

Forum

Changing Our Name to Dispute Resolution Board Foundation

At the Annual Meeting in Las Vegas last October, the attendees discussed the possibility of updating the Foundation's legal name to conform with the dispute board trends on a global basis. Board's have different names in different parts of the world. One name, with growing frequency, for example, is "Dispute Adjudication Board," another is just plain "Dispute Board," all in addition to "Dispute Review Board."

After several substantive discussions, the Board of Directors, at its last meeting, voted unanimously to pursue a name change to the **Dispute Resolution Board Foundation**.

This new name encompasses the entire spirit of the DRB process. When you read our Bylaws—Article II. Purposes and Objectives; we describe

DRBs as a "means for prevention and **resolution** of construction disputes."

This name change is in tune with our original Bylaws!

Our new name keeps the initials DRBF, which has become our shortened "handle."

In order to legally change our name we need a vote by our membership approving the change, and then submittal to the State of Wisconsin, where our Foundation was organized.

Included in this issue of the *Forum* is a ballot, which you are encouraged to promptly vote your concurrence. As soon as we complete the voting we can implement the new logo contest. The winning member submittal will win US\$1000! **See page 11 for your ballot—ed.** □

In this issue of the *Forum*

CHANGING OUR NAME	1
CREATE A "TEAM BUILD" ATMOSPHERE	5
NEW TABULATION AVAILABLE	6
BOARD OF DIRECTORS BUSINESS	14
NEW FOUNDATION MEMBERS	18

President's Page

Last summer the DRBF's Strategic Planning Committee met in Chicago to hammer out a long range plan for our Foundation. The group concluded that to fully achieve success, the Foundation must expand its member benefits. This naturally led to the "what" and "how." We left Chicago with ideas on ways to implement both!

Since we are a volunteer organization, with limited financial depth, it became a necessity to increase income, to provide benefits. Since our primary income source is from membership dues, our Board approved a modest increase in the dues structure together with a significant increase in the overall number of new members.

To accomplish this later task, we are putting in place a Global/Regional Network of existing member regional reps, who will work on their individual regional quotas to achieve our goals.

Larry Rogers, our Membership and Training Director, is putting the finishing polish on this initiative which we will launch in February.

Naturally our regional reps are the key to new membership success. We need **fearless** self starters, with many contacts in our industry. We also expect that these reps will also create educational and training opportunities in making these new contacts. If you wish to "enlist" in this very important initiative, contact Larry at rgrsadr@cs.com.

To quantify our goal—we have increased our 2002 membership target by +80% of our 2001 membership income—and I encourage you all to renew your membership ASAP, if you have not done so, and bring in at least one new member! Please remember that our membership income is our life blood!

Now for the benefits.

We immediately hired a Webmaster, who has redone our website. I encourage you all to visit www.drb.org. Craig Neff, our webmaster, would welcome any comments or critiques regarding the site's building process. We are planning to put portions of the *Forum* on the web, as well as Member's resumes, for those who wish it. We have a calendar that needs entries, and eventually a chatroom, to discuss current hot DRB issues.

Brison Shipley, our President-elect is actively investigating Group Professional Liability Insurance to cover our members' risk being on a Board. Brison is also working on the first draft of the DRBF's Code of Ethics which should be publishable in June.

We are putting together the final details of our May 25 & 26 International Meeting in Rome, Italy which we hope will be preceded by a training session for our interested international members. Our Annual Meeting on October 5 and 6 in Orlando, is awaiting a final hotel selection which I hope will be announced in this *Forum* issue.

The DRBF Board and Officers are working on making the Foundation work for you, but we need your help as well to be successful!□

Jack

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From the Editor

As we start our sixth year of publication of the *Forum* we should all be encouraged by the efforts of the Board of Directors to provide more value to us, the members of the Foundation. The discussions by the various groups at the annual meeting in Las Vegas and a renewed sense of commitment by all of us will help the Foundation to move forward in promoting the use of DRBs and thereby generating more opportunities for those of us who desire to serve on DRBs.

The work being done on a Code of Ethics, Group Professional Liability Insurance, establishment of DRBF regions and other efforts will all help to improve our profession along with

the services provided by and the reputation of the Foundation.

We are also continuing our efforts to provide new and improved training programs for members as well as those who are or will be involved in DRBs, such as the Dispute Review Board Users Workshop we will be offering in Boise. Once the Code of Ethics is completed, you can expect to see a series of workshops offered around the country on that subject.

We look forward to serving the membership and informing you of new benefits that will come from being a member of the Foundation

Larry Rogers

Committee Reports

Training

We have completed the Spring line-up of workshops with trainings being offered in Boise for the Idaho Transportation Department as they ramp up their use of DRBs, as well as our annual offerings for the Florida and California transportation folks. We are also doing workshops in Seattle in May in conjunction with the AUA and will be offering our workshops immediately preceding the Annual meeting in Orlando in October.

A new offering that we will be rolling out in Boise is the "Dispute Review Board Users Workshop" which is designed to familiarize owners' and contractors' employees concerning the operation of DRBs and how to work most effectively with them. This workshop also covers how to make effective presentations to the

DRB.

We haven't done workshops in the Northeast since our annual meeting in Boston and would like to hear from you if you would be interested in attending workshops in the New York/New Jersey area. If so, let Steve Fox know.

If you are aware of an owner organization that might be considering the use of DRBs, please let me know so that we can contact them about training.

Larry Rogers

Ethics

Subsequent to the annual meeting I have assembled an "ad hoc" committee to work on developing a Code of Ethics, consisting of Adrian Bastianelli, Kathleen Harmon, Chad Adams, and

(Continued on page 17)

Letters and E-mail to the Editor

To Require Training or Not

Pierre Genton's spirited letter in the last issue of the *Forum* seems to have misunderstood my letter of response to Brad Neff, published in the July 2001 issue. In my letter I expressed my support for identifying those DRBF members who have taken training course on Dispute Board use, whether the courses were offered by the DRBF or other organizations. Pierre seems to have interpreted this to mean that I support **requiring** DRBF members to take such training, and I did not intend to suggest that. What I support is some form of identification of those who are sufficiently interested in Dispute Boards to have taken specialized training about using them.

The thrust of Pierre's objections seems to be against imposing training as a requirement preceding listing, as is done for entry into the FIDIC President's List of Dispute Adjudicators. My understanding of Brad Neff's letter, and my response, assumed that there was no suggestion intended that the DRBF should require prior training before being eligible to be listed as a DRBF member.

As for the philosophical argument Pierre puts forward, I leave it to other readers to respond, except to note the growing prevalence of a requirement for continuing training (and testing on that training) in various professions, including for example, arbitrators who wish to be registered with the UK's Chartered Institute of Arbitrators, or to be listed on the List of Arbitrators of the UK's Institution of Civil Engineers.

□

Gordon Jaynes

CALL FOR PAPERS

The *Forum* welcomes learned articles for publication on all aspects of Dispute Review Boards. The article should not be under consideration by other publications.

Contact the Foundation *Forum* at:

**Dispute Review Board Foundation
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DRBs Can Create a “Team-Build” Atmosphere

by
Len Holm

I conduct myself, operate my business, educate my students, and seek to participate on “Team-Build” construction projects. The lump sum, “bid-em-and-sue-em” attitude is easier to learn than is the “Team-Build” attitude.

I recently had the pleasure of participating on a Disputes Review Board (DRB) for the new indoor practice facility at the University of Washington (UW). The three member Board, consisted of myself, John Beyer, and Jim McGranahan. We were contracted approximately three months after construction start and participated as project team members through construction completion that lasted just short of one calendar year. The contract format was CM/GC with an established Maximum Allowable Construction Cost (MACC).

The “pleasure” part of the experience stemmed from the way the parties treated each other. They were respectable, professional, and most of all, functioned as a team. The majority of my experience has been in the private building industry. Almost all of my projects are conducted with an informal partnering atmosphere where all parties are working towards the common goal of building a quality project. Many public projects are conversely (and it seems sometimes intentionally) set up in a “rooster fight” arena. This project serves as a wonderful example how non-litigious lessons learned from the private mar-

ket can be transferred to the public market.

Although our Three Party Agreement did not specifically establish our DRB as an informal Board, it did allow for “flexibility.” We clearly functioned along informal lines regarding on-the-jobsite communications, all the while staying clearly within DRB ethics and rules of operation during meetings and when not on-site.

We met monthly on a regular weekly owner-contractor meeting day. Our schedule included an early tour of the jobsite conducted by both the jobsite superintendent and the owner’s representative. We always stayed together as a group. We were free to ask questions of the site progress and issues we read from the previous weeks’ meeting notes. As a team, we adjourned for lunch and discussed non-project subjects. The cost of lunch was shared equally. We then returned to the trailer and sat through the regular construction coordination meeting, encouraged to ask questions or clarifications on current topics. After the meeting we held a short DRB meeting with all three Board members, the contractor’s project manager, and the owner’s representative.

There were not any formal disputes heard. Three informal issues were raised. For two of the three, the parties had already reached a compromise and were bouncing their conclusion off of us for validity. The third they caucused off-line during the discussion and again reached their own conclusion. In my opinion, the presence of the DRB, not necessarily the pressure from, helped the parties to reach mutually acceptable

(Continued on page 17)

New Statistical Data Available

Steve Fox has completed tabulation of the latest statistical data on DRBs for the year 2001. The data show continued growth in the use of DRBs in all types of construction with 822 projects either completed or under construction using DRBs and totaling US\$68.7 billion dollars.

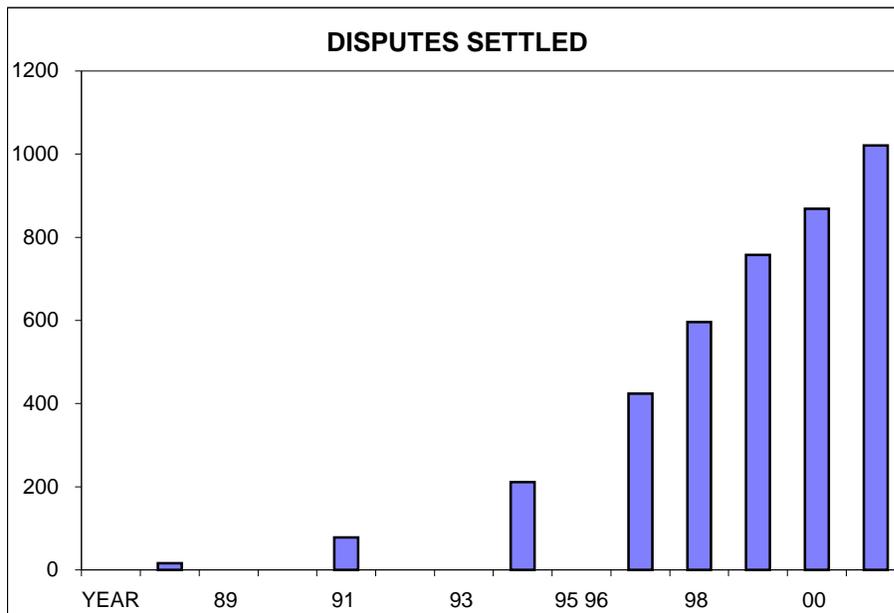
According to the data, 1038 formal

recommendations have been issued with only thirty-one recommendations having been taken beyond the DRB process.

For a complete copy of the Tabulation, contact Steve and he will forward one to you. □

CONTRACTS COMPLETE & UNDER CONSTRUCTION

YEAR	PROJECTS WITH DRBs each	CONTRACT VALUE US \$ Billion	DISPUTES SETTLED each
88	19	1.4	16
89			
90			
91	63	3.2	78
92			
93			
94	166	9.7	211
95 96			
97	326	22.1	424
98	477	28.8	596
99	576	32.6	758
00	666	35.4	869
01	818	41.0	1021



Construction Dispute Review Board Manual by Matyas, Mathews, Smith and Sperry

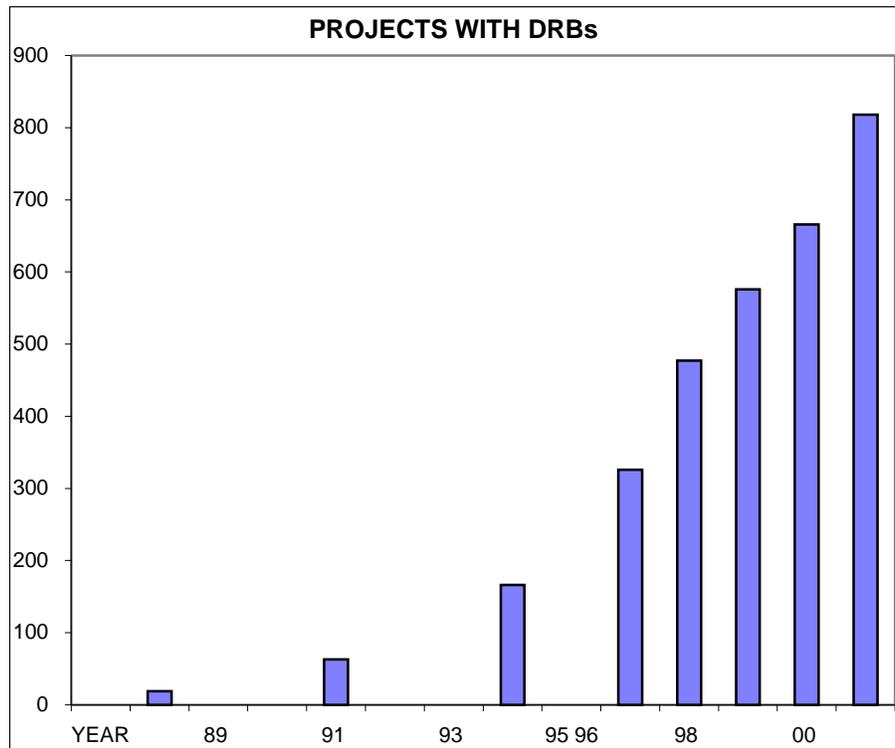
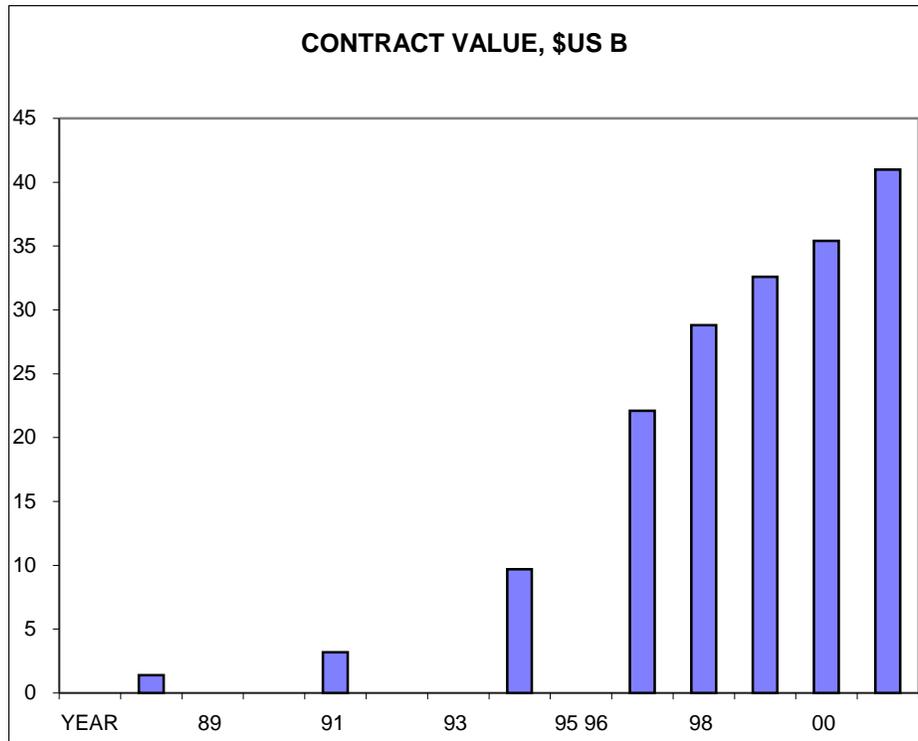
An essential reference for all construction professionals, this book shows you how to use Dispute Review Boards to solve construction disputes on the job, avoid claims and thereby reduce project costs. This definitive manual provides all the procedures required to employ the DRB process, and fully explains the benefits and pitfalls of DRBs. Whether you're an owner, contractor, construction manager, attorney or construction lender, this time- and money-saving sourcebook offers you the most complete guidance now available on the successful establishment and practice of a DRB during construction.

\$45.00 plus \$4 postage/handling. Contact the Foundation to order.

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org.



Other News

Visit the New Foundation Website—www.drb.org

The Foundation's new website is up and running. Webmaster Craig Neff has done an excellent job of creating a professional, informative site for those interested in DRBs to get the latest information about DRBs and the Foundation.

We are continuing to work toward allowing members to post their resumes on the site and will eventually have the ability for interested parties to join the Foundation online and to see some of the information provided in the *Forum*.

Send suggestions and ideas to Craig at craig@web-designs.net

Insurance Coverage for DRB Practitioners

In its effort to provide more member benefits, the Board is investigating the possibility of providing insurance coverage for those Foundation members serving on DRBs.

Although we have heard of only a few instances when DRB members were drawn into litigation concerning a project on which they served, as the use of DRBs continues to grow, it is likely that we will see an increase in such cases.

Those members who work as mediators know that there is now liability coverage available from a number of insurance carriers around the country. In order to protect ourselves from potential litigation the Board is investigating the possibility of offering its members similar coverage. Watch the *Forum* for more information.

Regional Representatives Needed

As mentioned elsewhere in this issue of the *Forum* the Foundation is about to establish regional districts to provide members with better service. The plan is to have regional representatives to provide members and prospective members with information about the Foundation's activities and to assist everyone with efforts to get the word out about DRBs and the Foundation.

We have already been contacted concerning holding a regional conference in California.

If you are interested in serving as a regional representative contact the DRBF.

In Memory

The Foundation is saddened to learn of the death of Jim Holzbach on November 18. Jim was a strong supporter of the Foundation and its work. Our condolences go out to Jim's wife Juliette and his family. □

If you've got something to say we'd like to hear it.

Deadline for the next issue is March 31, 2002.

New DRB Provisions—World Bank Follows FIDIC

By
Engr. Mushtaq Ahman

The World Bank Standard Bidding Documents for Procurement of Works issued in May 2000 contain the following provisions:

“The Recommendation of the Board shall be binding on both parties, who shall promptly give effect to it unless and until the same shall be revised, as hereinafter provided, in the arbitral award.”

The new provisions of the World Bank are the same as included in the FIDIC new books (Construction, Plant and Design-Build and EPC/Turnkey) of the first edition 1999.

In the 1999 edition of the World Bank SBD, the Recommendation was **not** binding if the dissatisfied party within fourteen days after his receipt of the Recommendation, gave notice to the other party, of his intention to commence arbitration of the dispute. The Recommendation became final and **binding**, and was to be implemented by the parties forthwith, if **no** notice of intention to commence arbitration as to such dispute was given by either party within fourteen days after it received such Recommendation from the Board.

Non-binding recommendations are persuasive rather than obligatory. If not accepted by either party, the dispute is not resolved. The parties always remain in an uncertain situation. As no payment is associated with this stage, neither party feels the need to

arrange such an amount. Such disputes when finally decided may give a shock to the losing party to arrange these additional amounts at that stage.

A binding Recommendation made by the Dispute Review Board (as called by the World Bank) or binding decision made by the Dispute Adjudication Board (as called by the FIDIC) has the following merit:

- The winning party gets the advantage in a way that (a) such Recommendation or decision is implemented irrespective of the dissatisfaction of the losing party, and (b) the dispute is resolved maybe for an interim period if the losing party has given notice for final settlement of the dispute as provided in the contract.
- The parties know at this stage their rights and obligations. For example if the DRB/DAB decides that the contractor is entitled to receive a specified payment, the employer has a contractual duty to pay it irrespective of the situation that the employer is dissatisfied, and elects to challenge the decision. If payment or certification is not made, the employer will be in default, for which the contractor is generally entitled to reduce the rate of work or suspend work or terminate the contract.

With the new provisions of the World Bank, the construction industry will breath fresh air, and play its constructive role in a better way in building a beautiful world. □

DISPUTE REVIEW BOARD FOUNDATION SECOND INTERNATIONAL CONFERENCE

ROME, ITALY

Saturday 25th May 2002

Venue: International Development of Law Institute (IDLI), Central Rome.

Conference Title: Dispute Boards on International Projects.

The conference will follow the successful format of the First International Conference with the conference sessions being chaired by an experienced members of the DRBF and delegates asked to contribute to the discussions. The conference will be held in English.

Draft programme:

9.00-9.30 AM: Registration and Coffee

9.30 AM Opening by DRBF President Jack Woolf

9.45 AM Discussion 1: So you want to be a DRB member on international projects?

- (i) What makes a good DRB member/chair, (ii) Special factors concerning international dispute boards,
- (iii) How to get appointed, (iv) Money matters! (v) Keeping out of trouble.

11.00 AM Coffee break and networking.

11.30 AM Discussion 2: Stepping safely - Sound Procedures.

- (i) Routine Visits, (ii) Dispute Avoidance, (iii) Documents only? (vi) Pre-hearing, (v) The Hearing, (vi) Post-hearing.

12.45 PM Luncheon

2.00 PM Discussion 3: What goes wrong?

- (i) Failure to establish the Board, (ii) Failure to convene meetings or refer disputes, (iii) The reluctant party, (iv) Problems with partiality.

3.15 PM Tea and Networking

3.45 PM: Discussion 4: Promoting the DRB Process.

- (i) How to describe the DRB Process, (ii) How 'legal' should it be? (iii) Does it really work? (iv) How versatile can the Board be?

4.45 PM Questions

5.15 PM Concluding Remarks

5.30 PM Conference Close

7.30 PM Conference Dinner in Central Rome (Price not included in conference fee).

Persons interested in the Conference are also asked to note that, if there is sufficient demand, a one-day course on "Chairing DRBs" may be held on the day preceding the conference (Friday, 24th May 2002). This course, if it goes ahead, will be run by Jim Donaldson and Larry Rogers from the USA. Those who wish to consider attending this course should let Peter Chapman know as soon as possible so that costs can be finalised.

Also, if sufficient demand exists, group tours of Rome (ancient and modern) and the environs can be arranged with English speaking guides. Rome is a gastronomic wonderland and contains some of the worlds greatest art treasures. The weather in Rome in late May should be "molto bene" (but we cannot guarantee!!!).

Further details and booking forms for conference and accommodation from Peter Chapman on e-mail: disputeresolution@PeterHJChapman.com or fax. +44 1372 843420 (UK).

Members' Ballot to Change the Foundation's Name

In accordance with the Bylaws, a vote by members in good standing is needed in order to change the Foundation's name by Amendment.

A two-thirds affirmative vote of the voting membership is needed, to change our name.

Therefore, as a member in good standing I hereby cast my vote as indicated below:

To change the name to "**The Dispute Resolution Board Foundation**"

I agree

I do not agree

Member in good standing name: _____

Please mail, fax, or email your vote by February 28th or sooner.

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Toll free (US only) (888) 523-5208,
E-mail: home@drb.org.
Web site: www.drb.org

Note: The Foundation's Board of Directors endorses the name change!

YOUR VOTE IS IMPORTANT!

The Dispute Review Board Chairing Workshop

**March 26, 2002
Orlando**

**April 23, 2002
San Diego**

**April 26, 2002
Sacramento**

**May 19, 2002
Seattle**

**October 4, 2002
Orlando**

We recommend that attendees take the Administration and Practice workshop prior to attendee this one.

Registration fee includes lunch and workshop materials. Each participant will also receive a Certificate of Completion from the Dispute Review Board Foundation. The cost is \$395 for non-DRBF attendees and \$345 for DRBF members.

To register call the Dispute Review Board Foundation

(206) 248-6156, FAX (206) 248-6453

Toll free (US only) (888) 523-5208

E-mail: home@drb.org

**The Foundation
needs your help!**

The Board of Directors is seeking the names of those interested in serving on Foundation committees. Positions are open for the following committees:

Marketing

Data compilation

International

Membership

Newsletter

Please help the Foundation by volunteering for one of these committees.

Contact Jack Woolf or call Steve Fox.

**THE DISPUTE REVIEW
BOARD FOUNDATION
IS MOVING INTO THE
NEXT YEAR WITH
RENEWED ENERGY!**

**WATCH THIS SPACE
IN THE NEXT *FORUM*
FOR INFORMATION
ABOUT ALL OF THE NEW
MEMBER BENEFITS AS
WELL AS THE
UPCOMING
LOGO CONTEST**

Summaries of Board Meeting Conference Calls

Summary of Board Meeting at the DRBF Annual Meeting in Las Vegas on October 7, 2001

A DRBF Board meeting with twelve Directors and Officers participating was held in Las Vegas on October 7, 2001, following the DRBF Annual Meeting. Steve Fox, Administrative Manager, and Committee Chairs Larry Rogers and Dick Downs were also in attendance. The following is a brief summary of the discussions and actions taken at the meeting.

Annual Meeting 2002:

Brison Shipley, President Elect, will be in charge of organizing the 2002 Annual Meeting. Cities that were suggested as possible locations included: Orlando, FL; Dallas, TX; New Orleans, LA; and Toronto and Vancouver, Canada.

It was agreed that Steve Fox would check the costs for Toronto and Orlando, with the Board members to e-mail Steve with any hotel suggestions in either city. It was also suggested that we consider holding the Annual Meeting on Sunday and Monday, thereby allowing for a Saturday night stay-over to reduce air fares, but avoiding the busy Friday travel day.

Bill Baker was appointed to Chair the Awards Committee for next year. The criteria for the awards need to be written out and Jack Woolf offered to provide Bill with the criteria used by the Moles in the underground industry.

It was agreed that Jim Donaldson and Pete Douglass would arrange a time to get together with Al Mathews to sit down and watch the video tape of the 2001 Annual Meeting Awards presentation and present Al with the actual award.

Membership Committee – Jim Donaldson:

A consensus was reached that we should form regional groups to assist in membership drives, but the number and locations has not been decided. It was suggested that five in the USA, and at least one each in Canada and abroad would be a good starting point. Jim will work on setting these up.

Newsletter – Larry Rogers:

Larry is to obtain costs on upgrading the printing for the *Forum*. It was suggested that we stay with the tan colored paper as it has become a recognizable standard. It was also agreed that we should look for an outside consultant to assist in re-formatting the publication. It was further agreed that the *Forum* should be in an e-mailable format. A motion was passed to fund up to \$500 for the purchase of Acrobat software that is needed to facilitate e-mailing the *Forum*.

It was also agreed that an International Section in the *Forum* would not be implemented as it suggests an “us” and “them” attitude.

(Continued on page 15)

(Continued from page 14)

Marketing – Bill Edgerton:

Jack Woolf announced that Bill Edgerton has been appointed the new chairman of this committee. Discussions regarding the need for research into the cost benefits of the use of DRBs lead to the topic of obtaining grants for such research. . Jimmy Lairscey reported that FDOT experienced cost overruns in 1996 amounting to 14 percent, whereas in 2000 the overruns had been reduced to 5 percent (a savings of roughly \$75 million per year). Although the use of DRBs on FDOT projects was implemented in this time period, and is certainly credited with contributing to the reduction in cost overruns, it is unknown to what extent.

Jimmy further noted that 5 percent of FHWA's budget is earmarked for research. Jimmy agreed to talk with FHWA on the subject of grant availability and report back to the Board at the next Board meeting.

Jack Woolf also agreed to pursue grant availability through the Center for Public Research.

Communications – Steve Goldblatt:

Steve Fox will check with Steve Goldblatt for recommendations on: a) someone to fill the “Webmaster” position recently set up by the Board, and b) the possibility of using UW students to assist in setting up the membership “bios” and other DRBF materials for e-mail distribution.

Strategic Plan – Brison Shipley:

Brison is to provide an action items list to Jack Woolf and the two of them will work together to assign tasks to the Board and general membership.

International – Peter Chapman:

Peter had suggested in his closing remarks at the Annual Meeting that consideration be given to renaming the Dispute Review Board Foundation to a more all encompassing name such as the Dispute Board Foundation in order to take under its wing the European “Dispute Adjudication Boards” and other forms of Alternate Dispute Resolution. Although there was no further discussion on the matter at the Board meeting, it was agreed that the topic needed to be addressed at the next Board meeting as some resolution was needed prior to proceeding with the “Logo competition” announced at the Annual Meeting.

Data Compilation – Dick Downs:

Renewed interest sparked at the Annual Meeting should produce changes that need to be transmitted to Steve Fox. Dick will contact Hugh Cronin for his input on some “litigation” questions reported in the data compilation.

DRBF Manual Revisions:

Joe Sperry and Bill Edgerton agreed to contact Jim Groton and Kerry Lawrence regarding progress in this matter. Joe feels that we need a “Desk Book” in loose leaf format to make DRB process updates available to the users. Joe agreed to send to the Board members a copy of an “Informal Discussion of Issues” addendum used by some DRBs. By collecting other examples of such contract language, the Foundation should be able to generate preferred clauses for use on future projects for inclusion in a “Desk Book”.

(Continued on page 16)

(Continued from page 15)

Training:

Dick Downs suggested that we should look into possible accreditation for the DRBF Training Workshops for use by members in obtaining continuing education credits. Larry Rogers is to pursue with Mary Jo Champion (AAA) what would be involved in becoming accredited.

Membership Fees:

Following discussion on the matter, a motion was passed to change the Membership Fees starting with the year 2002 as follows:

<u>Membership Category</u>	<u>2001 Dues</u>	<u>2002 Dues</u>
Corporate Member	\$300 / yr.	\$500 / yr.
Sustaining Member	\$300 / yr.	\$400 / yr.
Institutional Member	\$100 / yr.	\$250 / yr.
Individual Member	\$100 / yr.	\$150 / yr.
Government Employee	\$25 / yr.	\$50 / yr.
Emerging Nations Member	-----	\$25 / yr.

The Emerging Nations Membership is a new category to be introduced this year and Peter Chapman agreed to provide suggested wording for the criteria to be eligible for this member category.

Corporate Member redefinition was also suggested as “private owners, contractors, design firms, professional and trade associations”

Following discussions on the matter, it was agreed that the increased dues should be associated with increased

benefits, including where applicable/available:

- Individual member “Bios” made available through the DRB Foundation web site. (Jim Donaldson agreed to draft up a suggested form that the membership would use to submit their “bio” information.)
- Possible insurance available through a DRBF group policy. (Brison Shipley agreed to pursue information on what might be available for “health”, “professional liability” and “Life” insurance.)

Relationships with Other Associations:

Jack Woolf indicated the following efforts were underway:

- ABA in Seattle – Jack is uncertain what the status is on this effort
- GSA – Jack is on the Agenda to talk on the subject of DRBs at their next meeting
- World Bank – Jack has ask Armando Araujo, (Director – Procurement Policy and Services Group, Head Procurement Board, World Bank) to serve as a Director on the DRBF Board and Armando has expressed that he would be willing to serve if the World Bank allows this. He is very interested in the DRBF training program.

A DRBF Executive Session of Directors and Officers was convened at the conclusion of the regular Board meeting to discuss 2002 budget matters.

(Continued on page 17)

Do you have a question or concerns about DRBs in general or the DRB you are working on? Consult with one of the Hotline Committee members:

Joe Sperry
Auburn, CA
530-878-7305

Daniel F. Meyer
Chicago, IL
847-295-9197

Jim Donaldson
Seattle, WA
206-525-5216

Bill Baker
Calistoga, CA
707-942-5886

Norman Nadel
New York, NY
914-279-5516

Ray Henn
Denver, CO
303-534-1100

Roger Brown
Portland, OR
503-628-1707

(Continued from page 3)

John Nichols. Since then, Gary Brierly and Hugh Caspar (who helped David Hatem develop a DRB Code of Ethics that appears in David's book "Sub-surface Conditions") have offered their assistance. I have copies of that Code, the AAA Code, and my notes of the break-out sessions from the Annual Meeting in electronic format. I was planning on creating a first draft of a DRBF Code and then e-mailing all these materials to the committee members to get things started.

Member Benefits - Professional Liability Insurance

We have gotten some underwriters interested in (actually, they are "excited") developing a policy for our members. To get things started, they have given me a 10 page "application" form that I will respond to so that they can start evaluating the risk. An important point that we need agreement on as this project moves forward is: What exactly is the risk insured? My understanding is that when a construction project really goes sour and lawyers (God bless 'em) for the owner and contractor take out the brass knuckles and start beating up on the DRB members, that those individual members may be forced to hire counsel to represent them in court or other proceedings. The risk, then, is the cost of such legal representation, NOT the dollar amount of any claim between owner and contractor upon which the DRB issued a recommendation. What is your understanding? □

Brison Shipley

(Continued from page 16)

The next DRBF Board Conference Call is set for Friday, October 26, 2001 @ 9:00 am PST (12:00 noon EST).

It was also agreed that we would attempt to standardize the Board meeting conference calls to the 2nd Friday of the month to assist in scheduling. Jack Woolf agreed to compile and send suggested dates to the Board for consideration. □

**By Peter M. Douglass – Secretary/
Treasurer**

(Continued from page 5)

agreements.

In Las Vegas the informal DRB was discussed at length. It was suggested that if a Board was going to operate in an informal manner, that the Three-Party Agreement should include the appropriate language. I concur. Several other variations of DRBs were also discussed in Las Vegas including district or regional DRBs, standing DRBs, DRB pools, three member Boards with alternates, single party neutrals, and the like. It would be my suggestion that generic contract language outlining all of these different options be developed and made available which could be inserted into a standard DRB contract as appropriate.

I feel the purpose of a DRB is not to be a tribunal. Conducting ourselves as additional team members brings out the "Team-Build" attitude in all of the other participants. The informal process facilitates that result. □

WELCOME TO NEW FOUNDATION MEMBERS

MEMBER ADDITIONS JULY TO SEPTEMBER 2001

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E-Mail: mietekgrabiec@wp.pl

ANNOUNCEMENT

Anyone interested in serving
on DRBs in Idaho
for projects
administered by the Idaho
Transportation Department
should contact
Steve Bywater at 208-334-
8815 for more information.

The Dispute Review Board Administration and Practice Workshops

**February 26, 2002
Boise**

**March 25, 2002
Orlando**

**April 22, 2002
San Diego**

**April 25, 2002
Sacramento**

**May 18, 2002
Seattle**

**October 3, 2002
Orlando**

**Registration fees include lunch and workshop materials.
Each participant will also receive a Certificate of Completion
from the Dispute Review Board Foundation.
The cost for each workshop is \$395 for non-DRBF attendees
and \$345 for DRBF members.**

**To register call the Dispute Review Board Foundation
(206) 248-6156, FAX (206) 248-6453
Toll free (US only) (888) 523-5208
E-mail: home@drb.org**

Foundation Forum

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Seattle, WA 98188-2441

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Foundation Forum

Start planning now!

The **Dispute Review Board Foundation**
6th Annual Meeting and Conference

October 5 and 6, 2002

**Renaissance Worldgate Hotel
Orlando, Florida**