

WSBA CONSTRUCTION LAW SECTION COUNCIL MEETING

February 12, 2019 @ 12:00 p.m.

<u>FEBRUARY MEETING</u> LANE POWELL 1400 5th Avenue, Ste. 4100 Seattle, WA 98101	CALL IN INFORMATION Phone: +1(669)900-9128 Access Code: 612 9080 385# URL: https://oacsvcs.zoom.us/j/6129080385
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AGENDA

1. Welcome – A. Hardwick
2. Approval of January 2019 minutes – A. Hardwick (See Attachment 1)
3. Financial Report – J. Beyerlein
4. Winter Forum Report – B. Reed
5. Open Sections Night was canceled by WSBA
6. Road Trip CLE - Vancouver (April 10, 2020) – J. Piskel/ B. Sinner/ P. Spratt
7. Mid Year Meeting/CLE (June 5, 2020 or June 12, 2020?) – R. English/ B. Hill
8. Fall Forum (2020) call for topics – A. Hardwick
9. Writing Competition – S. Millstein/B. Guthrie
10. Section Membership Benefits Webpage – B. Hill
11. Elections – B. Hill (See Attachment 2)
12. Newsletter Update – A. Tramountanas
13. For the Good of the Order

Attachment 1

WSBA Construction Law Section Meeting Minutes January 8, 2020 @ 12:00 p.m.

Jennifer Beyerlein	William Young (phone)
Ron English (phone)	Paige Spratt (phone)
Todd Henry (phone)	Allison Murphy
Colm Nelson (phone)	Joe Scuderi (phone)
Brett Hill	Jason Piskel (phone)
Bart Reed	Amber Hardwick
Masaki Yamada	Brian Guthrie
Rick Wetmore (phone)	

The meeting commenced at 12:00 p.m. at Lane Powell. Chair Amber Hardwick presided.

Discussion

1. Approval of November Minutes. Minutes for December, 2019 were presented and unanimously approved.
2. Financial Report. Treasurer Jennifer Beyerlein gave a financial report. The end of the year accounting is complete and the section has \$39,748.91 as a cash balance. The section is running under budget in every category except awards.
3. Winter Forum. Bart Reed discussed the Winter Forum. Professor Strait is confirmed to discuss ethics. Date of event is confirmed for February 6. Strait requested topics and hypotheticals applicable to the section and practice of construction law that he can discuss at the Winter Forum by January 23, 2020. The council approved to raise the fee for the event to \$55 per person. Ron English proposed that dinner end at 7:15 pm so that speaker can get started. Marketing to start the week of January 13th for the event.
4. Open Sections Night. Amber Hardwick discussed the upcoming Open Section Night. The section plans to host a table at the event. The council approved \$50 for operation of the table at the Open Sections Night.
5. Road Trip CLE. Page Spratt discussed the upcoming Road Trip CLE. It is confirmed and scheduled for April 10, 2020. Page invites anyone who would like to speak on WA/OR issues to get in touch with her. Page to submit application for CLE credit for the event.
6. Midyear Meeting/CLE. Brett Hill discussed the confirmed and proposed speakers for the midyear, theme of alternative procurement. Brett requested that the original date of June 5 be changed to June 12 because one of the confirmed speakers (Robin Parkinson) has a conflict that date. Bart Reed will check with event space and his colleagues to confirm that the new date will work. Brett has emails into both Andrus and Rogers about speaking at the event.

7. Fall Forum – Next Year. Potential projects for the Fall Forum were discussed. Council members advised to brainstorm ideas for potential projects.
8. Writing Competition. Brian Guthrie discussed and presented potential topics for the writing competition. Proposed topics were “No Damages for Delay,” “Claim Notice,” “Pay When/If Paid Clauses,” “Wrongful Termination,” and “Functional Equivalent Privilege.” Hypotheticals to be discussed at next meeting.
9. Section Membership Benefits Webpage. Jason Piskel discussed continued work on membership benefits webpage – Jason will inquire if there is a way to allow more than one user on the page at one time. Brett has a draft cost plus form contract for residential use. Brett will provide the draft contract to Robin Parkinson to review.
10. Newsletter Update. The Newsletter Update is scheduled to go out January 8, 2020.

END OF MINUTES

Attachment 2

WASHINGTON STATE BAR ASSOCIATION

To: Section Chairs, Chair-Elects, and Treasurers

From: Paris Eriksen, Member Services and Engagement Manager

cc: Eleen Trang, Sections Program Specialist

Re: 2020 Nomination & Elections Process for FY2021

Date: January 9, 2020

Section Executive Committee elections are an important aspect of preserving highly effective executive committees, providing opportunities for leadership, and engaging the membership. In 2017, changes to Article XI of the WSBA Bylaws have inspired a more streamlined and consistent process that is, at its core, intended to be **clear, accessible, transparent, and equitable to all WSBA members**.

The below memo describes the **Staff Support, How You Can Help**, the **Timeline and Action Items (!)** for this process, and the **WSBA Bylaws** excerpted for reference. Your section's bylaws may contain additional elections information. **Please review the below information carefully** and share with your entire Executive Committee, especially those designated as part of a Nominating Committee.

Note: The WSBA Board of Governors is considering an amendment to the bylaws that would allow elections to take place through June. As this amendment has not yet been approved, our timeline is unchanged at this time.

The elections occurring this spring 2020 will be for terms beginning October 1, 2020 (the beginning of the WSBA's next fiscal year).

Staff Support for the Nominations and Elections Process

Your Sections Program Specialist will work closely with the Chair and Nominating Committee (or other persons designated by the section) throughout this process. The Sections Program Specialist will:

- **Post generalized Volunteer Positions Descriptions online** for executive committee officer positions (Chair, Chair-elect, Treasurer, and Secretary).
- **Maintain information** and documents regarding the nominating committee, nomination and elections timelines, applicant/candidate information, and voting eligibility requirements.
- **Leverage all relevant communication tools** to promote and communicate open leadership opportunities and elections. These tools include, but are not limited to, eblasts to WSBA members, web page updates, [NWSidebar](#) blog, and *TakeNote*. Staff will not post to a section list serve unless specifically requested to do so. Due to the [NWLawyer](#) magazine publication timelines, we are unable to publish section-specific election information, however, the Sections Team will work with WSBA's Communications and Outreach Department to utilize *NWLawyer* to promote all section elections.
- **Set-up the online application portal** through [MyWSBA](#). This application will be customized for each section, allowing each section's open positions and terms to be visible to eligible voting section members. The online

application also allows for the uploading of a resume and/or candidate statement. After the application deadline has passed, all members of the Nominating Committee will be allowed access to the online applicant materials through their own MyWSBA accounts. (Screenshot of application is included with this memo.)

- **Gather final candidate information** from the Nominating Committee and/or the section Executive Committee, build the ballot using SurveyMonkey, circulate a draft ballot for approval and disseminate the ballot to eligible section members. Additionally, we will respond to requests/comments regarding any missed ballots to ensure that all eligible members receive a ballot. Your Sections Program Specialist will not disseminate the final ballot until it is approved by the designated section representative from the nominating committee.
- **Send the Nominating Committee the final results** of the election and, once approved, post the information online.
- As the next fiscal year approaches (FY21), we will send each new executive committee member **'onboarding' information** to orient them to their role, the WSBA, and WSBA sections.

How You Can Help

As we embark on this process, here are some ways in which you and other members of the executive committee can support a successful election process.

- As you review open positions, **identify the executive committee's needs**; what skill sets are needed? In what areas can/should you diversify your executive committee (gender, geography, etc.)?
- Confirm which current Executive Committee members would like to run for an open position (either their current position or a new role). **All members interested in seeking an open position MUST complete the online application process, including current executive committee members.**
- **Utilize section communication tools** such as the list serve, newsletter and webpages to promote these leadership opportunities.
- **Promote your section leadership opportunities** through your own professional networks.

Suggested Timeline and Action Items

In order for the Sections Team to best facilitate this year's election process, please adhere to the below default timelines and read all future communications associated with the process. We recommend following the default timeline suggested below for member convenience (less confusion following different timelines if a member is involved in more than one section), and inclusion in all related WSBA marketing efforts. If your section wishes to follow a different timeline, please indicate this in the appropriate section of the 2020 Section Election Set-Up Form.

- **Friday, January 31, 2020**
(!) Action Item: Complete 2020 Section Election Set-Up Form (included with this email).
This completed form is crucial for a smooth election process.

- **Friday, February 28 @ Noon**
Join the open conference call with the Sections Team if you have any questions about this process. To join the call, dial 1.866.577.9294, participant code 5016532#.

- **Monday, March 2 – Tuesday, March 31**
Applications Open

The MyWSBA application process is a self-nomination process. All eligible section members will be able to apply online using their MyWSBA account. The WSBA bylaws allow for an alternative nominating process that sections select or describe in the 2020 Section Election Set-Up Form.

- **March 3 & 20**

Interested Applicant Informational Calls - Learn More About Section Executive Committee Leadership

These calls are opportunities for interested applicants to hear from current section leaders about serving on a section executive committee. Please help us by joining a call to share your insights as a section leader. To RSVP, email sections@wsba.org.

Tuesday, March 3 (9:30am – 10:30am) Email sections@wsba.org to RSVP

Friday, March 20 (12:00 – 1:00pm) Email sections@wsba.org to RSVP

- **Friday, May 8**

(!) Action Item: Approve Ballot.

Within the timeframe of April 20 – May 8, the Sections Program Specialists will finalize any details with you, build the ballot, gather ballot approval, update information on the website, and finalize election communications. Please respond to requests to allow us to create your ballot in a timely manner.

- **Friday, May 15 – Sunday, May 31**

Section Elections (electronically via SurveyMonkey)

Voting will open at 8:00 a.m. May 15 and close at 5:00 p.m. on May 31. Requests for paper ballots and any technical difficulties may be directed to sections@wsba.org or your Sections Program Specialist.

- **Monday, June 5**

Election results will be sent to the Section Chair, Nominating Committee, and any other representatives no later than this date.

- **Friday, June 19**

(!) Action Item: Please ensure that the election results are communicated to all candidates by this date. The Sections Team will not notify candidates of election results directly, unless asked to do so. Please invite elected members to participate in any section executive committee planning (e.g. budget planning, CLE planning).

- **Tuesday, June 30**

Elections results are posted online.

For Your Reference: WSBA Bylaws

The above information and timeline adhere to the WSBA Bylaws below. If a section elects to deviate from the above, please ensure that the plan adheres to these bylaws. The [WSBA Bylaws](#) state:

XI.G NOMINATIONS AND ELECTIONS

1. Nominations

- a. Nominating Committee. Each section will have a nominating committee consisting of no less than three section members appointed annually by the Chair or executive committee. At least one member of the nominating committee should not be a current member of the section executive committee.*
- b. The executive committee should reflect diverse perspectives. To assist this, all applicants will apply through an electronic application process administered by the Bar. The application form will, on a voluntary basis, solicit information including but not limited to, the person's ethnicity, gender, sexual orientation, disability status, area of practice, years of practices, employer, number of lawyers in law firm, previous involvement with section activities, and skills or knowledge relevant to the position. The nominating committee should actively take factors of diversity into account when making recommendations.*
- c. Alternate Nomination Process. The executive committee will also have an alternative process to allow nominations to occur outside the nominating committee process.*

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2020 Section Election Set-Up Form

To best support your upcoming section executive committee nominations and elections processes, **please complete this form by January 31, 2020**. A complete and timely response is appreciated.

The areas below are presented in order of priority, the first topic being of the highest priority and the last topic being of the least priority. The **yellow** portions are to be completed by the section. If you anticipate you will not have all the information complete by the timeline, please focus on items 1 and 2.

Name of Section: Construction Law		
1. Anticipated Open Executive Committee Positions <i>Please confirm your section executive committee open positions (for terms beginning October 1, 2020).</i> <i>For reference:</i> <i>One year term 10.1.2020 – 9.30.2021</i> <i>Two-year term 10.1.2010 – 9.30.2022</i> <i>Three year term 10.1.2020 – 9.30.2023</i>		
Expiring Positions <i>All terms expiring 9.30.2020</i>	Open Positions for Upcoming Election	Please Agree or provide updated information
Chair, currently Amber Hardwick	Chair, will be Brett Hill , serving one-year term	
Chair-Elect, currently Brett Hill	Chair-Elect, will be Colm Nelson , serving one-year term	
Vice Chair, currently Colm Nelson	Vice Chair, will be open , serving one-year term	
Secretary, currently Allison Murphy	Secretary, will be open , serving one-year term	
Treasurer, currently Jennifer Beyerlein	Treasurer, will be open , serving one-year term	
At-Large Member, currently Todd Henry	At-Large Member, will be open , serving three-year term	
At-Large Member, currently Seth Millstein	At-Large Member, will be open , serving three-year term	
At-Large Member, currently Bryce Sinner	At-Large Member, will be open , serving three-year term	

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2. Nominations & Elections Timeline(s)	
Please Agree or provide updated information regarding the timeline for your election process. <i>The timeline below is recommended and most common.</i>	
Candidate Applications Open: Monday, March 2	
Candidate Applications Close: Tuesday, March 31 @ 5:00p.m.	
Election/Voting Begins: Friday, May 15 @ 8:00 a.m.	
Election/Voting Closes: Sunday, May 31 @ 5:00 p.m.	

3. Application Materials	
<i>We recommend a brief Statement of Interest of no more than 250 words to include with the ballot if nominated. All documents should be submitted in PDF format.</i>	
Would you like applicants to provide additional information with their application? If so, please select 1 or more of the options below:	
	Statement of Interest (max. 250 words)
	Resume
	Letter(s) of Support
	None
	Other (please indicate):

4. Nominating Committee	
<i>This information will be helpful in communicating timelines and procedural details leading up and during the nominations and elections process.</i>	
Please provide me with the names and email addresses for the Nominating Committee:	
	Name
	Email Address
EC Member 1:	
EC Member 2:	
Non-EC Member:	
Other:	

5. Volunteer Position Description	
<i>A Volunteer Position Description can help clarify expectations of the role and time commitment. The Sections Team has created a broad Volunteer Position Description (see election materials along with this form).</i>	
Would you like the new Volunteer Position Description to be referenced in your section's application process?	
	Yes
	No
	Please use an alternative provided by our Section

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6. Alternative Nomination Process

*The WSBA Bylaws state: Article XI.G.1(c) Alternate Nomination Process. **The executive committee will also have an alternative process to allow nominations to occur outside of the nominating process.***

We recommend keeping things simple and have provided some alternative processes below. Please select one or describe your process (or reference your bylaws).

What is your alternative nomination process (check one)?

	No other alternative process necessary. All applicants will be placed on ballot as candidates.
	A section member may apply/self-nominate by emailing a designated member of the nominating committee. If materials (resume, statement of interest, etc.) are required, the nominator is required to submit those materials.
	Name of Nominating Committee Designee: <input style="width: 400px;" type="text"/>
	A section member(s) may apply/self-nominate or be nominated by someone else during an in-person meeting within timeline. Nominating Committee will inform nominee of consideration.
	Other (please describe):

Please complete this form by January 31.

Send completed forms to sections@wsba.org

Thank you in advance for your time and attention to this form.

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Officer of a WSBA Section Executive Committee

Volunteer Position Description

(Chair, Chair-elect, Secretary, Treasurer, Secretary/Treasurer)

Serving as an Officer of a WSBA Section Executive Committee affords legal practitioners the professional development opportunity to strengthen leadership skills and build connections with the statewide legal community. Many find leading a section to be a rewarding experience because of the leadership growth, professional development, firsthand experience with the legislative process, and the collegiality it offers. Executive Committee discussions can be productive and challenging, offering a unique opportunity to work with other legal professionals, in a goal-oriented setting that benefits WSBA members of the greater legal community.

Position(s) Overview:

As outlined in the WSBA Bylaws, Article XI.F (3). Section bylaws may offer more specific responsibilities.

- Chair. The chair of the section presides at all meetings of the section and section executive committee, and will have such other executive powers and perform such other duties as are consistent with the Bar and section bylaws.
- Secretary. The Secretary will take minutes at each meeting of the section and section executive committee, and provide approved minutes to the Bar for publication and record retention.
- Treasurer. The Treasurer will work with the Bar to ensure that the section complies with the Bar fiscal policies and procedures, work with the Bar to prepare the section's annual budget, and review the section's monthly financial statements for accuracy and comparison to budget.

The position of Chair-elect and Secretary/Treasurer are permitted in the WSBA Bylaws but responsibilities are not described. For more information about these positions, please refer to the section's bylaws.

Time Commitment:

- All section executive committee positions begin October 1 each year.
- Officers are strongly encouraged to attend all section meetings, events, and section executive committee meetings. These events and meetings may be held around the state of Washington.
- On average, section executive committees meet monthly for 1-3 hours. Executive Committee meetings may be in-person and/or telephonic and may be scheduled during regular business hours, after hours or on a Saturday. Visit the Section's website to review the meeting and event schedule or contact a member of the current executive committee for more specific information.
- Some sections have subcommittees that meet in addition to regularly scheduled executive committee meetings.

Requirements:

- Unless otherwise permitted by a section's bylaws, officers of a section executive committee must be Active members of the Bar and elected by the section membership to complete the one-year term of office.

Welcomed Qualifications and Skills:

- Demonstrated commitment to or interest in the section's specific practice area or type of practice
- Volunteer experience
- Ability to problem-solve in a collaborative team environment

- Dependability

Reimbursement Policy:

This is an unpaid volunteer position. Expenses for meeting attendance will be reimbursed according to the WSBA Fiscal Policies and within the section's budget parameters.

Selection and Appointment Process:

Applications are reviewed by the Section Nominating Committee. The Nominating Committee will develop a slate of recommended candidates, which is then approved by the Section Executive Committee. All executive committee member positions are elected by a vote of the eligible section membership.

How to Apply: <https://www.mywsba.org/PersonifyEbusiness/default.aspx> (requires MyWSBA log-in). Application is located on the right-hand column. Deadlines vary. Please visit the section's homepage for more information or email sections@wsba.org.