

WSBA CONSTRUCTION LAW SECTION COUNCIL MEETING

March 10, 2021 @ 12:00 p.m.

<p>MEETING Virtual Zoom Meeting Only</p> <p>ATTENDEES Brett Hill Jennifer Beyerlein Bart Reed Bryce Sinner Saki Yamada Scott Campbell Seth Millstein Todd Henry Colm Nelson Joe Scuderi Lena Holohan Jason Piskel Allison Murphy Paige Spratt Amber Hardwick Julianne Unite Will Young</p>	<p>CALL IN INFORMATION Phone: +12532158782 Meeting ID: 985 1003 8934</p> <p>Password: 554443</p> <p>URL: https://zoom.us/j/98510038934?pwd=UzNOYmNLbVBVTVo0Tk04RndQbINtUT09</p>
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MEETING MINUTES

1. Approval of February 2021 minutes – Item #5 re: Updating Form Contracts & Approving Design Build w/ GMP - Scott and Saki also volunteered to be on the subcommittee to update the contracts. No other changes. Minutes approved.
2. Financial Report – Seth reported the section received approximately \$11,765 in membership dues and spent about \$300. Overall, the section is up about \$2,900.

Eleen has moved on as WSBA liaison. Julianne Unite is back to help out. Julianne reported estimated section dues revenue for FY 21 has been exceeded. More section members than planned. Currently 502 paid members. Last year, we had 513 section members. Budgeted for 490. Nothing else to report.

3. Mid-Year CLE – (*Bankruptcy/Receivership*) – Bart and Jennifer gave update. We are getting close to firming up speakers. Discussion re: need for another insurance coverage attorney to speak about builder’s risk and Covid. Ian Birk a potential option. Also discussed whether Covid is a direct fit under CGL or builder’s risk policies, or whether it is a better fit under a property insurance policy discussion. Other potential speakers discussed. Covid insurance claims will remain on the agenda for now.

Working on getting submittal to WSBA by 3/12/21 for CLE approval. Bart to follow up with Meghan Wells at Navigant re: happy hour sponsorship.

4. Road Trip CLE (Olympia) – Paige and Joe gave update. Will take place in August. Potential speakers were discussed. Seth volunteered to speak re: liens. Bryce volunteered to speak, topic TBD. Jennifer volunteered to speak re: contracts and potentially unveiling the design/build w/ GMP form contract. Paige to follow up with board of directors for bar association.
5. Writing Competition – Seth gave update. Discussed publicizing announcement and incentivizing attendance for Q&A session. In addition to marketing via word of mouth, potential coordinated LinkedIn posting was discussed. Also discussed offering gift cards to attendees. Section has \$500 budgeted for law school dinners, so there are funds available. Amber will also attend Q&A session. Judges to be unveiled at next meeting.
6. Updating Form Contracts & Approving Design Build w/ GMP – Subcommittee to meet at end of the week. Saki has made changes to other form contracts. Nearing resolution on those. Subcommittee is almost done with design/build w/ GMP and expects to have them in a format to submit to WSBA soon. Subcommittee to make recommendations to the Council re: changes and updates to form contracts.
7. Elections Update – Nothing new to report.
8. Construction Legislation Bill Tracking – Colm gave update. Bill re: delay claims related/arising from Covid changed to only apply to public works. Language added to clarify it won't work retroactively. If claims have been resolved through change orders, statute wouldn't unwind them. WSDOT and DES are looking at putting a cap on amount of claims that could be made against them. Potential monetary cap/priority issues discussed. No other updates.
9. For the Good of the Order – Supreme Court granted review of AP's petition in *Lake Hills*. Looking at issue of whether *Spearin* instruction was in error or not. Supreme Court denied review on other issues re: LD instruction, waiver by contractor due to continued work. Oral arguments in July. Amicus briefs from AGC, National Surety Assoc., NECA, SMCNA.

Oral argument in *Conway* was discussed, as well as the recent decision in *State v. Blake*.

10. Meeting adjourned at approx. 1:00.