

BCN 6748 CONSTRUCTION LAW

M 5:10 p.m. - 8:10 p.m.

INSTRUCTOR: R. Raymond Issa, Ph.D., J.D., P.E., F.ASCE,API

CLASSROOM: RNK 106

OFFICE: RNK 325

OFFICE HOURS: By Appointment

EMAIL: raymond-issa@ufl.edu

OBJECTIVE: To familiarize students with the U.S. legal system and the applications of various legal doctrines and rules of law to the construction industry.

PREREQUISITES: None

TEXT (RECOMMENDED):

Kelleher, T.J. (Ed.) **Common Sense Construction Law: A practical Guide for the Construction Professional**, 5th Ed., John Wiley & Sons, Inc., NY, NY, 2015.

REFERENCES: BCN 6748 Canvas Class

Sweet, J, **Legal Aspects of Architecture, Engineering, and the Construction Process**, West Publishing, Co., St. Paul, MN, 1999.

Leiby, L. R., **Florida Construction Law Manual** (Student Edition), Shepard-McGraw Hill, Co, 1998.

Cushman, R. F., and Hedemann. G. C., and King, P.J., Editors, **Construction Contractor's Handbook of Business and Law**, John Wiley & Sons, Inc., N.Y., N.Y.

Sabo, W., **Legal Guide to AIA Documents**, 3rd Ed., John Wiley & Sons, Inc., N.Y., N.Y.

Stephenson, J. E., **Alternative Clauses to Standard Construction Contracts**, John Wiley & Sons, Inc., N.Y., N.Y.

Callahan, M. T., Bramble, B. B., and Rapoport, F. M., **Discovery in Construction Litigation**, 2nd Ed., John Wiley & Sons, Inc., N.Y., N.Y.

Bramble, B., and Phillips, A.E., Editors, **Construction Litigation Strategies and Techniques**, John Wiley & Sons, Inc., N.Y., N.Y.

Bramble, B. B. and Callahan, M. T., **Construction Delay Claims**, John Wiley & Sons, Inc., N.Y., N.Y.

Callahan, M. T., Bramble, B. B. and Lurie, P. M., **Arbitration of Construction Disputes**, John Wiley & Sons, Inc., N.Y., N.Y.

READING ASSIGNMENTS:

Students are responsible for all assignments whether or not the material is covered in class.

CLASS POLICIES

Attendance

Attendance is **voluntary**. However, if you choose to attend, it is **mandatory** that you **be on time**.

Grading

The Final Exam will be comprehensive. Absentees from any graded event, without a valid excuse, will be awarded a grade of ZERO for that graded event.

1. 50% Comprehensive Test - Essay Discussion Questions

Submit/Present:

2. 4% Research Paper Abstract
3. 5% AIA Docs Comparison

4. 10% Case Study Analysis Presentation - 15 Min.
5. 21% Research Paper - Double-spaced, 20-page
6. 10% Research Paper Presentation – 10 min. talk and Q & A
100%

GRADING SCALE:

A = 90.0 AND ABOVE	C = 70.0 to 76.9
A ⁻ = 87.0 to 89.9	C ⁻ = 67.0 to 69.9
B = 80.0 to 86.9	D = 60.0 to 66.9
B ⁻ = 77.0 to 79.9	E = below 60

STUDENTS REQUIRING ACCOMMODATIONS

Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the [Disability Resource Center](#). It is important for students to share their accommodation letter with their instructor and discuss their access needs, as early as possible in the semester.

COURSE EVALUATION

Students are expected to provide feedback on the quality of instruction in this course by completing [online evaluations](#). Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students on the [Gator Evals page](#).

UNIVERSITY HONESTY POLICY

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” [The Honor Code](#) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor or TAs in this class.

SOFTWARE USE

All faculty, staff, and students of the University are required and expected to obey the laws and legal agreements governing software use. Failure to do so can lead to monetary damages and/or criminal penalties for the individual violator. Because such violations are also against University policies and rules, disciplinary action will be taken as appropriate. We, the members of the University of Florida community, pledge to uphold ourselves and our peers to the highest standards of honesty and integrity.

STUDENT PRIVACY

There are federal laws protecting your privacy with regards to grades earned in courses and on individual assignments. For more information, please see the [Notification to Students of FERPA Rights](#).

CAMPUS RESOURCES:

Health And Wellness

U Matter, We Care:

If you or a friend is in distress, please contact umatter@ufl.edu or 352 392-1575 so that a team member can reach out to the student.

Counseling and Wellness Center: counseling.ufl.edu/cwc, and 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies.

Sexual Assault Recovery Services (SARS)

Student Health Care Center, 392-1161.

University Police Department at 392-1111 (or 9-1-1 for emergencies), or police.ufl.edu.

Academic Resources

[E-learning technical support](#), 352-392-4357 (select option 2) or e-mail to Learning-support@ufl.edu.

[Career Resource Center](#), Reitz Union, 392-1601. Career assistance and counseling.

[Library Support](#), Various ways to receive assistance with respect to using the libraries or finding resources.

[Teaching Center](#), Broward Hall, 392-2010 or 392-6420. General study skills and tutoring.

[Writing Studio](#), 302 Tigert Hall, 846-1138. Help brainstorming, formatting, and writing papers.

SYLLABUS

<u>Class</u>	<u>READ NOTES</u>	<u>RECOMMENDED TEXT</u>	<u>HW #</u>	<u>Due Class</u>
1-2	Legal Concepts Introduction to construction contracts	Read Chapters 1-5	0	1
3-5	Legal Contracts & Responsibilities AIA Documents (B141, A201, A101,B901) AGC ConsensusDOCS	Read Chapters 7-10	1	3
6	Liens Documentation; Time periods; Duration Lienable Property; Enforcement; Lien Bonds	Read Chapters 11-15	2	6
7	Bonds	Read Chapter 22		
8	Insurance and Risk Management	Read Chapters 16,18-21		
9	Case Studies		3	9
10	Case Studies			
11	Expert Witnesses			
12	Rules of Evidence			
13	Selected Paper Presentations		4,5	12
14	Selected Paper Presentations			
15	Comprehensive Test - Essay Format Analyzing Fact Situations			

Note: Coverage of the syllabus material is contingent upon availability of time and student progress in grasping the subjects covered.