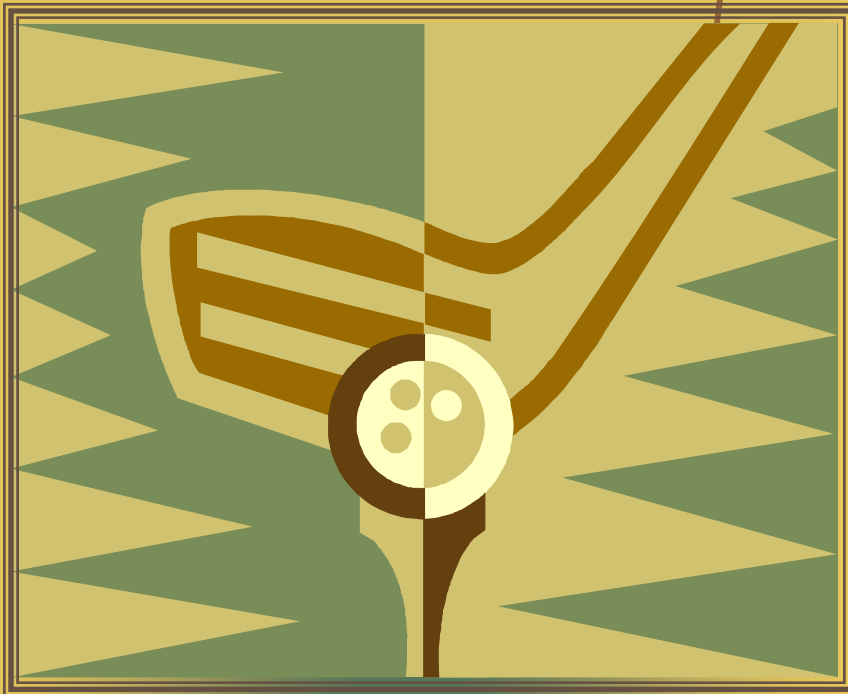


WESTERN WALL & CEILING CONTRACTORS ASSOCIATION

THE RIGHT ANGLE



WWCCA 27th Annual Charity Golf



MONDAY

June 27, 2011

Hacienda Golf Club

718 East Road

La Habra Heights, CA 90631

Register early, limited space

www.wwcca.org

REMEMBERED

WWCCA COMMITTEE MEETS

VERO CELEBRATES

DESERT GOLF 2011 RESULTS

LABORS' FINAL STAND

MARK BRESLIN

OUTSIDE THE FIGHT

ALBERT CARRILLO

WEATHER PROTECTION FOR

EXTERIOR WALLS

MICHAEL LOGUE

US SUPREME COURT REJECTS CA LAW

HILL, FARRER & BURRILL LLP

FRANK LLOYD WRONG
MARK FOWLER

CALENDAR/EVENTS

NEW MEMBERS

Remembered



On Saturday, May 7th, our industry lost a good friend.

Paul Dreibelbis, one of the founders of Moonlight Molds, passed away after a courageous battle with cancer.

Paul was a proud father and husband, a veteran of the US Navy, and a respected leader and innovator in the plastering industry. Following in his grandfather's footsteps, Paul worked as a studio plasterer after serving his country during the

1970's. In the early 1980's at the urging of Walt Pruter, Paul and his friend Mike Barlow cast some replacement medallions for Bob Heimerl to install at the Hollywood Roosevelt Hotel. From this chance beginning and a market for cast products, Moonlight Molds was started in Paul's father Jim's warehouse



Jack Schaefer, a local construction industry leader, died on April 15 of pancreatic cancer. He was 64.

Schaefer, a captain in the U.S. Army during the Vietnam War from 1966 to 1969, had served various leadership roles for the Las Vegas chapters of the Associated General Contractors and Nevada Contractors Association. Schaefer was a well known labor negotiator who also sat on several local construction union trusts and apprenticeship training boards, including

those for the laborers, operating engineers and cement masons, among others.

Schaefer developed the **Nevada Contractors Association** from the ground-up growing its membership to over 200 companies



Frank Scott, a dear friend to the Western Wall & Ceiling Contractors Association passed away peacefully on Sunday, April 24th at the age of 95.

Frank was born July 27th 1915 in Houston, TX. While growing up he had aspirations of becoming a famous artist. He attended San Jacinto High School in Houston where he was taught grammar by future president Lyndon Baines Johnson. During this time he met and began his courtship of Florine Elizabeth Bean.

When Frank finally convinced Flo to marry him, he was only 20. In the state of Texas at that time he was not old enough to marry and had to bring his mother with him to obtain a marriage license. Frank and Flo were married in July of 1936. After attending the University of Houston for two years, Frank gave up his artistic dreams and started working as a shipping clerk for Baker Oil Tools. Gradually, he worked up the ranks of corporate leadership. In 1963 Frank and Flo moved from their beloved Texas out west and settled in Orange County, California where they chose Fullerton as their new home. It was during this time that Frank started leading complex mergers and acquisitions for Baker Oil

and Mike's grandmother's backyard as the two of them "moonlighted" from their daytime jobs.

Moonlight Molds was a member of the Western Wall & Ceiling Contractors Association for 13 years and Paul participated in many Association activities including the membership meetings, golf tournaments and the Annual Christmas Gala. Moonlight Molds contributed to the design of the WWCCA Executive Board Room and the WWCCA medallion located in the Orange Office lobby.

In addition to his family, Paul's loves were surfing, playing music with his band mates, and getting away to his favorite location, Matapalo, Costa Rica.

Paul leaves behind his wife Barb, sons Ryland and Dylan, and a host of friends and family whose lives were enriched because Paul was a part of them.

and held various executive positions within the group including president, executive director and board member. Schaefer was active in several charitable groups and served as a trustee for the Police and Fire Emerald Society. His hobbies included theater and opera, fly-fishing and movies.

Schaefer is survived by wife, Pamela Newell, and daughter, Amy, and son, J. D.,

"Jack and I first came to know each other in Labor negotiations where we sat together representing our respective employers for a common cause. For the past several years we've sat side by side as Management Trustee's for the OPCMIA. His experience and knowledge of trust issues were of great benefit to me as well as to the trust. On behalf of the WWCCA, I would like to offer our sincere condolences to his co-workers, friends and family." ~ Bob Campbell, Manager WWCCA Nevada.

Tools which became Baker International in 1976. Corporate and family success were not enough for Frank. He wanted to share his enormous heart with others. While at Baker International he was asked by the founder of the company to manage the newly created R.C. Baker Foundation where Frank served as the only board chairman until his death. There have been many worthy causes that Frank touched through the years including the Help for Brain Injured Children, Los Ayudantes, Huntington Disease of Los Angeles, the Speech & Language Development Center, All the Arts for All the Kids and the Presbyterian Intercommunity Hospital where he has served as Chairman of the Foundation Board of Directors since 1986. Friends and family are fond of saying "They broke the mold when they built Frank Scott He's only had one job, one secretary and one wife!"

Frank was a member of Alta Vista Country Club and Hacienda Golf Club where he was the former senior champion. He loved the finer things in life. On any given day he could be found drinking a glass of scotch with a Cuban cigar after enjoying a piece of aged Wisconsin cheddar cheese. Memories of Frank will remain with a multitude of friends, his family and the countless lives he has touched.

WWCCA Committees meet

The economic downturn continues, with some sparks of life on the horizon that work could start picking back up, many of the WWCCA committees responsible for the Labor negotiations are meeting with our various Labor partners. While none of the Agreements are up for re-negotiation, it does not mean we sit idly by and wait until the next Collective Bargain Agreement expires. The committees request, and are granted meetings to discuss upcoming increases, as we have been doing over the last few years. It should be noted that all four Labor groups have made concessions to agreed increases, and for this we are appreciative. We are all in this together.

We will be meeting again with the various crafts over the scheduled increases in all our markets from Los Angeles, San Diego, Nevada and Arizona. Your committees understand it is imperative that signatory contractors remain as competitive as possible in this very tight market. The contractors that represent you are concerned about losing certain segments of the market, namely Tenant Improvement projects and light commercial work. A WWCCA contractor may have said it best at a recent committee meeting " I am making the tough and smart decisions in these trying times, unfortunately they are all six months too late".

His comment is relevant in an industry that has as much volatility and change as we are experiencing in our current market. Times will likely continue to be tough, and we will continue to try to make those tough decisions in as timely a matter as possible. Your committees are doing everything within their power, even thinking outside the box, in the effort to not lose more signatory contractor market share. We know our contractors believe in fair wages, good benefits and a well trained work force with safe working conditions. If you have any items, data or comments to the various committees, feel free to contact Mark Fowler at the WWCCA office or by e-mail at Mark@wwcca.org



Get Ready



to Tee off

MONDAY

June 27, 2011

Hacienda Golf Club

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La Habra Heights, CA 90631

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Vero Celebrates



vero

Vero Celebrates 10 Years in Business in June.

Vero is the proud distributor of authentic Italian limestone and resin based plaster finishes for interior and exterior wall surfaces.

Vero has come a long way since June of

2001. Their products have graced projects big and small, from casinos in Las Vegas, to

custom homes along the California coast, to one of the

most prestigious projects in the world, The Pelican Hill Resort in Newport Coast. Vero products also include a 0 VOC

soapstone sealer, along with their newest wallcovering, US

CottonWall. All natural, bio-based, cotton plaster products

with acoustical properties making any room warm, quiet,

and cozy. Vero is pleased to offer applicator classes for both

plaster products. Feel free to call their Orange studio for

further questions at 714.637.7341 or visit their website at

www.vero-rialto.com.

37TH ANNUAL DESERT GOLF TOURNAMENT

The always anticipated WWCCA desert golf tournament was another success for 2011. The weather was warm and the atmosphere friendly yet competitive. Desert Willow again provided a test of golf with scenic vistas of the desert and surrounding mountains. The JW Marriott Desert Springs provided accommodations with a sense of style and class. Everyone had a great time seeing old friends and making new ones. Congratulations to the winners, Jeff Wine, the Tournament Director, announced the winners on Saturday night in the conventional hall of the Desert Springs Resort. The two-day tournament had it all, including a hole-in-one.



Closest to the pin

(Friday) Bill Hunt- Hole in one
 (Saturday) Jeff Young - 12 inches

Total for two Days

Men's Low Gross

1 st Place	Bob Campbell	(158)
2 nd Place	Jeff Young	(160)
3 rd Place	Lee Augustine	(164)

Ladies Calloway Division

1 st Place	Marlene Fowler	(153)
2 nd Place	Lisa McDonald	(155)

Men's Calloway Division

1 st Place	Roger Graybeal	(140)
2 nd Place	Jerry Pappa	(145)
3 rd Place (tie)	Richard Crook/David Kaiser	(146)

Men's Low Net

1 st Place (tie)	Craig St.John/Mike Case	(141)
3 rd Place (tie)	Rod Schrader/Scott Young	(143)

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 KHS&S
 So. CA Drywall Finishers

Congratulations to all the winners and due to popular demand, next year we return to Desert Willow on April 27 and the 28th for the 2012 WWCCA golf event

Labors' Final Stand: Hearts and Minds of America

This week in California, considered the bluest of the blue states, polls indicated that over 40% of people favored restricting or eliminating collective bargaining for public sector employees. Now first, the concept of collective bargaining is more a stated right than most of the population could ever imagine. It has shaped the national conscience and provided the economic backbone for the middle class. But I bet that the people polled likely had no idea what collective bargaining even was just two months ago. Now the national discussion is just about money, cost and the perception of entitlement. The powerful forces pressing this message are winning over the moderates in this country who are buying into the dated and stereotypical images of unions and union members. The events of the last three months must be the call for labor to tell its story of value and humanity in a compelling manner. This is labor's last stand; Winning the Hearts and Minds of America.

No less than a dozen states right now have legislation to restrict or eliminate prevailing wages or promote right-to-work.

Many cities that our union contractors bid to in California are now eliminating prevailing wage from the bidspecs; several cities have now (ABC driven) legislatively prohibited PLAs. Even worse is the fact that the public really doesn't have a clue as to the underlying conditions or economic framework of union construction. Here we have guys working maybe 9 or 10 months a year. Families often on the edge of qualifying for their benefits. And yet the opposition only cites the excessive wage and fringe package and the comparative analysis against the non union costs. We need to tell our story better and tell it now. Contractors have to understand how their relationship with their union has either a positive or negative impact on their ability to bid to various clients. And we cannot allow inaccurate or tainted views to dictate business decisions. I can give a recent personal example.

A very large contracting firm retained me to do a keynote speech for their leadership program. A short interval prior to the program I received a panicky call from a senior VP letting me know they were cancelling. Upon further inquiry I discovered that the CEO felt I had too close of ties to organized labor and would therefore not be credible. If the quality of ideas cannot overcome the negativity of perception, we are in more trouble than we think.

As to the ongoing debate nationally about unions and public vs. private sector, I have angered some people for even bringing up the potential differences in challenges for public vs. private. I totally agree that solidarity is a powerful tool in labor which many died in this country to achieve, not for themselves, but for others and future generations. In fair-

ness to their views, I guess maybe my frame of reference could be too narrow by just looking at union construction. But every week, 30-40% of the guys I talk to are out of work, some up to a year on the bench. I grew up in a very difficult financial situation myself. I know exactly how it feels. These guys can't wait for some national debate to solve their issues; no one is protesting for them; they just need to be working now. And non-union workers are most often doing their work. This is a really different set of problems than the issues that public sector union members are facing. Both are critical, but the solutions and strategies and timelines are very different. One common solution though is to tell a powerful story through the media. On one hand, if labor collectively goes for the "Heart and Minds" campaign (in addition to the usual political efforts) there will be many more resources and people to push it. Perhaps "Union Yes" has worn out its cycle. Might I suggest "Union Value", showing who the union movement really is; just people. This is the alternative. Let's remind people that you can get more when you pay more. Despite already having worked on campaigns like this for a decade, many construction unions are still on the edge of survival. New York City is now less than 50% union. Most areas across the nation are over 80% non-union. These are do or die issues: How can, if at all, the public sector unions help them in return if they lend their time, voice and money? Can that solidarity run both ways and provide help to union construction?

Today my picture showed up in the [New York Times](#), speaking at a recent program. I've come a long way from the days of doing dozens of pro bono programs for like 20 guys when no one cared or listened. The article described the challenges facing the tens of thousands of NYC contractors and union members, the same damn challenges that I have been talking about in Alberta, Seattle, Georgia, L.A. Denver, Boston, Vegas, Oklahoma and the rest of this country and Canada. If we could only, for once, get ahead of the curve. But what I remember most about that NY presentation was the new apprentices sitting down in front – enthusiastic, curious and cynical – and I felt like the old man shouting into the wind, part of the message lost because it is still unpopular or not compelling enough. Union construction is worth saving. Those apprentices should not be working at Home Depot in ten years because we blew it. No, it is going to be about tapping the "Hearts and Minds" of the many. Of the public. Of legislators. Of business leaders. Of the union leaders. Of the union contractors, and most of all, of the guys waiting for their opportunity to do the work and take care of their families. The time to tell our value story is now.

By Mark Breslin
Breslin Strategies, Inc.
www.breslin.biz

Outside the Fight

In Arizona there is work, not like it was, but there is work. Any big job that comes out is fed upon like piranhas, very sharp teeth nibbling, eroding, and attacking until there's nothing left. Suffice it to say, Arizona is in the midst of a very serious bidding war for the meager amount of available work, that type of work which we all know and have done for years.

Because I think and view situations from a different perspective, I have always looked at the "other" in any given situation. For example; in my young adult years I would be at a concert or large event at a bar where invariably a fight would break out. Everyone rushed to the site of the scuffle to see the match. I too would go but instead would watch the crowd. That is where all the real action was happening. The fight was predictable, guy punches guy in face, guy throws other guy in head lock, punch, kick, blood. But in the crowd you could see the emotions of bystanders throwing air punches as if they were in the fight, or guys slinging beer into the crowd, or as once happened, money falling out of someone's pocket (yeah I picked it up). The crowd is what I enjoyed watching. To me that was where the entertainment was. The comparison here is that we get so caught up in the same old routine that we don't take the time to look around and find other opportunities within the same scenario. Like most of the population, our efforts are geared to seek what we know or are familiar and comfortable with. Square peg, square hole, good fit, comfortable.

So here we are today with a less than desirable economy, contractors bidding at stupid prices and grave concern as to when the economic good times will return. Some even choosing to hibernate and wait out the economic storm. I have some news; there will be no return and in fact, this is the economy.

By Albert Carrillo
Arizona Manager,
WWCCA



Many seasoned contractors have had to cut back and sharpen their teeth to get work. Gone are the familiarities and comforts of contracting. Ouch! So you're probably asking; "Albert what is the point, you're stating the obvious". My point is that you may want to consider watching the crowd, instead of watching the fight.

I recently attended the World Workplace Expo kick-off social event. This is the International Facility Management Association (IFMA), national expo held in different cities each year. In speaking with some of these facilities managers I learned that they have a lot of TI work scheduled. Instead of building new buildings, these managers are converting their old outdated buildings to energy efficient functional structures. Some are also sprucing up their structures with new high tech wall coatings, high performance floor coatings etc. When I asked them how they got contractors they said that they sometimes hired a GC and they would pick the subs. Others tried to hire in-house employees to do the work, sort of an in-house maintenance crew with varied talents. Prodding further I asked them if they had ever considered hiring a trained contractor whose employees had graduated from a state accredited program or were currently in a structured construction training class. One asked, "Oh like Company X? No way could we afford a big company like that! They wouldn't be interested in our stuff." The thing is, the facilities manager's scope of work is very large and once a contractor is in they usually stay with the go-to guy. There is a lot of this type of work available right now.

During the social event I had a conversation with the President of IFMA Phoenix Chapter, who owns a construction lead generating service called LMI360. He has taken the old standard of job lead service and morphed it into a comprehensive marketing tool for contractors. He only picks a few contractors to work for and does not dilute his services by taking on too many customers. He has a very effective and fresh approach in helping contractors look beyond their familiar comfort zone. He utilizes new technology and has adopted the Sales 2.0 approach to business. He explained that most contractors are very good at their craft but not so good at advertising their craft. He went on to say that most become pigeon holed into the same old construction type and fail to seek other profitable avenues. He is basing his business model on watching the crowd instead of the fight.

You may have read my previous bulletin articles about the new sustainable construction field which is growing at a rapid rate, and how I think it is a new business avenue for your consideration. Or how doing the same old bidding practices for the fewer available jobs, may only get you a job at less than desirable profit margins. As I meet these "others" I learn that there is a whole other world of construction out there. Some very new practices, some not quite understood, some never considered. Your Labor partners have said that they would create classes for any new or specialty construction practices. Having your workforce properly trained and ready to go may provide you with the needed edge in the new construction/economic environment. It's all right there, in the crowd.

Weather Protection for Exterior Walls *Understanding the Minimum Requirements*

Plastering contractors have been building exterior plaster walls for well over a century. In the modern era, the earliest uses of portland cement-based plaster on the exterior walls had wood lath nailed to dimensional lumber, with no water-resistive barrier. This type of cladding was used all over California's diverse climate, but was largely limited to residential or other similar framed wood structures with roof lines that provided an overhang to shed water away from the exterior wall. From first-hand accounts of contractors who lived in homes clad in this fashion, leaking was not a concern.

When commercial buildings began using stucco, lath became popular and backing (felt) was used to control the amount of plaster that flowed through the lath into the stud cavity. Somewhere along the way, builders figured out that the felt was an effective way to divert the moisture (rain) from behind the plaster out to the face of the wall. Since commercial buildings were growing in height, and were now built with flat roofs and parapets, several floors of rain load needed to be accounted for as water cascaded off several stories of stucco.

Advancements in water-resistive barriers brought on by necessity and improvements in manufacturing around the time of the baby boomers provided the construction industry with its first glimpse of asphalt saturated felt weather barriers for exterior walls. These were popular for about 20 years but were replaced by asphalt saturated kraft weather barriers which performed much better in plaster assemblies.

The minimum requirements for exterior walls are prescribed in Chapter 14 of the IBC/CBC. There are similarities between the current "I" language and the old "UBC" language. But the IBC language leaves much to be considered and interpreted. This article will seek to explain the basic intent of the code. In addition, my research included an interpretation of the current chapter 14 from ICC.

Current Code Terminology

Exterior Wall Covering.

A material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a weather-resisting barrier, insulation or for aesthetics, including but not limited to, veneers, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, facias, gutters and leaders.

Exterior Wall Envelope.

A system or assembly of exterior wall components, including exterior wall finish material, that provides protection of the building structural members, including framing and sheathing materials, and conditioned interior space, from the detrimental effects of the exterior environment.

While we apply plaster over lath to provide the exterior wall covering, most plastering contracts include the lathing, and water protection components of the exterior wall envelope. There are two broad categories used to describe the exterior wall assemblies we construct: barrier walls and water managed walls. While some assemblies may have characteristics of both a barrier and a drainage wall, for the purpose of this paper, I'll classify the two distinctly.

Barrier Walls

These are assemblies or systems whereby the mechanism that prevents moisture intrusion is blocking the water at the surface of the wall. The most common barrier system in our industry is EIFS. While EIFS now have a secondary drainage plane, the principal design function is to stop water at the exposed surface.

Water Managed Walls

These assemblies rely on a weather resistive barrier beneath the exterior wall covering that controls and discharges anticipated and accepted amounts of water that gets past the exterior surface.



Weather Resistive Barrier or Water-Resistive Barrier The weather-resistive barrier was used in the UBC to describe the mechanism required to protect the interior wall covering. In the “I” codes, it became more of a collective assembly of components, which include the water-resistive

barrier, which is defined as a material behind an exterior wall covering that is intended to resist liquid water that has penetrated behind the exterior covering from further intruding into the exterior wall assembly.

Section 1403 of the IBC/CBC defines the performance requirements of exterior walls. This section applies to the exterior wall, wall covering and the components thereof.

It is in section 1403.2 where the code requires that the exterior wall provide the building with a weather-resistant exterior wall envelope. As defined earlier, the exterior wall envelope is simply a system or an assembly of components that keep the interior protected from the outside elements. As a rule of thumb, a system is proprietary, like EIFS and an assembly is made from independent components. For example, conventional plaster is an assembly – paper, lath, cement, lime, sand and finish.

Section 1403.2 requires the exterior envelope to include flashing and a design & installation that prevents water from accumulating within the wall cavity by discharging it out of the exterior wall covering and back out to the exterior. This section only addresses bulk water; condensation is addressed in the energy code Title 24.

As referenced in section 1403.2, flashing, as described in section 1405.3, must be provided and function as described below:

Flashing shall be installed in such a manner so as to prevent moisture from entering the wall or to redirect it to the exterior. Flashing shall be installed at the perimeters of exterior door and window assemblies, penetrations and terminations of exterior wall assemblies, exterior wall intersections with roofs, chimneys, porches, decks, balconies and similar projections and at built-in gutters and similar locations where moisture could enter the wall. Flashing with projecting flanges shall be installed on both sides and the ends of copings, under sills and continuously above projecting trim.

The IBC/CBC provides two exceptions where the requirements of 1403.2 do not have to be met exactly as prescribed, specifically a water-resistive barrier and flashing. The first is over concrete or masonry, and the second is when your system or assembly passes an ASTM E 331 water test.

In accordance with a recent interpretation ruling handed down by the ICC, the water testing requirements from ASTM E 331 are only a required function of the code when the assembly or system do not include paper and flashing and perform as prescribed.

In the literal sense, the traditional exterior wall covering with plaster meets the requirements of section 1403.2. It provides the exterior envelope by incorporating a protective cladding over a water-resistant barrier. Horizontal trims, such as weeping control/expansion joints, soffit drips, foundation weep screeds, and even casing beads all provide a method for discharging water. However, it only takes a few misplaced components to shut down the process. For instance, water that finds a way past the plaster cladding to the water-resistive barrier (WRB) or building paper, should not present a problem as long as it follows the paper to a flashing that kicks it back out. Along the way, however, it is likely to meet many obstacles. Whenever there is an obstruction that blocks the gravitational flow of water along the WRB, that flow of water will first go horizontally or sideways, and then go upward. This is where the literal sense falls to the practical sense and it is highly likely water will find a way into the interior, breaching the performance requirements of section 1403.2. This is usually the point in the project where a water consultant is called in to try and replicate the leaks.

By understanding that water needs to be allowed to move from top to bottom and then out of the building, the applicator of the WRB is the most important aspect of building a functioning system. His job is not only to install per plans and spec’s and comply with the code and reference standards, but also to know how and when to ask the question when something looks wrong.

**By Michael Logue—Director
Technical Services Information Bureau**

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U.S. Supreme Court Rejects California Law, Holds Class Action Waivers in Arbitration Agreements to be Enforceable

California employers may have been given a significant legal victory recently as the United States Supreme Court ended California's judicial prohibition of class action waivers in arbitration agreements.

California's Supreme Court had previously conditioned enforceability of arbitration agreements on the availability of class action procedures in arbitration, and California's trial and appellate courts had generally refused to enforce arbitration agreements that expressly disallowed class action procedures in arbitration. In *AT&T Mobility LLC v. Concepcion*, however, the Supreme Court determined that the Federal Arbitration Act ("FAA") prohibits such conditional enforceability and instead requires all courts to enforce arbitration agreements according to their terms, even if those terms prohibit class proceedings in arbitration.

The Concepcion Court addressed defendant AT&T Mobility's motion to compel arbitration under a cell phone contract requiring arbitration to be pursued on an individual basis, not as a representative of a class of thousands of similar customers. In doing so, it comprehensively analyzed the 2005 decision of the California Supreme Court in *Discover Bank v. Superior Court*, which held that arbitration provisions precluding class-wide arbitration are unconscionable and unenforceable in "contracts of adhesion" (e.g., a "take it or leave it" consumer agreement in which the non-consumer party writes the contract to its decided advantage).

In a 5-4 ruling (split along familiar conservative versus liberal lines), Justice Scalia wrote that California's *Discover Bank* rule "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress" by interfering with the FAA's mandate. Because the FAA requires courts to enforce arbitration agreements according to their terms – just like any other contract – the *Discover Bank* rule is preempted by the FAA.

While the *Concepcion* decision applied specifically to a consumer agreement, the ruling directly calls into question California's distaste for class action waivers in employment arbitration agreements. Specifically, *Concepcion* almost certainly means that the FAA also preempts and invalidates the California Supreme Court's *Gentry v. Superior Court* decision, which held that an employment arbitration agreement containing a class action waiver was unenforceable in a wage and hour class action case if the

court determined that class-wide arbitration "would be a significantly more effective way of vindicating the rights of affected employees than individual arbitration." *Gentry*, decided in 2007, was based on the *Discover Bank* case that has now been rejected by the U.S. Supreme Court.

Hill, Farrer & Burrill LLP is currently handling an appeal that will ask a California Court of Appeal to recognize that *Concepcion* effectively overturns *Gentry* and requires enforcement of employment arbitration agreements that prohibit class arbitrations in wage and hour cases, at least in cases under the FAA.

In light of the *Concepcion* decision, employers may want to review their current arbitration policies or agreements to determine whether they currently bar class actions in arbitration, and if not, to evaluate the potential advantages of doing so. Please do not hesitate to call your attorney at Hill, Farrer & Burrill LLP if you would like assistance in the review or redrafting of your employment arbitration policies or agreements.

Article from Labor & Employment Eblast - Hill, Farrer & Burrill LLP



Frank Lloyd Wrong

Before you think the title is a mistake and it should read Frank Lloyd Wright, you may change your mind at the end of this editorial. Most people know Frank Lloyd Wright was America's most famous and greatest Architect. He designed several famous buildings, the Guggenheim, the Imperial hotel in Japan and the S.C. Johnson wax buildings are some his more famous commercial works; but it may be his residential designs that he is most known for. He designed hundreds of homes around the country and many of them are now registered landmarks. Fallingwater, a residence in Pennsylvania, may be his most famous residential work.

Why would I call him Frank Lloyd wrong? The more you know of him, the more you might agree, he was just so wrong. Frank Lloyd Wright did not think like other people, did not live like other people, but he certainly was a genius. The story of Fallingwater was example of his gift and true genius. The story goes that a wealthy Pennsylvania store owner commissioned Frank Lloyd Wright from Wisconsin to design him a truly unique home. Wright always needed the cash and quickly agreed. The owner would call the famous Architect every few months to check on design progress, Wright assured him things were progressing nicely, when in fact he had done nothing. The owner called again, slightly frustrated he had not seen a thing from the Wright architectural firm. This after Mr. Wright again assured him he was on track, the owner said "that's great to hear, because I am just leaving your local airport and should be there in less than hour".

The now panicked Wright, directed his draftsmen to stop all other work, he was giving directions to the young draftsmen as he sketched out Fallingwater in less than ten minutes. The crew quickly went to work and by the time the client arrived, a rough set of drawings was complete with floor plans and elevations. Not bad, considering that to this day Fallingwater is considered a work of genius. Procrastination was not his only failing. He had a difficult time working with his employees and clients, constantly getting into arguments and often violent altercations. Wright also had problems with marriage, he was married three times and known to have several affairs during his marriages.

A friend of mine came to visit me in Southern California; he knew very little about this part of the country and has no interest in the more typical tourist trappings of Dis-

neyland or Knott's Berry Farm. He is an AIA architect and a Frank Lloyd Wright enthusiast. With the assistance of Grant Mitchell, I learned that there were several Frank Lloyd Wright projects in Southern California and a few open to public viewing. That was his kind of vacation, so off we went.

Hollyhock house has public tours and as we started our group tour, the young guide asked if anyone was familiar with the work of Frank Lloyd Wright? As my friend raised his hand, she asked "What do you do for living sir"? After the reply of "Architect", she became visibly disappointed. She replied "I hate giving tours to Architects, you probably know more than I do". She started the tour by telling us that the owner of the home was Ms. Barnsdale and that her favorite flower was the Hollyhock. My Architect friend chimed in with "It was also Frank Lloyd Wright's favorite flower". I heard her murmur "And so it begins".

Across the valley was Ennis House. Ennis house was built in 1924 and has been used in several movies. Ennis gained movie fame in 1959 for the backdrop in the movie "House on Haunted Hill". This was just the start, Ennis house has been in dozens of movies since then, like Blade Runner, Karate Kid III, Black Rain, Predator 2, Rush Hour, The Rocketeer, Glimmer Man and many others. Ennis house has also been in countless photo shoots and television programs. While not open to the public any longer, my friend showed his particular genius and doggedness by getting us access after a short conversation with the caretaker. It was quite a treat to tour the interior of this famous home, the architecture was unmistakable and I recognized it from movies scenes. The house was nothing less than amazing.

As I thought about Frank Lloyd Wright and his innovation, distinctive style and his amazing legacy, I realized that no matter how many wrong decisions he made, he ultimately was Wright. I further think we should watch for and respect genius, not everyone thinks like we do. And while you may think they are wrong, maybe they are Wright?

By Mark Fowler
Executive Vice President
WWCCA

CALENDAR / EVENTS

June

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

2—WWCCA Membership Meeting / San Diego
 14-18—FCA Annual Coalition Meeting / Chicago
 19—Father's Day
 27—WWCCA 27th Annual Charity Golf Tournament

July

S	M	T	W	T	F	S
					1	2
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24	25	26	27	28	29	30
31						

4—Independence Day
 27—WWCCA Membership Meeting/Las Vegas

August

S	M	T	W	T	F	S
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NEW MEMBERSHIP

California Contractors

Mirage Builders, Inc.

California Affiliates

Henry Company

Simpson Strong Tie

Willis Insurance Services of California, Inc.

Trim-Tex Inc.

Arizona Contractors

Berg Drywall, LLC

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FREDERICK MEISWINKEL, INC. FRYE CONSTRUCTION INC. GIERAHL DRYWALL INC. GYPSUM ENTERPRISES, WALL & PLASTERING INC. J R CONSTRUCTION J.O. STILES, INC. JADE, INC. JOHN JORY CORP. JOHN- & FINCH KEN... INTERIORS, INC. L.K. LAUBER Co. MARTIN CORP. MATRIX WALL SYSTEMS, LAWRIE & CO. LOWERY-TOMLIN, INC. NEVELL GROUP, INC. NEVELL GROUP, INC. - SAN CONSTRUCTIO... PERFORMANCE CONTRACTING, INC. PERFORM- OC PLASTERING INC. PERFORMANCE CONTRACTING, INC. PIERCE/GYPSUM ENT. J.V. CONTRACTING, INC. ARIZONA PERLITE PLASTERING CO., INC. PIERCE/GYPSUM ENT. J.V. POOLLES CONSTRUCTION PREMIER WALL CONSTRUCTORS, INC. GEORGE M. RAYMOND RAY- INTERIOR SYSTEMS RAYMOND-SAN DIEGO, INC. RICE DRYWALL, INC. RON WILLIS LATHING RTI STRUCTION R...ORS. INC. SCHMITT CONTRACTING, INC. INTERIOR SYSTEMS SIERRA LATHING CO. SIPLING BROS., INC. SO. CAL DRYWALL CO., INC. DRYWALL SYSTEMS SIERRA LATHING CO. SIPLING BROS., INC. SO. CAL DRYWALL CO., INC. TODD F METCALF (LATH & PLASTER) TRENDEX CORP.. UNLIMITED INTERIORS VERSATILE INGS W.C. FR... S. HAYNES LATHING CO. WESTCOAST PING, INC. ACOUSTICAL MATERIAL SERVICES AHERN RENTALS ALLIED NORTH AMERICA INS. STUCCO AME... WALL SYSTEMS NVBMI PRODUCTS OF NORTHERN CA. INC. BRADY CONSTRUCTION INNOVA- BRAND X MET...ING SUPPLY INC. CEMCO CEMEX CERTAIN TEED GYPSUM LIME Co. CLARK WESTERN CLINCH-ON-CORNERBEAD CLOUTIER-LOTT ENTERPRISES COMMER- FOLDING OF CA, INC. CONTRACTORS BUILDING CUSTOM WALL BUILDERBLAZE FRAME INDUSTRIES PRODUCTS MUDMASTER AMS MATERIAL DAVIS WIRE CORP. "DESIGN SHAPES ""in"" STEEL" FRAMING,DR...HERIZATION PARTNERS, LTD DuPont TYVEK PARTNERS,LY... INC. FLANNERY, INC. FORTIFIBER FRY REGLET PRODUCTS GREAT WESTERN BUILDING MATERIALS HARDY SULFOAM ISOLATEK INTERNATIONAL J & M SERVICE, INC. J&B MATERIALS, INC. KARCHER INTERIOR SYSTEMS, INC. K- LATH LA HABRA PRODUCTS MERLEX STUCCO MOONLIGHTMOLDS, INC. MOORE STEPHENS WURTH FRAZER AND TORBET, LLP MULTIQUIP INC. MUNTERS CORPORATION NATHAN KIMMEL, CO. LLC. NATIONAL GYPSUM PABCO GYPSUM WALLBOARD PAREX LA HABRA PHILLIPS MANUFACTURING PRIDEMARK (HOLDREN INSURANCE) PUTZMEISTER, INC QUIET SOLUTION R&S SALES LLC, dba VARIANCE FINISHES RADIUS TRACK CORP. RAY-BAR GINEERING, CORP. RPW INSURANCE BROKERAGE, INC. Senco PRODUCTS SQUIRES-BELT MATERIAL CO. STOCKTON PRODUCTS STRUCTA WIRECORP. TEXSTON INDUSTRIES THOMAS DRYWALL PRODUCTS THOMPSON BLDG MTRL.,INC. TXI RIVERSIDE CEMENT ULTIMAZ CEMENT CORP UNITED METAL PRODUCTS UNITED STATES GYPSUM UNIVERSAL MATERIAL SUPPLY, INC. VEFO INC. VINYL CORP. W.R. GRACE & CO. WESTERN PAC MATERIALS WEST- PAC MATERIALS WESTSIDE BUILDING MTRLS. WESTWOOD BUILDING MATERIAL VINCENT - JONES GROUP, INC., KHS&S COLORADO, HENRY COMPANY, SIMPSON STRONG TIE, WILLIS INSURANCE SERVICES OF CALIFORNIA, INC. TRIM-TEX INC. MIRAGE BUILDERS, INC. BERG DRYWALL, LLC

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