Presidents Report

Since the last newsletter numerous items and events have occurred which I would like to share with the membership. Back in May, a sub-committee of the board was invited to attend a meeting with the Architects Registration Board (ARB) to discuss the effects of the Title Act on our chapter members. You will find the follow-up letter and an article regarding this matter on pages 13 of this AIA NEWS. On July 13th, the ARB will be making a decision on how they will set policy towards the AIA regarding the Title Act. The board will let you know the outcome as soon as we have feedback. Coming up on the 16th of July, I hope you will be floating down the River Thames with us at our Summer Party. The night will be filled with dinner, dancing and beautiful views of the city from the Thames. Tickets are going fast so please let us know if you would like to join us.

In November, we will be hosting the Professional / Student Design Charette. This year the focus will be toward a community project involving the homeless. Keep your eye out for further information coming up in the next newsletter. Our monthly educational events and social nights will continue on the third and fourth Wednesday of each month. Place these in your filofax, as we always look forward to seeing you at these events.

I trust we'll be seeing you on the 16th and you can be assured we'll be rocking the boat all night long. Steven Steimer, AIA

ARB May Clarify Practice Rules Pertaining to AIA members

When the Divisional Court of Queen's Bench decided the case of Jones v Hellard, it created a nest of problems for American architects. The case, among other issues, was taken by the ARB to restrict all uses of the word, "architect" by individuals who are not listed on the ARB’s roster of architectural practitioners. Simply put, this interpretation could mean that if American architects not registered in the UK use the initials "AIA" after their names, they are calling themselves architects and would thereby violate the ARB's interpretation of the law. Meanwhile, Canadian architects not registered in the UK who use MRAIC would not be penalised, because the initials stand for the Royal Architectural Institute of Canada. The adjective would be permitted, but not the noun.

In January, the Reciprocity Subcommittee of the Chapter's Public Policy Committee met with Andrew Finch, Chief Officer and Registrar of the ARB, and Owen Luder, ARB board member. The group hoped that the ARB would recognise important differences between the Chapter members and the facts of the recent case. They observed that:

- AIA members have been working in Britain since before the original UK registration laws were enacted in the 1930s. In the 60 years since the predecessor of section 20 of the current law was passed, there has never been a suggestion that American architects in this country could not make reference to their U.S. credentials, including AIA membership.

- the initials AIA and FAIA, unlike RIBA and FRIBA (on which the Hellard case turned), do not carry any implication of registration in the UK. In fact, they suggest the opposite, because the reference is to status as an American architect.

Most AIA members who work in the UK are employed by firms that include registered British architects; those in sole practice are dual-qualified. Thus, there should always be a licensed British architect responsible for professional services rendered to clients in the UK.

The ARB suggested that the AIA make specific proposals, and welcomed the chapter's interest to streamline UK registration applications for US architects. After consulting the National organisation of AIA, and with their support, chapter president Steve Steimer responded with the letter printed on pages 2 and 3 of this newsletter. ARB is to discuss the matter at its upcoming board meeting in July and will contact the chapter with new information when it is available.

Article by Justine Kingham AIA

Sacred Sites and Modern Bridges
Photograph courtesy of Lorraine King AIA

JULY 1999

e-mail AIA-UK@usa.net

www.aiauk.org
letter from AIA London/UK to Andrew Finch, Chief Officer of ARB  May 1999

Dear Mr. Finch,

It was a pleasure to meet with you and Mr. Luder to discuss matters relating to the regulatory status of AIA chapter members in the United Kingdom. We appreciate the constructive and friendly approach you have taken.

In the time since our meeting, we have conferred with the national headquarters of the AIA in Washington and sought the advice of leading counsel in the UK (Mr. Leolin Price CBE QC). Based on our discussions and the advice of counsel, we offer the following thoughts and suggestions.

First, I wish to re-emphasise that the American Institute of Architects shares the same goals as the ARB. A Central part of the Institute's mission is to promote high standards in the architectural profession, and the AIA has always been a strong supporter of the registration requirement in the United States. We intend to work with the ARB to clarify procedures for registration of experienced American architects in the UK, and we shall encourage our members to take advantage of those procedures.

In our meeting we identified three relevant categories of AIA members in the UK; those engaged in active practice in the UK who are registered with the ARB; those who are not registered in the UK but are employed in such activities as teaching, lecturing, writing and voluntary work; and those who are not registered in the UK but are employed in the offices of registered UK architects who supervise and take responsibility for their work.

I believe that we readily agreed that neither of the first two groups presents any difficulty under UK law. Architects who are dual-qualified are, of course, free to advertise their American and British qualifications in accordance with the standards of the profession in both countries. Likewise, the Section 20 Guidance Note issued by the ARB last year states that unregistered persons who engage in lecturing, writing and similar activities may use initials such as RIBA and Hon RIBA without contravening the law, and we understand that the same applies to persons who use the initials AIA or FAIA in notepaper and business cards.

As to the last group (persons who work in practices under the supervision of UK-registered architects), I believe we agreed that there is no prohibition against references to American qualifications (architectural degrees, U.S. registration, AIA membership, etc.) I a curriculum vitae or similar document describing a team member in a solicitation by the firm, so long as it is clear from the context that the team member does not claim to be a registered architect in the UK.

This leaves the issue of using the initials AIA or FAIA on business cards and in signing letters on the letterhead of a firm by persons who are supervised by registered British architects. We respectfully submit that this can, and should, be permitted, subject to appropriate controls to protect the public interest.

The opinion of Mr. Price, which is attached, suggests two means by which this could be accomplished. First, the ARB could issue a Guidance Note setting forth conditions under which unregistered persons could use initials such as AIA or FAIA without risking prosecution. Those conditions might include a requirement to include a statement making clear that registration in the UK is not claimed (e.g., "American architect" or "United States architect"), along the lines that have been agreed between the Law Society and a number of U.S. law firms in London. Mr. Price believes that the ARB has inherent discretion to issue guidance of this type, in the same manner that it has issued guidance permitting unregistered persons to carry on business using the initials Hon RIBA.
WHERE ARE YOU REGISTERED?
INTERESTED IN ANY PARTICULAR STATES’ NEWS?

If you would like “round-the-country” FYI on legislative efforts past, present and future, please contact Stan Bowman, AIA Government & Industry Affairs, 202 626 7406, or bowmans@aiamail.aia.org.

Such a policy would, moreover, be consistent with the statement in Mr. Justice Pill’s opinion in Jones v. Hellard that there may be words that effectively negate the implication that a person is practicing under the protected title.

The second option suggested in Mr. Price’s opinion is a regulation, issued under the Board’s general rule-making power, establishing a register of foreign architects. This could be similar to the register of EEA architects established by the Architects Act 1997. Inclusion in the register might entail proof of foreign qualifications and compliance with other conditions (e.g., that prominent reference was made in business cards, letters, etc. to the fact that the person was qualified in a foreign jurisdiction). Registered foreign architects who wished to engage in architectural practice might be required to do so under the supervision of a UK-registered architect, in the same manner that registered foreign lawyers are permitted to work in the same firms as solicitors under the rules of the Law Society. Registered foreign architects would be subject to the regulatory control of the ARB and could be required to comply with consumer-protection measures imposed on UK-registered architects (e.g., requirements for insurance).

A regulation of this type would avoid anomalous results that could flow from an unduly technical interpretation of Section 20. The rulings in Jones v Hellard and the earlier case of Jacobwicz v Wicks [1956] Crim LR 697 suggest that the use of initials is proscribed only when they include the restricted word “architect”. Thus, initials such as NCARB Cert. (certified by the National Council of Architectural Registration Boards), MRAIC (Member of the Royal Architectural Institute of Canada), as well as initials that signify the word “architect” in a foreign language (e.g., “Architekt” as in Jacobwicz), would not be proscribed. Persons who practiced under those designations would entirely escape the jurisdiction of the ARB.

It is, of course, our aim that the great majority of AIA members who remain in Britain for the long term and who wish to practice as employees of UK-registered architects will be registered by the ARB, just as we wish to facilitate registration of British architects in the United States. But even if this goal is achieved, we envisage recurring situations in which the policy outlined above will be important. For example, multinational firms must often transfer their personnel among offices to meet staffing demands for particular projects; it is clearly in the interests of the UK if they can readily transfer staff to this country, so that Britain remains the focal point of world-class, multinational architectural practice.

Similarly, prominent architects from the United States and other non-EEA countries often affiliate with British firms to carry out major projects in Britain, Europe and elsewhere in the world. Such projects may continue for years, necessitating frequent visits or even a long-term presence in this country. It would be inappropriate if there were any question about the right of distinguished foreign architects to make reference to their credentials when they wish to do business in this country (e.g., by signing letters with the initials AIA or FAIA or using their U.S. business cards). It would be equally unacceptable to turn a blind eye to the activities of prominent architects while threatening to prosecute less famous persons who practice under the supervision of UK-registered architects.

We greatly appreciate your attention to our concerns. We shall be happy to meet with you again if that would be helpful.

Yours sincerely,

Steven Steimer, AIA
President
London/UK Chapter of the American Institute of Architects
Let us know what is happening...

Letters to the Editor?
Haven’t received many as of yet… your comments and contributions are always welcome. This newsletter, in many ways, is a record of the history of our small, but international chapter. We look forward to trying to get everyone as involved as possible.

If you have any professional news or would like to let us know about competitions, commissions or current projects, contact Courtney Miller Bellairs on 0171 354 8985, 0973 722 857 or cmiller@clara.net

The AIA/UK is happy to publish your work in the newsletter… or, do a feature on your office! New members are invited to send a photo/CV for inclusion in future features on new members.

Everyone will know about it! See the adjacent article for a member contribution that is of great significance to the UK market. AIA/UK members are making contributions!

Newsletters will be available on our web site.

The new Cap-it-All scheme negotiated by Stephen Yakeley RIBA
AIA London/UK Vice President

The specialist construction law department of S J Berwin, the large and well respected firm of City solicitors, in conjunction with Abbey Legal Protection insurers, are offering a new service to the construction industry called 'Cap-it-All' which provides after-event legal insurance allied to capped, contingency-based legal fees which enables the architectural practice to limit its exposure in respect of legal fees.

For a case to qualify, the prognosis for a successful outcome must be very good, professional indemnity insurers are not involved, the proposed insured is the claimant/plaintiff and the action is for financial recovery.

It works as follows:
First the architect completes an ALP proposal form giving details of the case. Berwins assesses the case and Counsel’s opinion is sought to see what its chances of success are. For this assessment, a one-off fee of £250 is charged. The fee is non refundable if ALP do not proceed but in this case the practice at least has had the benefit of independent advice as to the merits of its claim and can use this to base a decision on whether to take action itself. Berwins also examine any possible or theoretical counterclaim and if appropriate notify professional indemnity insurers of its merits.

If Berwins think the architect has a good chance of success, whether in litigation, arbitration or adjudication under the new Construction Act provisions, then the architect will be offered cover by ALP against having to pay the other side's costs. Another purpose of this assessment is to provide PI insurers with the confidence to allow the practice to proceed with its claim without the insurers needing to take more than a watching brief. A side effect of ALP’s policy may thus be a benefit to PI insurers. The cost of this cover is approximately £3,000 for the first £15,000 of cover, £6,000 for the next £35,000 of cover and £9,000 for the next £50,000 of cover. Architects buy each stage of the cover only as they need it as the case progresses. Alternatively, ALP also offer pre-event insurance at an annual cost which is much lower. Premia depend on the practice’s annual fee income so for a practice with a fee income of under £1m and cover of £50,000 (aggregate £300,000), the premium is about £750 per year.

Berwins bill the architect only 20% of their normal fee, paid monthly as the case progresses. If the architect wins, then this proportion plus the balance of Berwin’s fees are paid on an indemnity basis by the other side. Berwins also charge a success fee, ranging from 50% to 100%, of their normal fee, paid only if the practice wins its case. Currently this success fee is paid out of the award. However one of Lord Irvine’s new legal reforms is that the success fee and the insurance premium will be paid by the unsuccessful defendant. This is scheduled to come into effect later this year with the enactment of the Access to Justice Bill 1998 expected this summer.

In the past, recalcitrant payers have relied on the difficulties facing small practices in bringing a case against them to evade paying fees rightly due. Now architects will be in a far better position to take effective action. Their position will be vastly strengthened in early negotiations as the client will be faced by an architect far less burdened with costs and risk and with the likely prospect of the client pay
ing not only the sums due but also his own legal costs, the architect's indemnified legal costs plus the success fee, the architect's additional time in chasing the sums due and the insurance premium. The fact that the architect's solicitors are risking most of their fee on a successful outcome in itself will indicate to the client the likelihood of his losing and serve as a strong incentive for him to settle.

It is hoped that many more such cases will now be settled early on terms very much more favourable to the architect than before.

Stephen Yakeley has provided this summary of his work for the AIA/UK NEWS. He would be happy to talk to anyone with a bad debt problem.

References
'New Policy Will Cover Legal Costs' Building Design 27 November 1998
'Keep it Covered' Dominic Helps Building 12 February 1999
'When Sleep is at a Premium' Tony Bingham Building 19 February 1999
Clampdown on Bad Debts' Building Design 18 June 1999
'After the Event Insurance' RIBA Journal July 1999

Contacts
Stephen Yakeley RIBA, 0171 609 9846
Nicholas Carnell, S J Berwin & Co, solicitors, 222 Gray's Inn Road, London, WC1X 8HB; telephone 0171 533 2222, fax 0171 533 2000.

CPD / CES Get it!

Paris, Vienna, Provence, Venice ... CES credits are popping up everywhere. Locating potential CES programs as well as gathering general information regarding the Continuing Education System is possible on the AIA website www.aiaonline.com.

Follow below to navigate your way through the site to Continuing Education information:
Go to www.aiaonline.com
Click Professional Information
Click e-Architect
Click Continuing Ed (on the left-hand side of the page).

Here you can find answers to the most commonly asked questions, check your transcript, find a helpful list of suggested ways to earn your 36 Learning Units, get credits on-line, and even search for CES Programs worldwide.

"Learned Anything Lately"? You can fill in a Self-Report Form and earn credits. The requirements and forms are located under "CES Forms".

To locate CES programs world wide: while in the Continuing Ed page click "CES Programs" (at the left-hand side of the page), under "Area" select "Outside the US" and click "search".

Of course AIA London will continue to bring you quality CES events but now you have more choice, more flexibility and more of the world at your fingertips.

For further information please contact Jennifer Kynor at jennifer_kynor@gensler.com or Morgan Whitehead at mwhitehead@lon.rkl.com.
Convention Report
On the 5-7th of May, the city of Dallas hosted the 1999 American Institute of Architects National Convention. I was honoured to act as the delegate for the business caucuses this year and as it was my first national convention it was fascinating to see how the wheels of the Institute turn.
As many of you already know, Anderson was voted as the president elect for the year 2000. There are two key issues that he brought to the regional caucuses that convinced me to give him our support in the elections in Texas. When questioned, "How will you guide the Institute toward success in a continually increasing global market?" he stated he would persist to give his firm support to the international chapters to ensure that the market demand was met.
The second issue, which will also effect our chapter significantly, is the

HOLIDAY
If you are thinking of taking a holiday this year, you might consider earning CEU’s at the same time. One chapter member has recently chalked up 50 units while enjoying AIA sanctioned events.

A trip to Istanbul for the AIA Continental Chapter Conference earned points simply to attend history lectures, visit local sights and discuss AIA business in the company of other AIA members. A boat trip up the Bosphorus offered a chance to witness first hand the destructive urban sprawl now enveloping the city and led to discussion on the location of the next Bosphorus crossing. The local AIA representative favours a floating bridge and might be able to sway the local politicians in this direction. Find out more at the September conference in Vienna.

A trip to Washington for a World Bank Conference on Historic Cities and Sacred Cities earned points attending lectures and discussions this time with specialist professionals from around the world. The projects presented ranged from success in the regeneration of Bangkok to problems in St Petersburg and included presentations from everywhere in between. Tourism offers one antidote to urban decline - witness Bilbao - but what other justifications are there for preservation? More importantly, how can Bank officials calculate the intrinsic value of an early mosque or ancient monument in their economic forecasts. Look for details of future conferences in your AIA mailings.

You might also consider self-reporting your own next holiday using the information on page 5. The night club culture of Ibiza? Capability Brown and the perfect golf course? The possibilities seem endless.

We are still Recruiting!
AIA London/UK Executive Secretary

The Chapter is looking for an part-time Executive Secretary. Contributions/responsibilities include: Membership Services, Promotional Activities, Bookkeeping, Event Organisation, Administrative Tasks, Office Management, and Maintenance of AIA Files and Archives. This position is crucial for the AIA London/UK Chapter to grow as an organisation.

For more information on the position of Executive Secretary please contact Lorraine King at lorrainekeing@msn.com lorrainekeing@eandre.com (0171) 592 9562

Pub Night and Building Tour
Number 1 Poultry

The increasingly popular Pub Nights took on a new twist in May when AIA London/UK Chapter Members and guests toured the recently completed Number 1 Poultry building in the City. Andrew Pryke, from Michael Wilford and Partners, lead the tour which included a top-down walk from the roof garden, through typical floors, and then down the grand entrance stairs eventually concluding in the lower concourse level.

Andrew had worked on the project for over ten years, from the initial concept design by James Stirling through completion of construction. As such, he was able to give a complete history of development proposals and planning restrictions for the site that began with a Mies van der Rohe designed tower through to the Stirling/Wilford scheme. Also described in detail were the numerous planning require-
promised to endeavour to make all chapters staffed. In his home state of Colorado, Anderson was able to achieve this by allowing each chapter aid from the staff of the state component. The year 2001 will put forward many challenges. With the commitment and leadership of Anderson, I trust we will have continued National support for the success of the London Chapter.

Steven Steimer AIA

AIA/UK Charette 6 Nov 99
Students/Professionals Exploring In Betweenness in the City

There has always existed a transient population in the city - a population that is caught "in-between" - call them street urchins, the homeless, the marginalised or the disenfranchised. This population uses the whole of the city as its habitat. The habitat may not be a fixed location nor is it identifiable - often involving re-interpretation of how any existing space is used. This sense of "in-betweeness" experienced by people is reflected onto the spaces they chose to occupy and how these spaces are used.

This year’s Student / Professional Design Charette will focus on the issue of homelessness in the city. A Charette is an intense and highly charged event given to exploring new ideas to a given problem through participation and collaboration of ideas. The AIA aims to heighten further awareness towards the difficulties faced by this population, through a design exploration. The aim is also to collaborate with several Private organisations which deal with this issue daily - hence giving the event an immediate reference. The intention is to encourage involvement from students and professionals of various disciplines - architecture, landscape architecture, urban design, painters and sculptors etc.

The Millenium is approaching and this still remains 'The Big Issue'. The charette will be held on Saturday Nov 6, 1999. A venue will be announced in the upcoming issues of AIANEWS. If you wish to participate in the charette please contact Yasin Visram Koetter, Kim & Associates (UK) yvisram@mail.kka.co.uk

A View Through Time... The glass clock face at Number 1 Poultry affords a view to the Royal Exchange, Bank of England and the Mansion House

AIA/UK

AIA/UKNEWS
September news submission deadline 15 August 1999

The AIA / UK Newsletter
The Newsletter is published every two months by the AIA/UK
Benjamin Franklin House
36 Craven Street
London WC2N 5NG

The Newsletter is a service provided by AIA members in the UK to the profession, the public, and anyone interested in the activities of design professionals.

Notes to the editor, suggestions, criticism, encouragement etc. are welcome. Submissions may be sent to cmiller@clare.net or posted to "News" at the above address. Typed, double-spaced material and images intended for publication must reach the editor by the deadline date listed on this page. Appropriate submissions are edited and published as space and time permit and at the discretion of the AIA London/UK Board of Directors.

Steven Steimer AIA President
Stephen Yakeley AIA Vice President
Craig Colclasure AIA Vice President
Timothy Gale AIA Secretary
Lorraine King AIA Treasurer

Courtney Miller Bellairs Assoc. AIA Editor

617 951 1433 x232 submissions due by 24 August no geographical restrictions
AIA/UK NEWS

Number 29

Newsletter for The First International Chapter of The American Institute of Architects

AIA/UK
TEL/FAX
0207 930 9124
This location has forwarding capabilities but is not staffed full-time.

e-mail AIA-UK@usa.net
www.aiauk.org

Happy Holidays Summer 1999
Photograph courtesy of
Lorraine King AIA

AIA/UK
C/o Benjamin Franklin
House
36 Craven Street
London
WC2 5NG

AIA/UK is generously sponsored by the following organisations. Thank you Otis, Herman Miller and Call Print for your support.

OTIS

Call Print

July 1999
The First International Chapter of The American Institute of Architects