Construction Law

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**NOTE: This syllabus is designed for a traditional three-credit, lecture and discussion course The reading assignments are from the American Bar Association Forum on Construction Law textbook, Construction Law(2d ed. 2019).**

**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.

Learning Objectives. When you have completed this course, you should be to:

* Articulate the most common issues, rules, and principles applicable to legal relationships in the construction industry.
* Identify and discuss (both orally and in clear and precise writing) fundamental issues that lawyers face when their clients engage in common construction industry transactions or become involved in common construction industry disputes;
* Explore (both orally and in clear and precise writing) alternative analyses of recurring issues that arise in the construction industry; and
* Effectively use the technical language of construction lawyers.

**Required Text and recommended supplemental resources**

The required text is Construction Law (Carol J. Patterson, et al. eds., 2d ed., 2019), which is the work product of the ABA’s Forum on Construction Law. The ABA Forum is the largest professional organization of the construction bar in the United States.

Supplemental resources. A comprehensive and practical resource available on Westlaw is Philip L. Bruner & Patrick J. O’Connor, Jr., Bruner and O’Connor on Construction Law. A similar treatise available on Lexis is Steven G. M. Stein, Construction Law. Westlaw and Lexis regularly update these multi-volume treatises. The best sources for current practice articles are the ABA Forum on Construction Law’s journal, The Construction Lawyer, and the American College of Construction Lawyers Journal, both of which you can access on Westlaw.

**Grading**

Grading will be based on (1) class attendance and participation in class discussions, (2) periodic quizzes (scheduled and announced in advance), and (3) a comprehensive final exam.

**Outside Preparation**

In accordance with ABA requirements and law school policy, the structure of this course anticipates that for every hour of scheduled class time you should spend an average of at least 2 hours outside of class reading, reviewing, studying, or otherwise engaging with course materials and assignments.

**[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 Main Reading Assignments**

Week 1: Historical Perspective (Chapter 1); Participants in the Design and Construction Process (Chapter 2); and review syllabus and course requirements and policies.

Week 2: The Owner’s Role (Chapter 3); and Project Delivery Systems (Chapter 4).

Week 3: Contracting for Construction Projects (Chapter 5); and The Design Team’s Role and Contracts (Chapter 6).

Week 4: Architect’s Contract Administration (Chapter 7); Contractor Selection (Chapter 8); and Public Construction Contracting (Chapter 23).

Week 5: Pricing Construction Contracts (Chapter 9); and Subcontractors and Suppliers (Chapter 10).

Week 6: Contract Time and Completion (Chapter 11); and Payment (Chapter 12).

Week 7: Construction Safety (Chapter 13); and Changes (Chapter 14).

Week 8: Differing Site Conditions (Chapter 15); and Termination of Contract (Chapters 16).

Week 9: Mechanic’s Liens (Chapter 17); and Insurance and Bonds (Chapter 18).

Week 10: Dispute Resolution Processes (Chapter 19)

Week 11: Defective Construction (Chapter 20).

Week 12: Economic Loss Rule (Chapter 21).

Week 13: Damages (Chapter 22).

Week 14: Technological Advances in Construction (Chapter 24).