



CALIFORNIA STATE UNIVERSITY, SACRAMENTO

College of Engineering and Computer Science

Construction Management Program

CM 110

Legal Aspects of Construction

Course Syllabus

Fall 2008

Instructor: Patrick McNamara

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Lectures: M, W 10:15 – 11:45 a.m.
Eureka Hall 112

COURSE DESCRIPTION

This course applies basic legal concepts to the construction process. Included are, among other topics, contract formation, modification, and interpretation; contractor entities and licensing; construction contract and project delivery system variations, construction parties' liability for negligence, warranty and safety; mechanics' liens and stop notices; legislation governing construction projects; and construction disputes and their resolution.

PREREQUISITES

The prerequisite course(s) for this class, which must have been completed with a C- or better grade, includes MGMT 101 (Business Law) or its equivalent, and CM 022. One hundred series CM courses, including CM 110, are limited to students whose changes of major to the upper division have been approved by the Program Coordinator.

ACADEMIC HONESTY AND GRADING SYSTEM

All students are subject to the policies described in the University Catalogue. In particular, students should be familiar with policies included in the Catalog under the index of "Academic Honesty," which may be found online at:

<http://aaweb.csus.edu/catalog/current/First%20100%20Pages/academichonesty.asp>

COURSE OBJECTIVES

Generally, this class is designed to develop the students' knowledge of and facility with those aspects of the law that affect managers of construction businesses and projects. The following are important specific objectives (no priority inferred by order):

- Develop an appreciation and respect for the legal infrastructure in this country
- Identify the breadth and depth of the law affecting constructors
- Quantify the legal consequences of the decisions that managers of the construction process frequently face
- Be able to anticipate how the legal world will view a construction dispute
- Develop a degree of confidence in reading and interpreting construction contracts
- Identify the origin of the most common types of construction-related conflicts and how they may be avoided
- Learn useful legal research tools
- Further develop oral and written communication skills

SPECIFIC EDUCATIONAL GOALS

At the conclusion of this class, students should be able to:

1. Explain the fundamental principles and structure of the legal system in the US
2. Identify the fundamental types of law affecting the construction industry
3. Explain the processes of contract formation, modification, and performance
4. Identify the principal legal entities that are formed to conduct business in the construction industry
5. Apply rules of contract interpretation to common contract disputes
6. Analyze legal problems and determine potential solutions that are based in the law and are practical
7. Develop concise, factually correct written summaries of appellate court opinions and explain their relevance to managers of the construction process
8. Present accurate summaries of disputes and explain their relevance to managers of the construction process

9. Identify at least 10 different types of construction claims and explain the source of and legal basis for each
10. Identify the four most common methods of dispute resolution and the benefits and detriments of each method
11. Identify several risks associated with contracts, the parties involved in projects, and in the projects themselves and provide practical and reasonable means of reducing those risks

TEXTBOOK

Course Text: Legal Aspects of Architecture, Engineering, and the Construction Process, Seventh Edition, Justin Sweet and Marc Schneier (the burgundy edition)

REFERENCE MATERIALS

California Construction Law, 16th edition; Kenneth Gibbs and Gordon Hunt;
Summary of California Law, Construction Industry Formbook, James Acret (available in the reserve book room)

California Construction Law Manual, James Acret;

Sweet on Construction Industry Contracts: Major AIA Documents, Justin Sweet

Black's Law Dictionary.

CLASS ORGANIZATION AND EVALUATION

The lecture format will be used primarily in this course. The instructor frequently employs the Socratic Method, which invites student participation in the form of question/answer and open debate. From time to time, guest speakers may conduct lectures. A tentative lecture schedule describing the topics and assignments will be distributed at the first class meeting. Students are expected to complete the reading and writing assignments, and come to class prepared to discuss them. The volume of reading and writing for this course is considerable; the schedule is offered so that students may carefully plan their coursework.

Assignments will be predominantly preparation of answers to questions contained in the text book and written abstracts of legal cases. Students will also be required to review specific topics and conduct short instructional presentations. Expectations for writing and oral communication skills are high. Written work will be evaluated for grammar, punctuation, and spelling, as well as for factual accuracy. ***Assignments are due at the beginning of the class period. Late work will not be accepted!*** Students are encouraged to make two copies of the assignments (or have a copy on their computer during class), one for a grade and one for use in class discussions. ***Although class attendance is not mandatory, exams will cover subject matter that evolves from classroom discussion.***

Document Binders

Students are required to assemble, maintain and submit at the end of the semester a neatly compiled three-ring binder, with divider tabs, containing all course notes, assignments, handouts, quizzes, exams, and other course work. Binders will be returned to the students following the semester break. ***Failure to produce a complete document binder will result in a failing grade for the course.***

The binder should be organized with the following in mind: It is a reference manual that you will use in your career, and as such should provide relevant information promptly with relative ease. You may use the workbook in discussions, legal exercises, and examinations.

Grading

Final grades for the course will be determined from the following:

Oral Presentation	100
Case Abstracts (5 graded)	300
Assigned Text Questions	100
Exam No. 1	250
<u>Exam No. 2</u>	<u>250</u>
Total	1,000 points

There will be no final exam. We will use the final exam date/time slot for the oral presentations. The presentations will consist of topic summaries delivered by the students. Topics will be assigned near the end of the semester; one topic per student. Students will be evaluated on their ability to clearly and succinctly communicate the essence of the assigned topic to their audience, in this case a group of young construction industry professionals. The presentation must be between 3 and 4 minutes long. Each student's presentation will be timed to ensure the 3-minute minimum and 4-minute maximum limits are observed. An additional 1 to 2 minutes will be allowed for questions & answers. No visual aids or materials, such as slide shows, handouts, or blackboard notes will be allowed – this assignment is purely a timed oral presentation assignment.

Note: "Bonus" points may be given to students who exhibit excellence in class preparation and discussion. Such points will be added "after the curve," i.e. in a manner that does not penalize students who receive fewer or no such points.

The guidelines set forth in the University Catalogue for various grades will be strictly adhered to. Those guidelines can be found online at <http://aaweb.csus.edu/catalog/current/First%20100%20Pages/GRADE.asp>

Note: a course grade below C- will result in the student having to repeat the course.