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Construction counsellor builds memorable career

By JOHN MAJESKI

While working her way through Georgia's Emory University law school in the '70s, Mary Jane Augustine took a job as a law clerk after seeing a bulletin-board advertisement.

Little did she know that landing at a construction-focused firm would alter the course of her career and ignite a passion that has burned for more than three decades.

"I just took the job for the money," she said, explaining how she got her start in a male-dominated field. "I didn't know what they did."

Today, the New York City-based Augustine heads the McCarter & English firm's specialized Construction Practice Group, which consists of 13 attorneys, including three civil engineers. She focuses on the development of project-delivery strategies and construction/design-related contracts for building projects, as well as general legal consultation for those involved in the construction field.

Currently, she is the chief drafter and negotiator for the New York Jets and New York Giants football teams on their \$1 billion stadium project at the Meadowlands. She handled the design/build agreement between the teams and Skanska USA.

The process was complicated, becoming her "primary activity" for about six months. She worked with a 10-person negotiation team.

"It was drafted from scratch," Augustine said. "It was a very intense negotiation, but it was one of the most pleasant

because the people were most pleasant. We didn't have any prima donnas."

The project is to be completed by April 2010.

Augustine started her career as a law clerk at Smith, Currie & Hancock in Atlanta. She became an associate after passing the bar in 1976. She was one of the first women to enter the construction law field, but it was not as difficult as one might expect, she says.

"My colleagues at the law firm were very nice and very protective. Construction was and still largely is male-dominated, but it was a matter of them not knowing what to do with me," she said with a laugh.

Augustine leap-frogged through the industry before coming to McCarter & English, which has seven locations and is one of the oldest firms in the country. She has, her bio records, worked as an attorney in private practice, as a contracts consultant with an international project management firm, and as in-house counsel for the Michael Graces architectural firm.

She decided to focus almost solely on transactional work about 20 years ago.

"It was not unpopular, people just thought it was dumb," she said of the switch. "People said, 'You're going to starve.'"

Of course, things worked out well. And Augustine had her reasons for gravitating to transactional anyway.

"I think it is more consistent with my personal skills," she said. "I'm very good with words both spoken and writ-

ten. I enjoy the give and take of negotiations, and I understand the nuances of language. I was an English major in college."

When Augustine first started as a litigator, she said she noticed that many claims resulted from poorly written contracts. Claims were expensive and painful and held up projects unnecessarily. She said it was surprising how many contracts failed to adequately spell out the scope of each party's services, set realistic deadlines or provide enough details on an architect's design.

"It's not really exotic stuff, it's the basics," she said. "Everyone thought it was so basic that they thought they understood."

Among Augustine's career highlights are working on the Guri Dam project in Venezuela in the '80s. "At that point, it was the second-largest hydroelectric dam in the world," she said.

Augustine has also been involved with undertakings in Asia and Russia, including RMJM's controversial Gazprom Tower. Closer to home, Augustine has handled contracts for a major renovation at New York's Grand Central Station and nearly two-dozen museum jobs, such as a renovation for the Museum of Modern Art.

For the latter, Augustine represented the Japanese design architect Yoshio Taniguchi. It was one of the most memorable because Taniguchi was so pleasant to work with and because of the plan's cultural importance to the Big Apple.

"You have to deal with the aesthetics in the contract," she said of the negotiation process. "It requires you to really understand the architect's aesthetics and sensibility. There's always a tension between aesthetics and schedule and money."



Augustine, a trained mediator and arbitrator in construction/design disputes, said she is excited by today's push for eco-friendly construction. She is one of five attorneys at McCarter & English to receive a LEED professional accreditation from the U.S. Green Building Council.

She has an interest in — and offers her opinions in talks and print — on the greening of existing buildings and the greening of contracts.

"This is a sea change," she said of the green movement. "It can't be a fad. It's so important."

Although Augustine received trusted guidance

from attorney Overton Currie in her early days, she did not have any female mentors. Yet she is able to act as one for younger women entering the construction field today. She's pleased to see more female attorneys.

"I don't want to generalize about male attorneys ... but women tend to be less ego-driven," Augustine said. "They also tend to work more cooperatively than they're male cohorts. It's hard to generalize, but women, I believe, tend to pay more attention to detail and are skilled with language. A lot of women bring inherent qualities to the table that can be very positive."

Construction apparently runs in Augustine's family. Her grown daughter, Lia, is a construction manager in the Princeton area and engaged to an architect. Augustine has no qualms, of course, because the greater construction field has been kind to her.

"I have been extraordinarily fortunate to have a career I've absolutely loved. It's been so exciting beyond my wildest imagination," she said.

"The challenge of it, the intricacy of it. I love seeing new buildings go up ... and I can say I had a part in that. It was a small part, but I think it's having a tangible manifestation of something you've done. ■