

**Williams v. Athletic Field:**  
**Washington's Construction Gem Goes to State Supreme Court**

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The big elephant in the room gets the supreme look. That's right – [Athletic Field](#) is going to Olympia. The appellate opinion that shocked the construction law world will be getting a look by the Washington Supreme Court. The [Athletic Field opinion](#) was handed down by Washington's Division II Court of Appeals back in March 2010.

The opinion invalidated a lien filed by a corporation that had not been acknowledged (executed properly) in accordance with the corporate acknowledgment rules. The lien had been filed by a construction lien service, not the claimant or an attorney. You can [read more about the ruling on our prior blog post](#).

After the [Athletic Field](#) ruling came out, lawyers were shocked and frightened for their clients. I attended a construction law event in April, where Seattle construction law guru, [Kerry Lawrence](#), estimated that roughly 90% of the liens out there might be defective under this ruling. The recent Washington State Bar Association Construction Law Newsletter recently released its Fall 2010 editorial, complete with an *Athletic Field* article entitled "Sending Shock Waves Through the Construction Bar," written by [attorney Robert Olson](#). Apparently, I was not the only one to find the opinion startling.

Then, something interesting happened. Washington's Division I (the Division encompassing Seattle) decided to take a stab at *Athletic Field*, even when it wasn't of issue in an appeal. In [North Coast Electric Company v. Seattle Construction Services, Et Al.](#), the Division I court was able to resolve a dispute without deciding the *Athletic Field* issue. [But, they used a footnote to let everyone know that they weren't rushing to support it:](#)

*"We also question the result in Williams. ....*

*In the lien context, ... , there is a strong statutory directive that [the lien statutes] be liberally construed to provide security for all parties intended to be protected by their provisions." RCW 60.04.900. This directive clearly applies to RCW 60.04.091. ....*

*The Williams decision does not take this directive into account. Neither the signor's identity nor his authority is at issue here, only technical compliance."*

One can only guess that this counterpoint, albeit in dicta, helped push this dispute up to the Supreme Court. The high court has elected to accept review. At this point, I am unaware of whether it has been calendared. But, many will be watching.