



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 program(s) during the year:

- ◆ Construction Escrow, Lien Waivers and Sworn Statements: Best Practices (9/20/17)
- ◆ What's New: Updates to the American Institute of Architects (AIA) Contract Documents (2/14/18)
- ◆ The Anatomy of a Mechanics Lien Claim (5/9/18)
- ◆ How to Handle a Construction Case Mediation (1/12/18)

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

Newsletters

During the 2017-18 bar year, the Section published 4 newsletters. Articles included:

- ◆ 2015 AAA Construction Industry Arbitration Rules: Fair, efficient & economical arbitrations? (June 2017)
- ◆ Choice of law, choice of forum, and public policy (Mar. 2017)
- ◆ Developer insolvency not required for direct implied warranty of habitability claims against residential builders (Apr. 2017)
- ◆ Editor's note (June 2017)
- ◆ Editor's note (Apr. 2017)
- ◆ Editor's note (Mar. 2017)
- ◆ Editor's note (Jan. 2017)
- ◆ Editor's note (Sept. 2016)
- ◆ Limitations on the rights of fringe benefit funds to collect in a lien foreclosure action (Sept. 2016)
- ◆ Living with the New AAA Construction Industry Arbitration Rules (June 2017)
- ◆ Oh! Those limitations (Jan. 2017)
- ◆ "Pay if paid" clauses upheld by First District (Jan. 2017)
- ◆ Previous waiver of the implied warranty of habitability bars claim by subsequent purchaser (Sept. 2016)
- ◆ Some industry help for no CGL coverage for defective construction claims (Apr. 2017)
- ◆ The sworn contractor's and subcontractor's statements (Mar. 2017)
- ◆ Why construction law? (Mar. 2017)
- ◆ A winter's tale—Snow liability and construction law (Apr. 2017)

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: 27
2. Significant legislation:
 - a. House Bill 4268 - Amends the Home Repair and Remodeling Act
 - b. House Bill 5201 - Mechanics liens pilot program

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.