

ARE 366
CONTRACTS, LIABILITIES, AND ETHICS
SPRING 2019 SYLLABUS

Dr. John Borcharding, Instructor

TBA, TA/Grader

Office Hours

Monday 10:00 am – 12:00 pm

Tuesday 10:00 am – 12:00 pm

Wednesday 10:00 am – 12:00 pm

(Or by appointment)

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Prerequisites: ARE 323K Project Management and Economics

Text and Reading Assignments

Text: *Construction Law for Design Professionals, Construction Managers and Contractors* by Justin Sweet and Marc M. Schneier with Blake Wentz

The class notes will be forwarded via Canvas and email to the students prior to the presentation.

Reading assignments from the textbook should be completed prior to the date indicated in the syllabus.

Grading

The course grade will utilize the plus and minus format depending upon the percentage of total points. The following table will represent a typical grading format for each lab section, but the percentages may vary slightly based on the class curve.

Letter Grading				
A 92	B+ 86	C+ 77	D+ 67	F below 60
A- 89	B 83	C 73	D 63	
	B- 80	C- 70	D- 60	

Examination I	125 points	25%
Examination II	125 points	25%
Group Project: Ethics Presentation and Discussion	50 points	10%
Group Project: Claims Presentation and Discussion	50 points	10%
Group Project: Mock Trial Participation	50 points	10%
Individual Written Report on Claims Topics	50 points	10%
Group Participation and Individual Attendance*	<u>50 points</u>	10%
COURSE TOTAL	500 POINTS	

*Attendance will be considered in addition to the group participation in the determination of the final grade

Course Objectives:

1. Examine engineering and construction ethical issues through case study discussion.
2. Understand legal issues to avoid litigation, arbitration or other forms of dispute resolution.
3. Enable engineers and construction managers to converse with attorneys and understand when they should be retained.
4. Learn to use the University of Texas Law Library to obtain case precedents on an issue.
5. Be able to recognize what is required to establish a legal contract.
6. Develop the knowledge to determine what agreements must be in writing and what oral agreements will be enforced.
7. Understand the importance of record keeping to avoid and resolve disputes.
8. Be able to determine the rights and duties of the major contracting parties (architect, engineer, construction manager, general contractor, subcontractor and supplier).
9. Understand the importance of surety bonds that protect the contracting parties.
10. Examine engineering and construction cases to determine if there is legal entitlement, a cause and effect analysis and reasonable damages.

General Issues

Academic Dishonesty, UT Honor Code (or statement of ethics), and an explanation of what constitutes plagiarism. For additional information on these items see the University General Information Catalog, <http://registrar.utexas.edu/catalogs/gi10-11/>, and the Deans of student's website at: <http://deanofstudents.utexas.edu/sjs/>

Accommodations for religious holidays- The following statement appears in the University General Information Catalog, page 96, "**Religious holy days**. A student who misses classes or other required activities, including examinations, for the observance of a religious holy day

should inform the instructor as far in advance of the absence as possible, so that arrangements can be made to complete an assignment within a reasonable time after the absence.

The University of Texas at Austin provides, upon request, appropriate academic accommodations for qualified students with disabilities. For more information, contact the Division of Diversity and Community Engagement, Services for Students with Disabilities, 512-410-6644 (voice) or 512-232-2937 (video phone) or <http://diversity.utexas.edu/disability/>.

Drop policy –From the 1st through the 12th class day, an undergraduate student can drop a course via the web and receive a refund, if eligible. From the 13th through the university's academic drop deadline, a student may Q drop a course with approval from the Dean, and departmental advisor. After the academic drop deadline has passed, a student may drop a course only with Dean's approval, and only for urgent, substantiated, non-academic reasons.

This course carries the Ethics and Leadership flag. Ethics and Leadership courses are designed to equip you with skills that are necessary for making ethical decisions in your adult and professional life. You should therefore expect a portion of your grade to come from the group assignment involving ethical issues and the process of applying ethical reasoning to real-life situations plus ethics questions on Examination I

There is a prerequisite of admission to the major sequence in Architectural or Civil Engineering to enroll in the course.

CONTRACTS, LIABILITIES, AND ETHICS SPRING 2019 SCHEDULE

Reading assignments from the textbook and class notes should be studied prior to the date indicated in the syllabus.

DATE	TOPIC	READING ASSIGNMENT
1/21/19	HOLIDAY -- Martin Luther King Jr. Day	
1/22/19 LABS	Course Objectives and Introduction to Ethics Form Groups for Ethics Case Studies	Chapter 13
1/23/19	Intro to Legal System Attorney Guest Speaker	Chapter 1
1/24/19 LABS	Course Objectives and Introduction to Ethics Form Groups for Ethics Case Studies	Chapter 13
1/28/19	Ethics Case Studies Assignment & Schedule	ASCE Ethics Standards of Conduct
1/29/19 LABS	Ethics Case Study Presentations	
1/30/19	Ethics Case Study Presentations	
1/31/19 LABS	Ethics Case Study Presentations	
2/4/19	Ethics Case Study Presentations	
2/5/19 LABS	Ethics Case Study Presentations	
2/6/19	Contract Formation and Consideration	Chapter 3
2/7/19 LABS	Ethics Case Study Presentations	

2/11/19	Business Associations Agency Relationships and Breach of Contract	Chapters 2 & 4
2/12/19 LABS	Construction Contract Analysis	Contract Terms and Conditions
2/13/19	Jury Trial Procedure Guest Speaker	
2/14/19 LABS	Construction Contract Analysis	Contract Terms and Conditions
2/18/19	Tort Law	Chapter 5
2/19/19 LABS	Construction Contract Analysis	Contract Terms and Conditions
2/20/19	Examination I Review	Chapters 1-5 & 9,10 and 13
2/21/19 LABS	Construction Contract Analysis	Contract Terms and Conditions
2/25/19	Design Service Contracts	Chapters 9 & 10
2/26/19 LABS	Examination I	Chapters 1-5 & 9,10 and 13
2/27/19	Day Off	
2/28/19 LABS	Examination I	Chapters 1-5 & 9,10 and 13
3/4/19	Construction Claims	Chapter 16
3/5/19 LABS	Review Graded Exam and Entitlement Issues	
3/6/19	Alternative Dispute Resolution	Chapter 26
3/7/19	Review Graded Exam and Entitlement Issues	

LABS		
3/11/19	Differing Site Conditions	Chapter 19
3/12/19 LABS	Law Library Tour	
3/13/19	Changes	Chapter 18
3/14/19 LABS	Law Library Tour	
3/18-22/19	Spring Break	
3/25/19	Payments	Chapter 17
3/26/19 LABS	Group Case Study Presentations	
3/27/19	Surety Bonds	Chapter 25
3/28/19 LABS	Group Case Study Presentations	
4/1/19	Schedule Delay and Acceleration	Chapter 20
4/2/19 LABS	Group Case Study Presentations	
4/3/19	Disruption, Impact and Productivity Loss Claims	
4/4/19	Group Case Study Presentations	
4/8/19	Calculating Claim Damages	
4/9/19 LABS	Group Case Study Presentations	
4/10/19	Examination II Review	Chapters 16-20, 25 & 26

4/11/19 LABS	Group Case Study Presentations	
4/15/19	Home Office Overhead Recovery	
4/16/19 LABS	Examination II	Chapters 16-20, 25 & 26
4/17/19	Day Off	
4/18/19 LABS	Examination II	Chapters 16-20, 25 & 26
4/22/19	Introduction to Power Plant Project for the Mock Trial; Groups select A/E&CM, Owner and Contractor or the Jury	Trial Transcripts
4/23/19 LABS	Review Graded Exam; Groups Prepare for Trial	Review Trial Transcripts
4/24/19	Jury Trials and Voir Dire Guest Speaker	
4/25/19 LABS	Review Graded Exam; Groups Prepare for Trial	
4/29/19	Mock Trial I	
4/30/19 LABS	Mock Trial II	
5/1/19	Mock Trial III	
5/2/19	Mock Trial IV	
5/6/19	Jury Verdicts Presentation Trials I & II	
5/7/19 LABS	Jury Verdicts Presentation Trials III and IV	
5/8/19	Mock Trial Evaluation and Course Survey*	

5/9/19 LABS	Day Off	
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* An evaluation of the course and instructor will be conducted at the end of the semester using the approved UT Course/Instructor evaluation forms

Group Ethics Assignment

1. Prepare a 1-2 page double-spaced paper of an ethical incident that may be chosen by your group for presentation to the class.
2. Give the situation or story that leads to the ethical dilemma. Prepare 3 questions for the class to discuss.
3. After the discussion of the dilemma, provide a conclusion to the class.
4. In your group, select only two ethical incidents for discussion, but every member should prepare the ethics case study that will be submitted for review and comment.

Group Legal Research Assignment

1. Written Summary

- (a) Prepare 1-2 page summaries of the issues related to your topic. Include 2 questions for class discussion.
- (b) One member of the group should prepare a 1-2 page summary of the legal topic with two discussion questions prior to examining the legal cases. The other members of the group should prepare 1-2 page summaries of 3 or 4 legal cases related to your research topic depending on the size of the group (3 for Group of 4 and 4 for Group of 5). Clearly list the issue being litigated, the arguments and evidence of the plaintiff and defendant, trial court decision, and results of one or more appeals. Provide 2 questions for class discussion at the end of your written summary of the case.

2. Class Presentation

- (a) Highlight, do not read, the issues for your legal research topic in 3-4 minutes, and then ask your questions to the class. Members of your group can respond to the questions as well as the class in that you have now developed knowledge of the research topic. Follow the same process for the case study summaries. Again, do not read, highlight the situations, arguments and decisions before asking questions. It is helpful to prepare power point slides in order for the class to understand your research topic, case studies and discussion questions.
- (b) The instructor, TA, and class can interrupt the presentation at any time with questions and comments. The grade is based upon discussion and interest generated rather than the presentation itself.

3. Presentation Follow-Up

The instructor and TA will review and comment on the written summaries after the presentation. The overall grade is two-thirds for presentation and discussion of the legal research issues and one-third for the written document.

4. Presentation Schedule

The date for each group presentation will be assigned.

Individual Report on Construction Claim Topics/Issues

- A 5 to 7 page double-spaced legal research paper should be prepared on a construction claim topic or issue of your choice.
- In preparing the paper, be sure to document by references or cases using the proper format.
- Students are free to choose a legal topic that has been covered (changes, differing site conditions, productivity loss, etc.)
- Students can also choose a legal topic not discussed in class such as termination, superior knowledge, suspension, etc.
- Students can propose a topic associated with engineering and construction laws that would be of their interest (specific legal case of significance, controversial legal topic, etc.) The instructor should approve this topic to insure it is related to the subject matter of the class.
- Utilize subheadings to guide the reader.
- The research paper is to be submitted by email on the final exam date and time to the instructor and TA/Grader.