

# CNST 4760-001

## COURSE SYLLABUS

Course:	Construction Law: <i>Contracts and Construction Claims</i>
Semester:	Fall 2009
Classroom:	Building H – Classroom H-322
Class Schedule:	Tuesday and Thursday, 6:00 p.m. – 7:15 p.m.
Text:	<i>Smith, Currie &amp; Hancock LLP's Common Sense Construction Law,</i> Fourth Edition
Grading:	2 Exams = 25% each // 2 Projects = 25% each
Letter grading:	A=90-100, B=80-89, C=70-79, D=60-69, F=<60
Instructor:	Sonia Johnson Toson, J.D.,M.B.A.
Telephone	678.915.5551
Office Hours:	H-342A; Mondays & Wednesdays 1-3:30pm; Tuesday, Thursdays and Fridays by appointment only
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### Course Description:

#### CM 4760 Construction Law 4-0-4

Prerequisite: MGMT 3145

A study of Construction Contract Documents and Claims. Topics include: analyses of AIA B141, A101, A201, and A401. Other supporting construction contract documents such as bid bonds, payment and performance bond and construction modifications are studied. The construction contract formation process is examined in relation to the owner/developer, contractor, materialmen, and subcontractors. Discussions regarding damages for differing conditions, defective workmanship, and construction delay claims are surveyed in conjunction with AAA construction arbitration rules. This course provides an overview of land development law. The course will focus on land and its elements, fixtures, easements, land titles and interests, land acquisition and assembly, land and legal descriptions, deeds and conveyances, real estate brokerage and sale contracts and leases, deeds of trust and mortgages, real estate closings, evidence of title, real estate taxes and insurance, environmental liabilities, landlord and tenant law, real estate

discrimination, land use controls and specific laws and legal practices relevant to planned unit developments, condominiums, cooperatives, townhouses and business parks.

### Course Objectives:

Students will be introduced to the fundamental legal concepts today's construction professional should know, and will be provided practical insight into the recognition of legal issues and legal problem-solving relative to construction projects.

### Learning Outcomes

- Demonstrate a working understanding of contract concepts and terminologies, with emphasis upon use and application of industry standard documents.
- Ability to identify and deal with the respective roles of design professionals, owner/developers and prime contractors in the design and construction process.
- Demonstrate recognition of the legal and economic implications of construction schedules and the impacts of changes and change orders thereon.
- Demonstrate proper utilization of contractual provisions and legal theories to recognize, respond to and adjust claims.
- Demonstrate a working understanding of specific real estate interests, zoning concepts and practices, land transfer and leasing and the general legal requirements of land development.

### Important Details regarding in-class lectures and hand-outs:

You are responsible for all information distributed or covered during class. Please come to class having already read the chapters to be covered that evening as classroom participation is important. If you miss class, it is up to you to follow up with your classmates regarding missed notes, etc. Although each class corresponds with an assigned chapter or chapters from the text, there may be other information discussed or distributed in class that is not covered in the text.

A copy of handouts distributed in class will normally be provided to the construction office. It is your responsibility to obtain these handouts from the office if you miss class. Please do not email the faculty regarding missed notes or handouts unless there are unusual circumstances involved.

### Exams

All exams will be taken online via WebCT/Vista. Exams are available over a 4 day period to allow students flexibility in scheduling. You will have 6 hours and 1 attempt to complete your exam. No late exam submissions are accepted. Should you have technical issues while completing an exam, please immediately visit the Vista **Online Support Center** at <http://help.view.usg.edu>. Most questions can be answered by searching the knowledge base topics, and live support is also available 24 hours a day. Please also note the times for scheduled maintenance (<http://www.usg.edu/gaview/support/maint-schedule.phtml>) of the Vista system and plan to take your exam schedule accordingly.

### Attention:

GeorgiaVIEW Vista 8 will be unavailable during scheduled maintenance.  
The maintenance dates and times (SUBJECT TO CHANGE) are as follows:

Maintenance Begins 10:00pm	Maintenance Ends 7:00am
Friday, August 21	Saturday, August 22
Friday, September 4	Saturday, September 5
Friday, September 18	Saturday, September 19
Friday, October 2	Saturday, October 3
Friday, October 16	Saturday, October 17
Friday, October 30	Saturday, October 31
Friday, November 13	Saturday, November 14
Friday, November 27	Saturday, November 28
Friday, December 11	Saturday, December 12
Saturday, December 26	Sunday, December 27
<a href="http://www.usg.edu/gaview/support/maint-schedule-fall-2009.phtml">http://www.usg.edu/gaview/support/maint-schedule-fall-2009.phtml</a>	

## CELL PHONE and PERSONAL DEVICE POLICY

The use of cell phones/PDAs/pagers during class will not be tolerated. Turn them OFF before entering class and they are to remain off until the class is completed. The classroom environment will be treated the same way as if this was a corporate meeting in a large conference room in which your boss was delivering a presentation. He/she would not tolerate their use and a "wise" young employee would probably shy away from their use in order to prevent their discharge from the firm as a result of their rudeness.

Use of cell phone/PDA/Pager/blackberry etc. during class will result in the dismissal of the student from that particular class and the receipt of a "zero" for that class's particular assignment, exercise, exam, quiz, etc. The second use of the device during class will result in the withdrawal of the student from the class by the instructor. Withdrawal of the student by the instructor after the official "drop date" will result in the grade of a "WF" for the student.

### Course Schedule of Lectures and Assignments:

The attached outline is intended to represent the general format of the class. The instructors may make changes if it is determined that such changes: (1) will better suit the needs of the students or (2) are necessary to resolve scheduling conflicts.

Class	Date	Subject	Text Reference(s)
1	08/25-08/27	<b>Overview / Introduction to</b>	Chapter 1

Class	Date	Subject	Text Reference(s)
		<b>Course</b> 1. The Legal Context	
2	09/01-09/03	2. Alternative Contracting Methods	Chapter 2
3	09/08-09/10	4. Competing for the Contract *Ethical Considerations	Chapter 4
4	09/15-09/7	5. Interpreting the Contract. 6. The Uniform Commercial Code and the Construction Industry.	Chapters 5 & 6 <b>***TERM PAPER TOPIC DUE!!!</b>
5	09/22-09/24	7. The Authority and Responsibility of the Architect/Engineer. 12. Inspection, Acceptance, Commissioning, and Warranties.  <b>EXAM #1</b>	Chapters 7 & 12  <b>Chapters 1,2, 4,5,6,7 &amp; 12</b>
6	09/29-10/01	8. Subcontract Administration and Dispute Avoidance. 9. Contract Changes. *Ethical Considerations	Chapters 8 & 9
7	10/06-10/08	10. Differing Site Conditions. 11. Schedules, Delays, and Acceleration.	Chapters 10 & 11
8	10/13-10/15	13. Management Techniques to Limit Risks and Avoid Disputes.	Chapter 13
9	10/20-10/22	14. Payment Bonds. 15. Performance Bonds and Termination.	Chapter 14 & 15

Class	Date	Subject	Text Reference(s)
10	10/27-10/29	17. Construction Industry Environmental Concerns  18. Construction Insurance.	Chapter 17 & 18  <b>***TERM PAPER OUTLINE DUE!!!</b>
11	11/03-11/05	19. Successfully Managing Workers in the Construction Industry.  20. Bankruptcy in the Construction Setting.	Chapter 19 & 20
12	11/10-11/12	16. Proving Costs and Damages  21. Resolution of Construction Disputes.  22. Federal Government Construction Contract Disputes.	Chapter 6, 21, and 22
13	11/17-11/19	6. Describing Real Estate Interests  7. Liens  <b>*EXAM NO. 2</b>	Handout  Chapters: 8,9,10,11,13,14,15,17,18,19,20,6,21,22, Liens, R.E. Interests
14	11/24-11/26	10. Commercial Leases  13. Land Transfer – Part 1  <b>***THANKSGIVING BREAK (11/26)</b>	Handout
15	12/01-12/03	14/15 Land Transfer – Part 2	Handout
16	12/08-12/10	18. Zoning  21. Legal Issues in Land Development	Handout  <b>***TERM PAPER DUE!!! (DUE 12/10 AT 11:59 PM)</b>

**\*\*\*NOTE:** This syllabus represents an expectation for the general format of the class, and is subject to change at any time at the discretion of the instructor.

