

UNIVERSITY OF BALTIMORE SCHOOL OF LAW
FALL 2017

Course: Construction Law
LAW 745
Section 550

Instructor: Lisa D. Sparks
ALS 502
410-837-5986

Days/Time: Tuesdays & Thursdays, 4:45-6 pm

Location: See MyUB

Course Description:

Construction Law is the body of the law associated with the building and design of individual homes, shopping centers, residential communities, public roadways, skyscrapers, and other "improvements". This course provides a general overview of the construction process and "construction contract documents", exploring typical legal disputes which arise among developers, contractors, subcontractors, architects and engineers. The course will examine the statutory and common law liabilities which attach once the construction process has been completed, with an emphasis on the rights and remedies of those who purchase defectively constructed or designed homes and buildings.

Course Materials:

1. Kelleher, et al., *Smith, Currie & Hancock's Common Sense Construction Law* 5th ed.
ISBN: 978-1-118-85810-3 (also available as an e-book)
2. Maryland cases and construction contract documents as assigned via TWEN.

Student Learning Outcomes:

1. Understand the spectrum of legal issues that affect the construction industry.
2. Identify applicable statutory and case law to apply in various factual scenarios.
3. Conduct public records research.
4. Draft basic legal correspondence and documents to meet hypothetical clients' needs.
5. Evaluate contract language.

Grades:

Grading will be based primarily upon one take-home final examination (70%), one or more individual writing assignments (20%), and class participation (10%). With a small, seminar style class, all students are expected to be prepared and participate regularly.

Course Expectations:

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

Attendance:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

Course Web Site:

This course has a TWEN page that links to this syllabus, announcements, supplemental reading materials, writing assignments and other class materials. You are responsible for self-enrolling in the TWEN page and for checking it regularly for course information.

Computers:

Students may use laptop computers for class related purposes.

Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of

library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code, https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm]

Title IX Sexual Harassment and Sexual Misconduct Policy:

The University of Baltimore's Sexual Harassment and Sexual Misconduct policies are compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the University any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix>.

Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services at 410-837-5623 or via email at lmetzger@ubalt.edu.

TOPICS & ASSIGNMENTS

Week	Date(s)	Topic(s)	Text
1	8/22	Introduction; Parties to a Construction Project	1
	8/24	Project Delivery Methods	3-4
2	8/29	Contracts and AIA Forms	2, 8, AIA's
	8/31	Scope of Work	
3	9/5	Design Professionals	9
	9/7	Subcontractors & Suppliers	10
4	9/12	Intro. to Government Contracting	6, 7, 24
	9/14	Government Contracting Cont'd – Lou Kozlakowski	
5	9/19	Performance & Administration	21
	9/21	Differing Site Conditions; <i>Spearin</i>	12
6	9/26	Changes	11
	9/28		
7	10/3	Time & Delays; <i>Eichlaey</i>	13
	10/5		
8	10/10	Price & Payment	22
	10/12	Completion	17-II
9	10/17	<u>Mr. Blandings Builds His Dream House</u>	
	10/19	Termination & Default	14
10	10/24	Risk Management & Insurance	15, 19-IV, 20
	10/26		
11	10/31	Suretyship & Bonding – George Bachrach	16, 17-I
	11/2		
12	11/7	Disputes: Claims, Litigation, ADR	23, AAA rules
	11/9		
13	11/14	Disputes: Damages	18
	11/16	Economic Loss Doctrine; <i>Balfour Beatty</i>	
14	11/21	Residential Construction; MD statutes	
15	11/28	Green & Sustainable Construction	19-V

The topics and code sections listed above are subject to shifting based on how quickly the class is able to master certain concepts and any class cancellations. Any changes will be communicated in class and/or via TWEN.

This schedule will be supplemented with Maryland cases articles from appropriate publications via TWEN.