

WASHINGTON STATE
BAR ASSOCIATION
CONSTRUCTION LAW SECTION

**2020 WSBA Construction Law Section Legal Writing Competition
For 2nd & 3rd Year Washington State Law School Students**

ANNOUNCEMENT

The Construction Law Section Executive Committee of the Washington State Bar Association is pleased to announce its 2020 legal writing competition for law students. There will be **one first prize award of \$2,500**, subject to the requirements below. Last year, we also issued a **second prize award**. Depending on the quantity and quality of entries, we hope to do so again this year. Both the first and second place award winners were recently published in the Section's newsletter. We plan to do the same again.

ABOUT THE CONSTRUCTION LAW SECTION

The Construction Law Section provides a forum for members whose practices involve all aspects of construction. The goal is to learn, contribute and collaborate on construction-related legal topics. These include issues with public (state and federal) and private projects, procurement and contract issues, practical construction scenarios, liens, bonds, and discussion of the latest court decisions with input from industry specialists and non-attorneys. The focus is providing all members the ability to understand a wide range of construction projects from the smallest residences to the largest building infrastructures. Our members are a mix of those in private, public and in-house practice, who represent federal, state, county, local, city, and special-use agencies, school districts, hospitals, private owners, contractors, engineers, architects, manufacturers, and suppliers. For more information about the Section, visit our webpage at <http://www.wsba.org/Legal-Community/Sections/Construction-Law>

COMPETITION DETAILS

1. One first place award of **\$2,500**. Depending on the quality and quantity of submissions, one second place prize may also be awarded. The award is paid directly to the successful entrant.
2. The competition open to all **2nd** and **3rd** year law students in good standing as of October 15, 2019, at the University of Washington School of Law, Gonzaga University School of Law and Seattle University School of Law.
3. The award is to be the result of an anonymous Section committee using the criteria listed below.
4. Written submittal criteria are:
 - a. **2,200** words or less; Times New Roman 12-point font, double-spaced.
 - b. All submissions must address the following **topic**:

Facts: This is a private commercial project in Washington. A subcontractor ("Sub") enters a subcontract with the general contractor ("GC"). The subcontract contains a valid "pay-if-paid" clause, stating that the subcontractor shall not be paid for its work unless the owner ("Owner") pays the prime contractor ("Prime") for that work. The Sub performs its work on the project without any defects, but the Owner does not pay the Prime for the work and, consequently, the Prime does not pay the Sub. The Sub records a claim of lien on the project within 90 days of completing its work.

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.

- c. Grading criterion includes the following areas:
 - Clarity and precision of **writing style**;
 - Depth and quality of **analysis / research**;
 - Submission’s **organization / focus** on topic; and
 - Quality of clear and **concise conclusion**.
 - d. Each submittal shall be the submitter’s original work; it must not have been previously published. The submitter may consult with law school faculty and librarians to aid in the preparation of the submittal, but the legal assessment and writing must be solely and exclusively formulated and drafted by the submitter.
5. Submittals will be judged anonymously. The submittal will be made to a Section member (see ¶8, below) who will gather the submissions. This person will *not* be part of the evaluation process. He will provide blind copies of the submittals to the evaluators, with a randomly generated number, only the purpose of identifying the submission. A Construction Law Section Committee, comprised of volunteer Section members, will then review the anonymous submissions. The scores will then be tallied. Based on the numerical tallies, the submissions with the most points will be presented Construction law Section Executive Committee for a final vote. This vote is anticipated to occur on or before May 13, 2020.
 6. Cover letters will not be accepted. Identifying information must only include the student’s name, prospective graduation date, mailing address, email address and telephone number.
 7. Submittals will be due and received on or before **May 1, 2020, noon (PST)**. Please email submittals and contact information to: seth@pillar-law.com. As stated, Seth Millstein will *not* be part of the evaluation process in order to facilitate anonymity in judging.
 8. Up to a maximum of five (5) finalist submittals are eligible for publication in the Construction Law Section’s Newsletter. Last year we published the first and second prize articles. We look forward to receiving as many thoughtful submissions as possible this year. We hope to be available to discuss in-person at Seattle University and University of Washington, so look for us. We typically bring food, set up a table, and answer questions.

WE LOOK FORWARD TO REVIEWING YOUR ENTRIES THIS YEAR.