



Section on Construction Law

The Mission of the ISBA Construction Law Section:

To enhance the ability and knowledge of general practitioners and those concentrating in construction and construction related areas of law by promoting communication among lawyers statewide; to disseminate information on current developments in construction law; to review and promote legislation and procedural changes affecting construction law and practice; to sponsor and participate in continuing legal education in the area of construction law; and to liaison with other groups or professions in the construction arena in, order to carry out the mission of this Section.

General:

- ◆ Section dues are \$30 per year.
- ◆ To join, go to www.isba.org/sections

Continuing Legal Education

The Section sponsored the following programs during the year:

- ◆ **Is That Covered? Construction Project Risks and Requirements under AIA Documents** (04/23/19)
- ◆ **Arbitration v. Litigation: Thoughts on Binding Dispute Resolution Clauses in Construction Contracts** (06/25/19)

Section members also receive discounts on section-sponsored CLE programs.

Legislation

The Section Council reviews proposed legislation that may affect their members' practice area. Highlights of the most recent legislative session include:

1. Number of bills reviewed: 30
2. Significant legislation:
 - a. SB 62 – Mechanics Lien Act technical correction
 - b. HB 2463 – Home Repair and Remodeling Act
 - c. HB 2916 – Contractor Prompt Pay Retainage

ISBA Central

- ◆ Members of the ISBA section get free access to the section's community on ISBA Central. The ISBA Central community allows section members to pose questions, answer questions, and share information with fellow section members from around the state.

Newsletters

During the 2018-19 bar year, the Section published 5 newsletters. Articles included:

- ◆ Editor's note (Aug. 2018)
- ◆ Arbitration with nonsignatories to an agreement to arbitrate: The state of play in Illinois (Aug. 2018)
- ◆ Construction legislative status report (Aug. 2018)
- ◆ Editor's note (Oct. 2018)
- ◆ Thank you for the opportunity to serve ... (Oct. 2018)
- ◆ Federal courts carve out their own rule for construction defect coverage in Illinois based on their own assessment of what triggers a duty to defend under commercial general liability policies (Oct. 2018)
- ◆ Editor's note (Dec. 2018)
- ◆ Constructing a bridge between the Home Repair and Remodeling Act and the Illinois Mechanics Lien Act (Dec. 2018)
- ◆ Renewable energy construction contracts: Some "caveat emptor" tips for farm owners and bidding contractors (Dec. 2018)
- ◆ Despite modern trend Ohio Supreme Court does not reconsider prior precedent, finds inadvertent defective work by subcontractor can never be a fortuitous "occurrence" (Dec. 2018)
- ◆ Court affirms engineer's limitation of liability (Dec. 2018)
- ◆ Editor's note (Jan. 2019)
- ◆ Pass through and liquidating agreements for the construction industry (Jan. 2019)
- ◆ Effective use of the subcontractor's sworn statement (Jan. 2019)
- ◆ Arbitration vs. litigation: Some thoughts on binding dispute resolution clauses in construction contracts (Jan. 2019)
- ◆ Editor's note (Apr. 2019)
- ◆ Would broader use of P3s benefit subcontractors? (Apr. 2019)
- ◆ Sienna Court: Minton overruled and no implied warranty of habitability against subcontractors without contractual relationship (Apr. 2019)