drive, Suite 11  
Reston, Virginia 20190**

## Risk Management Tips: The Dreaded Duty to Defend

by Dalene A. Radcliffe, Esq.

Owners frequently ask architects to sign indemnification provisions which include a duty to defend the Owner in certain circumstances. Although indemnification provisions are commonplace in the industry, a duty to defend provision – often buried in an indemnification provision – presents an uninsurable risk to the architect; that is, the architect's professional liability insurance will not pay for the cost of defending the owner against claims of alleged error or omissions in the design documents. This article briefly addresses the risk to the architect in assuming a duty to defend the owner.

A design professional's obligation under an indemnification clause should be limited to compensating its client for damages incurred by the client, but only if those damages were caused by the design professional's negligence. The indemnification obligation should not be triggered until there has been a legally binding determination that the design professional was negligent.

Project owners (and contractors in the design-build setting) frequently request much broader indemnification clauses which would require the design professional to defend their client from claims, demands, or lawsuits that are brought against the client. By obligating the design professional to defend its client, a design professional is contractually obligated to take legal action in defense of its client, even where the design professional was not at fault.

In general, professional liability policies exclude coverage for contractual liability related to a duty to defend. The consequence of signing a contract containing a "duty to defend" clause is revealed in *URS Corporation v. Fort Myer Construction Corporation*, a case recently appealed to the Court of Appeals of Maryland. This case was initially brought by the contractor against the owner seeking to recover

additional costs allegedly due to errors in the design documents. The owner filed a third-party complaint against the design professional, seeking to have the design professional defend and indemnify the owner from the contractor's claims. On the eve of trial, the contractor dismissed its claims against the owner without prejudice (so that the contractor could refile the lawsuit in the future); however, the owner's claim against the design professional based on the duty to defend clause proceeded to trial. The trial court enforced the duty to defend clause, and ordered the design professional to pay the owner's attorneys' fees in the amount of \$352,355.68 (in addition to the \$248,638.31 it paid to its own attorneys!). While not discussed in the case, it is unlikely that the professional liability carrier provided coverage for the design professional's liability to the owner under the duty to defend provision, meaning that this was probably an out-of-pocket loss for the design professional.

Fortunately, such risk exposure may be prevented through effective risk management. Best practices require a thorough review of the contract prior to execution with special attention to the indemnification clauses. The design professional should strike out the word "defend" from the clause, and remove other language that would require the design professional to assume legal responsibility not contingent on the design professional's negligence. By exercising sound risk management practices in negotiating the indemnity provisions, a design professional can significantly reduce its exposure to uninsurable risks.

*Dalene A. Radcliffe, Esq. is a lawyer with Lee/Shoemaker PLLC, a law firm devoted to the representation of design professionals in all facets of their business and an affiliate member of DC | AIA.*

*This article is intended to provide general legal advice and should not be relied on for specific situations. Consult your attorney for specific legal advice applicable to your situation.*

## New Members Please welcome AIA|DC's new and returning members:

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- Fadi Alajati, Assoc. AIA
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## Corporate Affiliate Profile

Arup

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Contact: Janell Pagats  
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 Email: Janell.Pagats@arup.com

Arup is the creative force behind many of the world's most innovative and sustainable projects. Since first gaining recognition for the structural design of the Sydney Opera House, the company has built a global reputation for innovation, design excellence and social engagement while diversifying its practices to include a broad range of design and business consulting services.

Arup's local Washington DC office brings these qualities to its work in the nation's capital, tapping into the expertise of over 14,000 staff working globally. The office was formally established in 2010 and has grown to offer a range of services including structural, mechanical, electrical, plumbing, and civil engineering; acoustical, IT and communications consulting; and fire/life safety and code consulting.

For more information, visit [www.arup.com](http://www.arup.com)

## Corporate Affiliate Profile

Lee/Shoemaker PLLC



Contact: Jonathan Shoemaker  
 Phone: (202) 971-9400  
 Email: jcs@leeshoemaker.com

Lee/Shoemaker PLLC assists design firms of all sizes that find themselves in challenging situations and that are seeking counsel and guidance on how to best manage risk, resolve disputes, and maximize the value of their practice.

At the beginning of every engagement, Lee/Shoemaker PLLC seeks to understand its client's goals. Based on this input and drawing upon their years of experience in representing design professionals in transactional matters and construction disputes, the Lee/Shoemaker PLLC team develops a master plan within the legal sphere to achieve the client's desired outcome.

The firm's goal is to implement this master plan efficiently and to always remain focused on accomplishing the client's goals as expeditiously and economically as possible.

For more information, visit [www.leeshoemaker.com](http://www.leeshoemaker.com)

## Corporate Affiliate Profile

Ferguson Enterprises, Inc.



Contact: Pooja Gupta  
 Phone: 703.926.6696  
 Email: pooja.gupta@ferguson.com

Whether you're designing a renovation to an outdated bathroom or designing the client's dream kitchen, Ferguson Bath, Kitchen & Lighting Gallery can help design professionals. Their state-of-the-art showrooms are stocked with inventory in a welcoming, hands-on environment where you can see, touch and experience the products. From lighting and appliances, to bath and kitchen faucets through fixtures and accessories, Ferguson's knowledgeable product experts will help ensure your selections are perfect for your project.

For more information, visit [www.fergusonshowrooms.com](http://www.fergusonshowrooms.com)

## Corporate Affiliate Profile

Michael Nash Design Build and Homes



Contact: Sonny Nazemian  
 Phone: (703) 641-9800  
 Email: info@michael-nash.com

Michael Nash Design Build and Homes is a full-service design/build remodeling firm that specializes in producing high quality home improvements within strictly observed budget parameters.

The company offers a 10,000 square foot showroom on Lee Highway in Merrifield VA, which features 22 fully assembled interior design displays and a staff of award-winning, in-house designers available to answer questions and provide design services as needed. Finish materials and appliances are also typically available at price points below dealer retail.

Michael Nash was recently named the first-ever recipient of the "Decade of Excellence" Chrysalis award, an acknowledgment of the firm's ten years of consistent wins in a national home remodeling competition sponsored by Qualified Remodel Magazine and other top trade publications. Michael Nash has also won numerous "Contractor of the Year" (COTY) for the greater Washington DC region.

For more information, visit [www.michael-nash.com](http://www.michael-nash.com).



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**Corporate Affiliate Spotlight**  
**Meyer Consulting Engineers Corporation**



**Contact:** Tom Ouska  
**Phone:** (301)728.5690  
**Email:** Touska@mcecorp.com

Meyer Consulting Engineers is a professional organization specializing in structural engineering, construction materials testing & special inspections, and related professional services for the construction industry.

In the past five years, the organization has successfully completed over 1,000 commissions across the United States, in the Pacific Rim and the Commonwealth of Independent States. Although the firm offers worldwide project experience, it is locally based with offices at 451 Hungerford Drive in Rockville, Maryland [www.MCECorp.com](http://www.MCECorp.com).

The firm's primary services, consisting of structural engineering and construction materials testing & inspection, have been complemented as the firm has expanded into other practice areas including functioning as the Prime Design Consultant and providing overall design team management for projects of a structural nature, particularly existing condition assessments and forensic testing.

Other specialized services provided by the firm include development and implementation of government required CQC programs, full service materials testing and inspection, value engineering studies, specialized forensic engineering and failures analysis, expert witness testimony & consultation and precast systems detailing.

The firm has also participated in many varied kinds of contractual construction relationships including design/build, fast-track, fabricator's engineering representative, insurance company's engineering representative, property buyer's advocate during

real estate transactions, and independent reviewer of designs and solutions proposed by others.

For more information visit [www.MCECorp.com](http://www.MCECorp.com).

**Corporate Affiliate Profile**  
**Sullivan & Barros, LLP**



**Contact:** Martin Sullivan  
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Sullivan & Barros, LLP is a boutique real estate law firm specializing in zoning, land use, commercial real estate transactions, and litigation. Marty Sullivan, and associate Alex Wilson, handle all aspects of D.C. land use/zoning matters, including due diligence zoning advice, BZA and Zoning Commission cases, Zoning Administrator appeals, and advocacy at DCRA and other District agencies. Marty and Alex work together with architects to create solutions for matter-of-right zoning compliance and, when necessary, for winning BZA strategies. They also work closely with the Zoning Administrator and his staff to avoid the BZA process, when possible, and to otherwise ensure and enable zoning compliance.

Marty has nearly 20 years of D.C. zoning experience, going back to the zoning law firm of Wilkes Artis in the late 1990's. Tony Barros, who also worked at Wilkes Artis, as well as Holland & Knight, handles all aspects of commercial real estate transactions, condominium documents, contracts, leasing, financing, and real estate litigation, in D.C., Virginia, and Maryland.

For more information, visit [www.sullivanbarros.com](http://www.sullivanbarros.com)



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# District Architecture Center Summer C.A. Comp 2018



Photos by the very generous Judy Davis  
at Hoachlander Davis Photography LLC

## B

**Raj Barr-Kumar, FAIA**, has been elevated to Fellow of the Royal Institute of British Architects. He served as President of AIA | DC in 1990, and National AIA President in 1997.

Raj is President/CEO of Barr-Kumar Architects Engineers PC and Barr Group International LLC. His project experience includes the Cortlandt Medical Center in Peekskill, New York, the York District General Hospital in Britain, the Hilton Hotel in Colombo, Sri Lanka, Altos Escondidos Eco Resort in Panama and various embassies. Current projects include the Jain Temple in Chantilly Virginia, Verizon Wireless Centers in California, and Eco Maya Condominiums in Playa del Carmen, Mexico.



Dr. Raj Barr-Kumar,  
FAIA FRIBA



The Social at Hilton Headquarters, Terrace  
Credit: Ron Ngiam

## C

**Rosa D Cheney AIA, PLLC** is pleased to announce that Mark S Farmer, LEED AP has joined the Arlington, Virginia-based firm as Senior Architectural Technologist. Mark brings more than 30 years of architectural experience to the firm, including project management and quality control expertise and is well versed in the technical development of contract documents for a wide range of building types.

Rosa Cheney, the firm's owner, was also recently appointed to the Board of Directors of the Architectural Woodwork Institute's Quality Control Program. She also serves as a member of the AIA's Masterspec Architectural Review Committee.

Also, Rosa D Cheney AIA, PLLC has moved to their new location: 4075 Wilson Boulevard, Eighth Floor, Arlington, VA 22203.

**CORE** is pleased to make several announcements. Partner and Director of Hospitality Design, Allison Cooke, is a 2018 Washington Business Journal 40 Under 40 honoree. Allison Cooke and Christopher Peli were pleased to speak on Full Service Radio's Industry Night about how to translate developers and restaurateurs' needs into innovative spaces. Kimi Laws has joined the CORE hospitality design team as an interior design architect and Core also congratulates interior design member Kristen van Hise for receiving her NCIDQ license.



Allison Cooke  
Credit: Greg Powers

Finally, a recent project, The Outdoor Terrace at Hilton Headquarters The Social in McLean, VA is now open. It won the 2018 WBC Craftsmanship Awards in two categories.

## E



DC Public Library, Cleveland Park.  
Credit: Sarah Mechling, Perkins Eastman

On June 16, **Perkins Eastman DC** attended the ribbon cutting of the new Cleveland Park Library. The 27,000 sf building is located at 3310 Connecticut Avenue, NW, in Washington, DC and aims to create a civic presence for the new facility by using neighborhood cultural queues. Close collaboration with the client and various neighborhood associations resulted in a building program that included various, flexible meeting rooms, private break-out rooms, an outdoor reading garden, a separate children's space, and an abundance of natural daylight. The project was completed as a design/build effort in partnership with Gilbane.

## F

**FOX Architects** announced the appointment of Lisa Revitte, as new Chief Operating Officer. Most recently, Ms. Revitte was the Chief Operating Officer of the Brady Campaign to Prevent Gun Violence, a national nonprofit that she helped grow to a \$12 million organization.



Lisa Revitte



George Mason High School

G

The Falls Church, Virginia school board recently selected the design-build team of **Gilbane, Stantec, and Quinn Evans Architects (QEA)** for the new \$108 million George Mason High School in Falls Church.

The new state-of-the-art high school will focus on sustainability, flexibility, and collaboration, is planned for LEED Gold certification and will be Net Zero Energy ready. The project team envisioned the project space with a goal of creating a future-ready academic setting that can evolve to support any changes in instructional programs over time.

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Left to Right: David Capelli (HDR), Mitch Fillipowicz (HITT), John Knickmeyer (HDR), Mark Miller (Skanska)

## H

HDR celebrated its most recent year during its 3rd Annual Celebration held in the Arlington architecture office on May 16th. Nearly 200 friends of the firm explored local projects through the lens of virtual reality and connected with local staff and leadership.

Also, the Virginia Center for Behavioral Rehabilitation (VCBR) and HDR joined Virginia officials to celebrate their Burkesville facility expansion groundbreaking ceremony. The forthcoming facility features expanded treatment facilities and a 258-bed housing expansion and will also include 185,000 square feet of new construction and 50,000 square feet of renovation. HDR is the architect of record for the expansion.

Hoffmann Architects is pleased to announce the appointment of two new members to the board of directors. Avi A. Kamrat, chief financial officer and director of administration, and **Russell M. Sanders, AIA**, executive vice president and senior director of technical services, will join founding president **John J. Hoffmann, FAIA** as members of the Hoffmann Architects board of directors. Kamrat, Sanders, and Hoffmann currently serve as the firm's executive committee, which is charged with managing the day-to-day business of the company.



Russell M. Sanders, AIA

## M

MV+A is pleased to announce the promotion of **Russell Zung, AIA, LEED AP**, to Senior Associate as well as the promotion of **Kalinda Gathinji, AIA, LEED AP**, and **Aaron Hotaling, AIA** to Associate positions. Russell, in his new leadership role, will continue to guide MV+A's growth and development



Russell Zung, AIA, LEED AP



Kalinda Gathinji, AIA, LEED AP



Aaron Hotaling, AIA

of projects. Kalinda will expand the firm's technical expertise while Aaron will assist with shaping large projects and detail execution.

The **Marvin Window Team**, a Corporate Affiliate member of the chapter, announced several new products, including Marvin Lift Lock (which moves the lift lock from the check rail to the bottom of the sash), the Commercial Ultimate Double Hung Next Generation (which is a commercially rated double hung intended for use in historical and institutional projects) and the Integrity All Alltrex Interior Door finishes (which adds bronze and ebony-colored interior finishes to the door line)

Perkins Eastman has named **Barbara Mullenex, AIA**, the new Managing Principal of its Washington, DC office. Barbara brought over 26 years of experience in the design and management of hospitality and corporate interiors projects when she joined the company in 2013. Barbara succeeds Daniel Cinelli, FAIA, who had served in the Managing Principal role since 2008. He will continue in his role as a Principal and practice area leader, focusing on design innovation with the firm's senior and independent living clients.



Barbara Mullenex, AIA

## Q

Quinn Evans Architects announces that **Kathryn Slattery, AIA, LEED AP BD+C**, has been promoted from senior associate to principal. Slattery has 15 years of architectural and project management experience, and has overseen major projects in the Mid-Atlantic region including the award-winning Experience Migration project at the Smithsonian Institution's National Zoological Park in Washington, D.C., the Frontier Culture Museum in Staunton, Va., Johns Hopkins University's Macaulay Hall in Baltimore and several projects at the Smithsonian's National Gallery of Art.



Kathryn Slattery, AIA, LEED AP BD+C



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Skidmore, Owings & Merrill welcomes two additions to their Washington DC interiors practice.

**Juan Morales, Assoc. AIA** is an architectural designer with nine years of diverse project experience ranging from commercial office to hospitality and residential projects. He completed his architectural training in Bogota, Colombia where he is also a licensed architect. Hao Wang recently earned his Master of Architecture from the University of Virginia School of Architecture and is a member of the inaugural Year One career accelerator program at SOM.



Juan Morales, Assoc. AIA

AIA|DC members may submit "Member News" items to [newsletter@aiadc.com](mailto:newsletter@aiadc.com).

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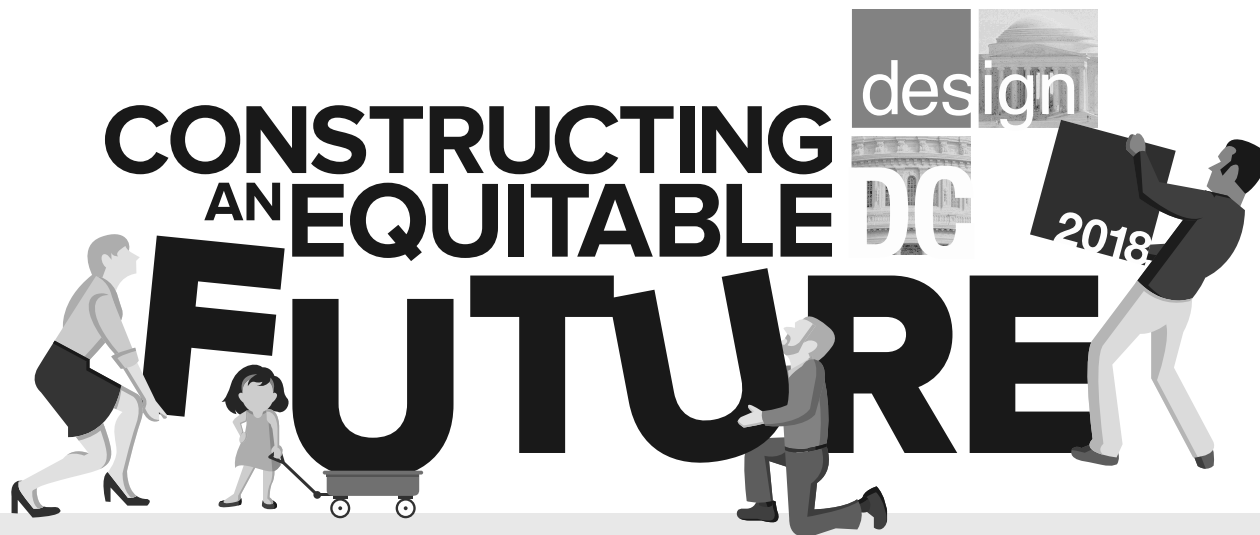
W

Dewberry announced that **Joseph Wells, AIA, NCARB**, has been promoted to intelligence community market leader in the firm's Fairfax, Virginia, office.

In his new position, Wells will be responsible for coordinating with federal clients to address issues related to cyber security, lifecycle cost savings, security, asset management, and resilience, as well as general architectural, engineering, and consulting support.



Juan Morales, Assoc. AIA



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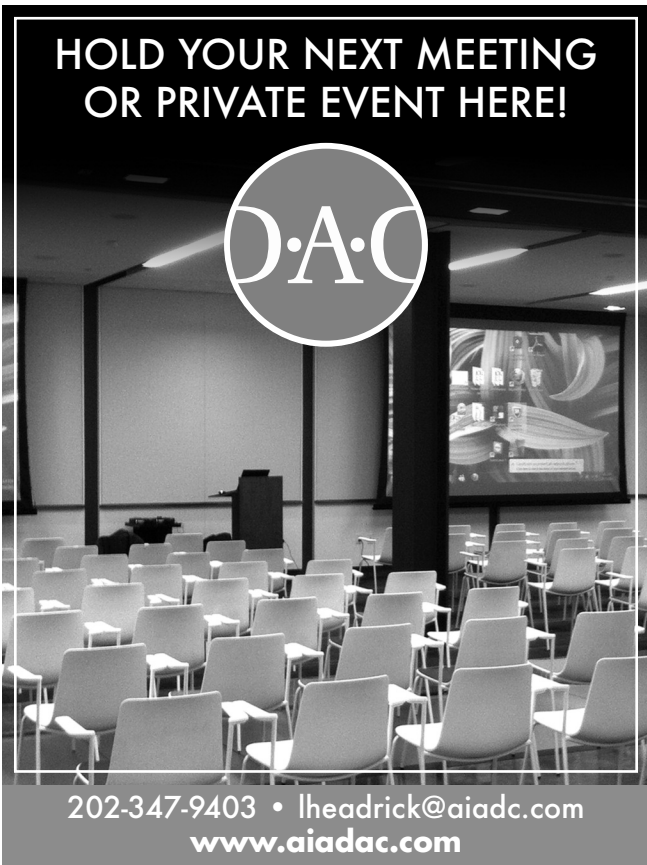
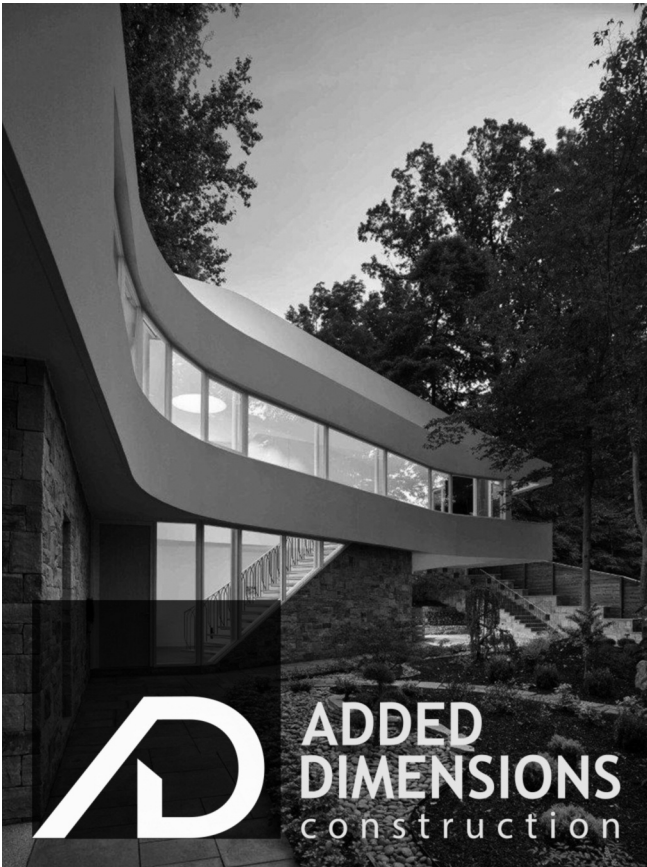
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