

## CVEN 5246 – Legal Aspects of Construction - Spring 2014

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Text: Legal Aspect of Architecture, Engineering and the Construction Process, 9th Ed.  
Justin Sweet/Marc Schneier  
Class Format: Lecture, Discussion and Problems

### Grading

One hour mid-term examination	25%
Problems and written assignments	25%
Final comprehensive examination	40%
<u>Class participation and citizenship</u>	<u>10%</u>
	100%

### Course Objectives:

- 1- Acquaint the student with the basic concepts of the law as it applies to engineering and construction.
- 2- Develop an appreciation for the finer points of construction contract and tort law.
- 3- Gain a familiarity with standard contract language and dispute resolution procedures.
- 4- Practice evaluating cases and real-world disputes.
- 5- Develop an increased ability to identify potential legal issues and properly respond in writing.

### Course Summary:

Anyone who is planning a career in construction, design, project management or real estate should be familiar with construction law. Construction is perhaps the most litigious industry in the country and virtually everyone working in construction will sooner or later become involved in a legal dispute. This course will not turn you into a lawyer, but it should provide you will enough knowledge to spot legal issues when they arise during your work.

This course is designed to acquaint the students with the basic principles and practices of construction law. Although construction law isn't normally considered a single, identifiable body of law, there are a large and growing number of attorneys who practice as construction lawyers and there are many engineers (claims consultants) who specialize in supporting the litigation process. Generally, construction law consists of contract law, professional liability issues, land use issues and tort law. We will not spend any

significant time on land use issues. Rather, we will concentrate on the more common areas of construction losses and disputes.

This course requires a lot of reading. As you can see from the attached Reading Schedule, we will generally attempt to go through one to two chapters per lecture. Some weeks we may do more than two chapters (if they are short) and some weeks we may only do one chapter (if they are long or particularly dense). You will get more out of the course and you will be better prepared to participate if you stay current with the reading. There will be some written work in the form of problems and writing assignments to augment the reading.

The course requirements will evolve as the semester progresses. This can be a great class if you participate and help generate lively and intelligent discussions. Therefore, I reserve the right to increase or decrease your grade based on my perception of your class participation and citizenship.

### CLASS POLICIES:

*If you qualify for accommodations because of a disability, please submit to me a letter from Disability Services in a timely manner so that your needs may be addressed. Disability Services determines accommodations based on documented disabilities. Contact: 303-492-8671, Willard 322, and [www.Colorado.EDU/disabilityservices](http://www.Colorado.EDU/disabilityservices)*

*Campus policy regarding religious observances requires that faculty make every effort to reasonably and fairly deal with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. In this class, please see me if you have such a conflict.*

*See full details at [http://www.colorado.edu/policies/fac\\_relig.html](http://www.colorado.edu/policies/fac_relig.html)*

*Students and faculty each have responsibility for maintaining an appropriate learning environment. Students who fail to adhere to such behavioral standards may be subject to discipline. Faculty have the professional responsibility to treat all students with understanding, dignity and respect, to guide classroom discussion and to set reasonable limits on the manner in which they and their students express opinions. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, culture, religion, politics, sexual orientation, gender variance, and nationalities. Class rosters are provided to the instructor with the student's legal name. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. See policies at:*

*<http://www.colorado.edu/policies/classbehavior.html> and at*

*[http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student\\_code](http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code)*

*All students of the University of Colorado at Boulder are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of academic dishonesty, fabrication, lying, bribery,*

*and threatening behavior. All incidents of academic misconduct shall be reported to the Honor Code Council ([honor@colorado.edu](mailto:honor@colorado.edu); 303-725-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). Other information on the Honor Code can be found at: <http://www.colorado.edu/policies/honor.html> and at <http://www.colorado.edu/academics/honorcode/>*

*The University of Colorado at Boulder policy on Discrimination and Harassment (<http://www.colorado.edu/policies/discrimination.html>, the University of Colorado policy on Sexual Harassment and the University of Colorado policy on Amorous Relationships applies to all students, staff and faculty. Any student, staff or faculty member who believes s/he has been the subject of discrimination or harassment based upon race, color, national origin, sex, age, disability, religion, sexual orientation, or veteran status should contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Judicial Affairs at 303-492-5550. Information about the ODH and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at <http://www.colorado.edu/odh>*

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**Schedule**

<u>Week</u>	<u>Date</u>	<u>Topic</u>	<u>Reading Assignment</u>
1	1/15	Introduction Sources of Law, the Judicial System,	Course Introduction Chps 1 & 2
2	1/22	Forms of Association and Agency	Chps. 3 & 4
3	1/29	Contract Formation & Breach	Chp. 5
4	2/5	Contract Formation & Remedies (con't) & Torts	Chp. 6 Sections 6.00-6.05 & 6.08-6.09 only
5	2/12	Construction Process & Licensing Issues	Chps. 8 & 9
6	2/19	Design Services	Chp. 10
7	2/26	Professional Liability	Chps. 11 & 12
8	3/5	Planning the Project & Bidding	Chps. 14 & 15
9	3/12	Contract Disputes & Interpretation	Chps. 16 & 17
10	3/19	Midterm	
11	4/2	Changes	Chp. 18
12	4/9	Subsurface Problems & Delays	Chps. 20 & 21
13	4/16	Claims & Subcontracting	Cps. 22 & 23
14	4/23	Termination	Chp. 24
15	4/30	Risk Management & Bonds	Chps. 25 & 26