

Weil & Drage News & Views

What's News?

Partners Trevor Resurreccion and Peter Stacy are the authors of an updated white paper on condominium projects which will be published by the AIA Trust later in the year. The paper will discuss the implications of the 2014 case of *Beacon Residential Community Association v. Skidmore, Owings & Merrill LLP, et al.*, in which the California Supreme Court pronounced that an architect owes a duty of care to future homeowners where the architect is a “principal architect” on the project.

Founding Partner Christine Drage, and other lawyer members of the American Council of Engineering Companies, was sworn into admission to the United States Supreme Court by Chief Justice John Roberts on May 4, 2015 in Washington, D.C.

Disability, Accessibility & Liability: What

an Architect Should Know by Jean A. Weil and Anthony D. Platt
President George H.W. Bush signed the Americans with Disabilities Act (“ADA”) on July 26, 1990. Effective July 29, 1992, the ADA prohibits discrimination against the disabled in employment, public services, public accommodations and telecommunications. The ADA was enacted to address the “pervasive social problem” of the disabled being excluded from full participation in society.

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ALMOST BYE BYE CHAPTER 40: NEVADA ENACTS SWEEPING CHANGES TO ITS RESIDENTIAL CONSTRUCTION DEFECT STATUTES by John T. Wendland

On February 24, 2015, Assembly Bill 125 (“AB 125”) became law in Nevada. The enactment of AB 125 has dramatically altered the landscape of Nevada’s construction defect laws and practices. The changes touch upon all aspects of Nevada’s residential construction defect statutes (“Chapter 40”) and range from the narrowing of the definition of a “construction defect”, how notice is provided, standing of claimants, in particular homeowner associations (“HOA”), the insertion of a partial anti-indemnity statute for subcontractors and the elimination of certain damages that a claimant may recover.

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Speaking Engagements

Partner Trevor Resurreccion was invited to present at the CSI (Construction Specifications Institute) Academies on April 18, 2015 in San Francisco, California. The seminar topic was “The Do’s and Don’ts of Construction Phase Services.”

Partner Jean Weil spoke at the AIA National Convention in Atlanta, Georgia on May 13, 2015 on recent case law involving architects’ potential liability for ADA violations. Jean was the lead panelist in the AIA half day seminar entitled “Disability, Accessibility, Liability: What Every Architect Needs to Know.” Her co-panelists, Peter Stratton and Mark Jackson of Steven Winter Associates, spoke on avoiding common ADA code violations, and panelist Eleanor Smith, founder and director of Concrete Change, spoke on the emerging doctrine of “Visitability.”

Did You Know?

QUIZ - HOW SAVVY ARE YOU WHEN IT COMES TO DOCUMENT RETENTION? by Jacqueline C. Pons-Bunney

Document storage has always been a challenge for design and construction firms as each project can generate rooms full of data. The expense of monitoring, archiving and storing documents for an undetermined length of time can be enormous. The added complexities of electronically-stored information makes matters even more complicated.

Download the Quiz

Attorney Spotlight

Arbitration Victory

Partner Trevor Resurreccion recently prevailed at arbitration on behalf of a homeowners' association which sued its former property manager and the management company for stealing money from the Association. The Association prevailed on all claims against the property manager and his company for breach of contract, unjust enrichment, fraudulent misrepresentation, negligent misrepresentation, breach of fiduciary duty, and statutory violations. The arbitrator awarded the Association compensatory damages, attorneys' fees, costs, expenses, and interest totaling nearly \$250,000. The arbitrator will hold a further hearing on the amount of punitive damages to be awarded in favor of the Association. The arbitration was held at JAMS in Orange County, California.

See www.weildrage.com for a full listing of legal services provided.

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