Construction Law for Design Professionals, Construction Managers, and Other Industry Professionals Syllabus

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**General Information**

This syllabus provides basic information about class requirements, policies, grading, and the main reading assignments. This information remains subject to clarification and variation in my discretion based on developments as the term progresses.

Course description

This course begins with a general introduction to the U.S. legal system, forms of business organizations, and common employment relationships. Next, it provides an overview of legal concepts, rules, practices, procedures, and remedies most relevant to the design professions and the construction industry. Coverage includes: principles of contract and tort law as applied to design and construction services; liability for negligence and professional malpractice; governmental regulation of design services and the construction process; legal relationships among construction industry participants; alternative project delivery systems for both the private and public segments of the industry; and legal aspects of project bidding and proposal practices, and of pricing, scheduling, and payment arrangements. The course concludes with a focus on contractual risk allocation and risk shifting devices, including insurance and surety bonds, and on common legal claims, disputes, and alternative dispute resolution processes. The course highlights risk assessment and management from the perspectives of different participants in a construction project.

Learning Objectives.

Primary learning objectives for this course include: appreciating how different perspectives of distinct project participants affect legal risk management; understanding basic contract law concepts and how construction industry contracts allocate project risks (scope of work, quality, pricing, scheduling, changes, project administration, and claims); exploring key tort law concepts, such as negligence, professional liability, products liability and related tort topics; recognizing the range of legal remedies available in litigation; appreciating the roles that indemnities, insurance and surety bonds play in the industry; exploring the main legal and regulatory distinctions between private and public projects; recognizing basic concepts of government regulation affecting the construction industry; identifying the characteristics of alternative dispute resolution processes; and understanding when industry participants should seek legal advice.

**Required Textbook**

The required textbook is *Construction Law for Design Professionals, Construction Managers, and Contractors* (Cengage Learning, 2015) by Justin Sweet, Marc M. Schneier, & Blake Wentz, which is available as an e-book.

**Grading**

Grading will be based on quizzes and short essay assignments throughout the term (50%), a midterm exam (20%); and a final project (30%).

**[Add relevant details based on institutional policies or instructor practices, such as grading standards, attendance and participation requirements, inclement weather arrangements, accommodations, office hours, instructor contact details, artificial intelligence policies, and the use of an online course management system.]**

**Topics Covered and Reading Assignments from the textbook**

Week 1: Ch. 1 (American Legal System); Ch. 2 (Forms of Business Association and Employment)

Week 2: Ch. 3 (Contracts From Formation to Breach); Ch 4 (Remedies for Contract Breach: Focus on Construction Disputes)

Week 3: Ch. 5 (Torts: Legal Relations Not Arising from Contract); Ch 6 (Regulation of Land and the Construction Process)

Week 4: Ch. 7 (The Project Participants: Focus on the Owner, Prime Contractor, and Construction Manager); Ch. 8 (Licensing of the Design Professional, Contractor, and Construction Manager)

Week 5: Ch. 9 (The Design Professional-Client Relationship); Ch. 10 (Professional Design Services: The Sensitive Client Issues and Copyright)

Week 6: Ch. 11 (Design Professional Liability); Ch. 12 (Defenses to Claims of Design Professional Liability); Ch. 13 (Ethics)

Week 7: Ch. 14 (Project Organization, Pricing, and Delivery Methods); Ch. 15 (Public Contracts)

Week 8: Ch. 16 (Performance Disputes Overview: Claims and Defenses to Liability for the Owner and Prime Contractor); Ch. 17 (Contractor Payment and Project Completion)

Week 9: Ch. 18 (Changes: Complex Construction Centerpiece); Ch. 19 (Subsurface Problems; Predictable Uncertainty)

Week 10: Ch. 20 (Time: Project Scheduling and Delay Claims); Ch. 21 (The Subcontracting Process: An “Achilles Heel”)

Week 11: Ch. 22 (Terminating a Construction Contract: Sometimes Necessary but Always Costly)

Week 12: Ch. 23 (Apportioning or Shifting Losses: Contribution and Indemnity); Ch. 24 (Insurance)

Week 13: Ch 25 (Surety Bonds: Backstopping Contractors)

Week 14: Ch 26 (Claims and Disputes: Emphasis on Arbitration)

**[As appropriate, add a schedule of quizzes and graded assignments or incorporate them into the weekly reading list.]**