

WSBA CONSTRUCTION LAW SECTION COUNCIL MEETING

December 12, 2018 @ Noon

DECEMBER MEETING
STOEL RIVES LLP
600 University Street, Suite 3600
Seattle, WA 98101
Cascade Conference Room

CALL IN INFORMATION
Dial In # is: 1-866-577-9294
Participant Code: 501655
Moderator Code: 5016559

AGENDA

1. Welcome – J. Piskel
2. Approval of November 2018 minutes – J. Piskel (See Attachment 1)
3. Financial Report – J. Beyerlein
4. Midyear Meeting/CLE – R. English
5. Winter Forum – B. Reed
6. Deskbook – R. English
7. Spring CLE in Spokane set for March 22, 2019 – J. Piskel
8. WSBA Open Sections Night in Seattle set for January 31, 2019 – J. Piskel
9. Writing Competition – S. Millstein/A. Hardwick
10. For the Good of the Order

ATTACHMENT 1

Construction Law Section
Meeting Minutes
November 14, 2018

Todd Henry
Jennifer Beyerlein
Amber Hardwick
Brett Hill
Amber Hardwick
Rick Wetmore
Eleen Trang, WSBA
Bart Reed

Janelle Brennan
Bryce Sinner
Paige Spratt
Seth Millstein
Colm Nelson
Alex Jouravlev
Lena Holohan

Not participating: Zak Tomlinson, Jason Piskel, and Ron English

The meeting commenced at 12:00 pm at the law offices of Stoel Rives, and recessed about 1:15 p.m. Amber Hardwick chaired in Jason Piskel's absence.

Discussion

1. Approval of November Minutes - Minutes for November were presented and approved.
2. Financial – Jennifer Beyerlein projects our total loss for the year should be about \$2,000, less than the planned loss of \$5,800.
3. June 2019 Midyear CLE: Jennifer Beyerlein is working to calculate costs associated with hosting the event at Lane Powell. There may be some costs associated with microphones and equipment. Overall, however, expenses are not predicted to be significant.

Jason Piskel reported to others in the Council before the meeting (which report was relayed to the Council) that WSBA is not interested in selling a webinar of the Midyear. The Council learned that WSBA will only sell webinars of events that are hosted by WSBA.

The Midyear event will have three panels, and the overarching theme will be important doctrines in construction law. Potential doctrines for discussion may include: *Severin*, *Spearin*, contra proferentem, ejusdem generis, independent duty, and public duty. Other doctrine-related topics may include spoliation of evidence, mitigation of damages, good faith and fair dealing, and *Mike M. Johnson*/claim notice procedures. Colm Nelson agreed to reach out to Marianna Valasek-Clark to present on the spoliation of evidence topic. He also agreed to speak on claim procedures. Bart Reed and Jennifer Bayerlein agreed to present on *Spearin/Atherton*. The group hopes to finalize topics and speakers soon.

4. Fall Forum: The event was well-attended, with 50-60 attendees. Overall, the Forum was described as a resounding success. There was a discussion about whether attendees were permitted to take photographs of the event. While Amber Hardwick agreed to do a write-up

ATTACHMENT 1

of the event for the Newsletter, no photographs will be included in the write-up, unless advance written approval is obtained from Amazon.

5. Winter Forum: Bart Reed reported that Bill Endelman of Endelman & Associates will present on FHA and ADA compliance issues that construction lawyers should understand. The event will likely take place at Cutters (as in years past) during the second week of March. Seth Millstein agreed to contact Lien Research concerning event sponsorship in the amount of \$1,000-\$2,000. Amber Hardwick is working to get WSBA CLE credit approval for the event. Robson Forensics is another possible sponsor.
6. Spring CLE: Spokane: This is currently scheduled for March 22, 2019. Topics and speakers have not been finalized. Seth Millstein has agreed to present on mechanic's liens, and Rob Crick will present on damages. Other potential presenters may be Athan Tramountanas, Janelle Brennan, and Tom Wolfendale.
7. Deskbook –While there have been some unexpected delays, WSBA has approved the Deskbook for publishing. No publication date has been provided.
8. Writing Competition: The Council voted and approved the topic, lost profits. The Council voted and approved (though, not unanimously) that there will be one prize, \$2,500 for the competition winner, and no consolation prize for second place. Colm Nelson suggested that if the competition doesn't generate much interest this year that next year meaningful consideration should be given to using the prize money for other events or simply reserved in the general account, instead of conducting further competitions. Some other members also expressed concerns about the lack of student interest. To generate interest and determine the best time of year to commence the competition, before the next meeting, Janelle Brennan will reach out to Gonzaga, Amber Hardwick and Seth Millstein will coordinate to reach out to University of Washington and Seattle University.
9. Sections Issues: While generally the group doesn't comment on proposed legislation, the group agreed on search terms to submit to the WSBA. Brett Hill has that list and will handle the submission.
10. Open Sections Night: Eleen reported that the next open Sections Night will be January 21, 2019 at WSBA. Colm Nelson, Alex Jouravlev, and Amber Hardwick agreed to attend on behalf of the section.
11. New Business – None.

NEXT MEETING IS DECEMBER 12
AT STOEL RIVES

END OF MINUTES