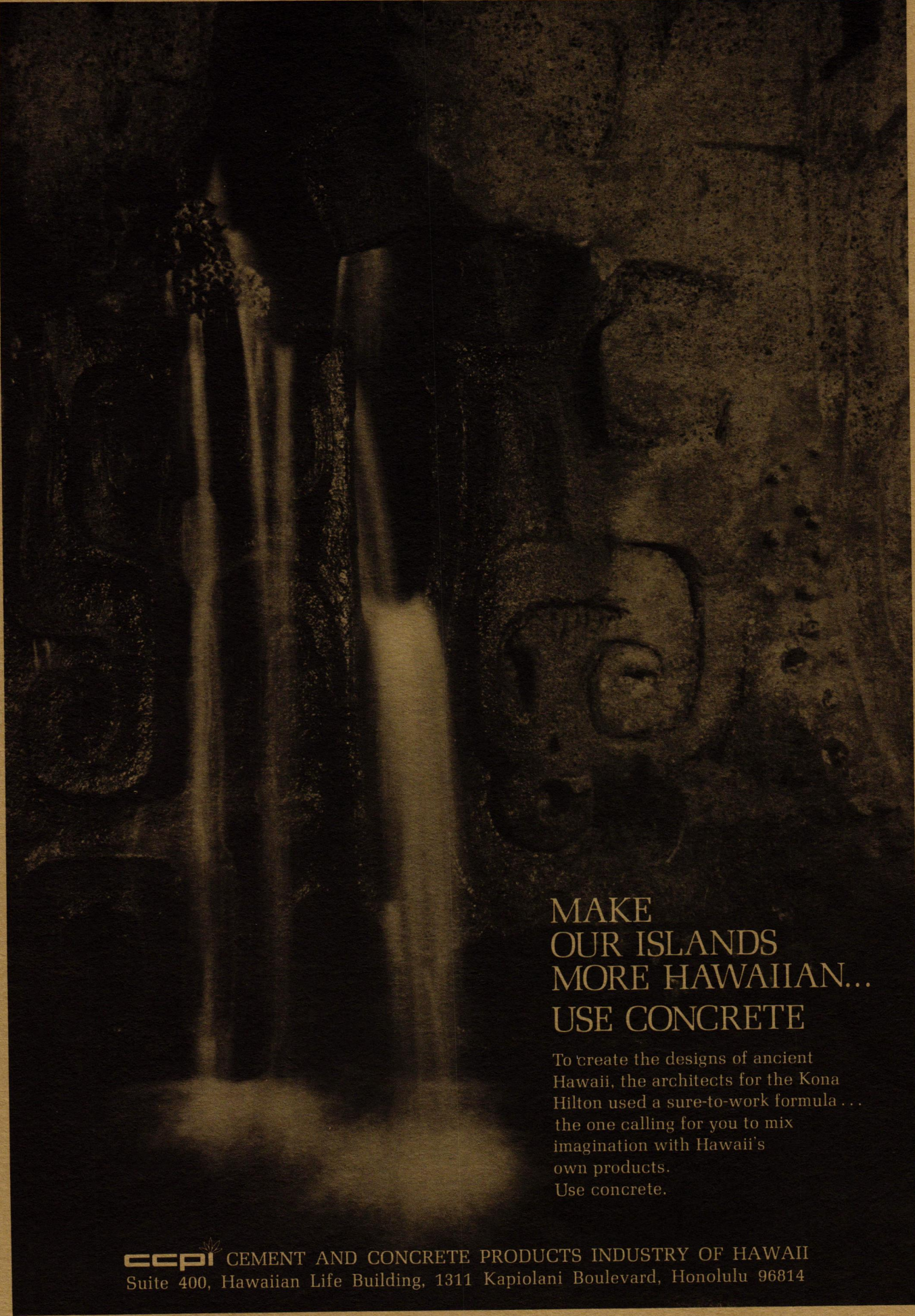


# Ke Kaha Ki'i

March, 1971

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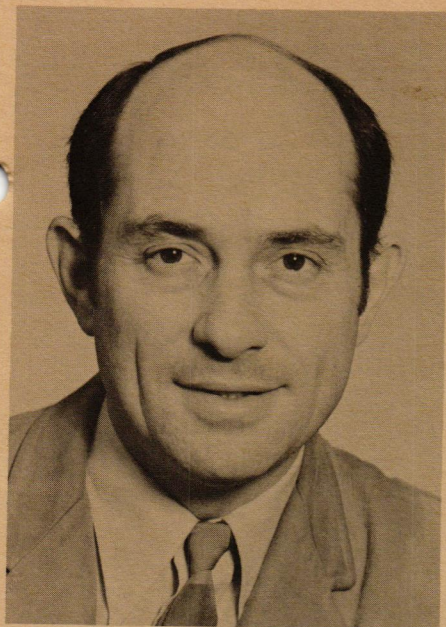




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## NEWS FOR THE CHAPTER

FROM JOE FARRELL, PRESIDENT

### JOINT MARCH 2ND LIABILITY INSURANCE SUPPER MEETING WITH WASHINGTON SPEAKER, SPRIGG DUVAL:

At this meeting there was a large turnout to listen to Mr. Sprigg Duval of Victor Schinnerer & Company from Washington speak on the present status of our professional liability insurance. The people attending consisted of architects, engineers, a few contractors, a few attorneys, and a number of insurance people.

Mr. Duval made several points in his attentively listened to presentation, some of which I list here:

1. The largest percentage of the claims are caused by improperly done and checked drawings and specifications. Architects and engineers should be more careful to check references on their employees and they should also do much more thorough checks of their construction documents before putting out to construction.

2. Architects should increase their fees in order to do adequate supervision enabling adequate work.

3. Care should be taken not to sign contracts which cause the architect and/or engineer to do supervision of the contractor but the professionals should have contracts with similar content to the standard AIA contracts.

Victor Schinnerer & Company are sending out monthly mailouts to all of those architects and engineers that they insure which are brief and helpful information.

### HAWAII FEE STUDY:

In addition to Frank Slavsky's recent work on FHA fees, the Office Practice

Committee is again interested in trying to get a professional economic and fee study for our chapter. The cost is quite high but as Ed Aotani puts it, the benefits could be quite helpful to all of us. Among other things, the study would include a historical compilation of all fees and profits (and lack thereof) from all architects here in the islands. This information could never be compiled by one of our volunteer members as it isn't likely that one architect would be inclined to divulge all of his fee information to another architect. The thought of the Office Practice Committee is that all of us would, however, divulge this information to a professional firm such as Case & Company who does this type of work throughout the country.

Once this information is compiled and a new fee structure is established, it will be very difficult for any client, be he private or public, to deny that it is a just and proper fee. Of course, as before, this would still remain a recommended fee schedule so we don't get tied up with the anti-trust laws.

### "FRIVOLOUS SUIT BILL"

The CEC is introducing a bill to the present State Legislature in order to start the "Suit-Happy" public. A copy is shown herewith for membership review and if you find it to your liking, the CEC would appreciate whatever support you might give to getting it passed.

A. Whenever a complaint for damages is filed against any architect, landscape architect, engineer, building designer, land surveyor, or any other person who is duly licensed to conduct

similar businesses under the laws of this state, in an action for liability in the creation and implementation of plans, specifications, designs, reports, surveys or construction which are the basis for work performed or agreed to be performed on real property, any such defendant may, within 30 days after service of summons, move the court for an order, upon notice and hearing, requiring the plaintiff to furnish a written undertaking, with sufficient sureties, in the sum of five hundred dollars (\$500) per defendant as security for the costs of defense as provided in section (D), which may be awarded against such plaintiff. Such motion shall be supported by affidavit showing that the claim against such defendant is frivolous.

At the hearing upon such motion, the court may order the plaintiff to file such security if the defendant shows to the satisfaction of the court that there is no reasonable possibility that the plaintiff has a cause of action against each named defendant. No appeal shall be taken from any order made pursuant to this section to file or not to file such security.

A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merit thereof. If the court, upon any such motion, makes a determination that a written undertaking be furnished by the plaintiff as to any one or more defendants, the action

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