

Construction Law Section Council  
Friday, December 12, 2008  
MSBA Offices

Mark Bloomquist, Chair of the Construction Law Section, called the meeting to order and the following business was conducted:

1. Mr. Bloomquist reviewed the proposed revisions to the Construction Law Section's Bylaws. The proposed revisions to the Bylaws were previously circulated at the November 19, 2008 meeting of the Construction Law Section and posted for review on the MSBA's website.

2. Discussion was held on the proposed revisions to the Construction Law Section's Bylaws. Motion by Mr. Thaden was made to approve the proposed revisions and seconded by Mr. Bistram. The motion carried by a majority vote of those members present.

3. Mary Schwind, Vice Chair of the Construction Law Section, reviewed the Section's efforts to create and propose model Scheduling Orders for cases involving construction defects on residential construction projects, both single-family residences and multi-family residences. Ms. Schwind circulated the most current drafts of the model Scheduling Orders.

4. A panel of the Section's Subcommittee on Residential and Multi-Family Construction Defects discussed the current draft model Scheduling Orders and addressed questions, comments and proposed amendments from the members present. Ms. Schwind reviewed the proposed amendments to the draft model Scheduling Orders. Ms. Schwind agreed to revise the model Scheduling Orders to incorporate the proposed amendments and post the revised documents on the MSBA website. Additional comments may be directed to Ms. Schwind.

5. Following discussion concerning the Section's model Scheduling Orders, a motion was made by Ms. Schwind to endorse the model Scheduling Orders (as amended at the December 12, 2008 section meeting) and to authorize representatives of the Section's Subcommittee on Residential and Multi-Family Construction Defects to approach Minnesota District Court judges statewide and advocate on behalf of the Section for the model Scheduling Orders' use in residential construction defect cases. The motion was seconded by Mr. Bistram. A vote was taken by paper ballot. The motion carried. Mary Schwind and Mark Bloomquist counted the ballots. As to the model residential order, there were 25 yes votes and 1 no vote; as to the multi-family order, there were 24 yes votes and 2 no votes.

6. Following the panel discussion, the meeting was adjourned.