

WASHINGTON STATE B A R A S S O C I A T I O N

2020 SECTION ANNUAL REPORT

January 1 - December 31, 2020

Deadline: Friday, December 4, 2020

Name of the Section:	<i>Construction Law Section</i>	
Chair:	<i>Brett M. Hill</i>	
Section Information: <i>*To be completed by WSBA Staff*</i>	Membership Size: <i>(As of December 1, 2020)</i>	519
	Staff Lead:	Eleen Trang
	BOG Liaison:	Bryn Peterson
	FY20 revenue (\$): <i>As of September 30, 2020</i>	\$24,463.38
	FY20 direct expenses (\$): <i>(As of September 30, 2020; does not include the Per-Member-Charge)</i>	\$18,418.04
Purpose: <i>(Usually stated in the Section's Bylaws)</i>	See Bylaws.	
2020 Accomplishments and Work in Progress:	<p>Though the Pandemic caused much unforeseen circumstances, we came together and made the best of it, virtually.</p> <p>WINTER FORUM The Construction Law Section continued the annual dinner at Cutters Crabhouse which never disappoints. Presenting the ethics of negotiation and offering 1.0 Ethics Credit – Professor John Strait, Professor of Law at Seattle University. Providing an overview of the Rules of Professional Conduct, he touched base with hypothetical scenarios, real life situations, and interesting questions including solutions in combatting these events.</p> <p>MID-YEAR CLE WSBA Construction Law Section partnered up with Stoel Rives LLP for this all day program with 80+ participants, our presenters covered a plethora of topics from Aspects of Design-Build,</p>	

comparisons with GC/CM Contracting, Partnerships, Construction Law Updates, and additionally Corona Virus impacts on the Construction Industry, litigation, and legislation. This Webinar offered 6 CLE credits in Law & Legal Procedure and 1.0 Ethics Credit. After the presentation there was a virtual happy hour that was attended by participants.

WRITING COMPETITION

Question: *Does the Sub have a supportable claim of lien on the project? Why or why not? In your answer, discuss the enforceability of “pay if paid” clauses in Washington. Also, when discussing potential defenses to the Sub's lien claim, be clear to differentiate between the Owner's and the Prime's potential defenses.*

Exciting competition, as our members came together once again to promote yet another writing competition. Students were given not only the opportunity to compete for 1st and 2nd place prizes, but the opportunity to practice their argumentative skills, explore, research, and analyze – skills notably displayed in their written submittals. Winning submission were featured in the Section’s Newsletter.

ROADTRIP CLE

Our Section and Clark County Bar Association joined together to present a CLE via Zoom on August 28, 2020 – Practicing on the Border: Construction Law in Washington and Oregon. Attorneys from both sides, the Honorable Greg Gonzales of Clark County Superior Court, and the Honorable Stephen Bushong of Multnomah County Circuit Court joined together to provide knowledge on the many differences that come into practicing construction law along the border. The CLE provided 6.5 credits.

<p>Please quantify your section’s current member benefits:</p> <p><i>For example:</i></p> <ul style="list-style-type: none"> • \$3000 Scholarships, donations, grants awarded; • 4 mini-CLEs produced 	Quantity	Member Benefit
	2	Scholarships, donations, grants awarded (\$ amount)
	1	Law school outreach events/benefits hosted
		Legislative bills reviewed/drafted
	2	Newsletters/publications produced
	1	Mini-CLEs produced
	1	Co-sponsored half-day, full-day and/or multi-day CLE seminars with WSBA
		Co-sponsored half-day, full-day and/or multi-day CLE seminars with non-WSBA entity

	1	Receptions/forums hosted or co-hosted
	4	Recognitions/Awards given
		New Lawyer Outreach events/benefits
	5	Other (please describe): Model contracts offered on the Members page
Looking Ahead: Goals & Priorities for 2021 (Top 5)	1	Fostering Emerging Leaders. This year brings a number of new faces on the Executive Council and that is exciting. One of the section’s goals is to embrace new leaders from among the Construction Law Section members by inviting new speakers at CLEs and delegating many of the administrative responsibilities to new members of the executive council.
	2	Better Outreach. The Section’s newsletter is an important means of keeping Section Members informed of developments in our practice area. Reaching out in new ways to the diverse attorneys and areas of practice around the state remains an important goal.
	3	Enhancing Collegiality Among Construction Lawyers. One of the Section’s goals is to offer Washington’s construction lawyers an opportunity to engage in non-adversarial ways with other construction lawyers with the goal of elevating the entire practice.
	4	New Members and Young Lawyer Engagement. One of the Section’s goals embraces new and young lawyers. We have a WSBA Young Lawyer Liaison and an award we offer to law students to encourage participation in the Section. We also (during non-pandemic times) have a happy hour after our CLE where we invite law students to mingle with Section Members – an event that has resulted in jobs and mentors for prospective lawyers.
	5	Embracing Technology. One of the Section’s goals is to embrace new technologies and ways of communicating with our Section Members to enhance engagement. We continue to update our Section website to provide benefits to Section Members and examples include our model jury instructions, residential contract forms and Deskbook.
<p>Please report how this section is addressing diversity: (Are you using any of the tools provided by WSBA and if so, how? Have you sought out training or consultation from the Diversity Specialist? How have you elicited input from a variety of perspectives in your decision-making? What have you done to promote a culture of inclusion within the board or committee? What has your section done to promote equitable conditions for members from historically underrepresented backgrounds to enter, stay, thrive, and eventually lead the profession?)</p>		

The Construction Law Section has and continues to engage lawyers from a diverse background. WE are proud to have several members of the executive council who are women, people of color and under the age of forty/over the age of 60. This continues to the better decision-making and a culture of inclusion. We continue our outreach efforts to law students by offering scholarships to writing competition candidates and inviting law students to participate in our Mid-Year CLE and attend the post CLE happy where the can attend and find mentors or possible employment. This year we discounted our Mid-Year CLE price for new lawyers, government lawyers, and small firms to \$95 for Section Members and \$110 for Non-section Members.

Please report how this section is integrating new and young lawyers into its work:

(How have you brought new and young lawyers into your decision making process? Has the section supported new and young lawyers by (for example) helping to find and prepare them for employment, assisting with debt management, building community, and providing leadership opportunities?)

Our young lawyer liaison is William Young, who is a regular participant in Council meetings, is very involved in Section events. As stated above, the Section reaches out to law student through the scholarship program for writing competition winners and our Mid-Year CLE where we invite law students to attend and participate in the post CLE happy hour.

Please describe your Executive Committee's relationship with WSBA staff and the Board of Governors.

For example:

- *Quality of WSBA staff support/services provided to Section Executive Committee*
- *Involvement with Board of Governors, including assigned BOG liaison*
- *Ideas you have on ways WSBA can continue to strengthen/support services to sections.*

Eleen Trang is very involved, supportive, attends the Section council meetings and is a great member of our team. We had limited involvement from the assigned BOG liaison.

Note: Annual Reports will be provided to the WSBA Executive Director and Board of Governors and will be posted on your section's webpage. We encourage you to share the Annual Report with your BOG liaison and section membership.

Reports are scheduled to be included in the January 2021 BOG Meeting Materials.

Return by December 4, 2020 to eleent@wsba.org