WAKE FOREST UNIVERSITY LAW SCHOOL
CONSTRUCTION LAW COURSE OUTLINE
FALL 2013
PROFESSOR: DAVID A. SENTER, ESQ.

WEEK 1

A. Introduction (Lecture)
B. Participants in the Design & Construction Process (Chapter 2)
C. The Owner (Chapter 3, pp 35-45)
   (i) U.S. v. Spearin, 248 U.S. 132 (1918)
D. Licensing
   (i) N.C.G.S. §§87-1, 87-13, 87-13.1
   (ii) Bryan Builders Supply v. Midyette, 162 S.E.2d 507 (N.C. 1968)

WEEK 2

A. Project Delivery Systems (Chapter 4)
B. Contracting for Construction Projects (Chapter 5)

WEEK 3

A. The Design Undertaking (Chapter 6, pp 136-147, including McKee, and pp151-152)
   (i) Davidson & Jones, Inc. v. New Hanover, 255 S.E.2d 580
       (N.C. App. 1979)
   (ii) Yes, You Can Sue the Project Architect/Engineer, Change Order, Vol. 14, No. 2 (June 2000)
B. Design Agreements (Chapter 7, pp 155-160 and pp165-186 but not Miller on p178)
   (i) American Institute of Architects (AIA) B101-2007
   (ii) Shine v. Childs, 382 F. Supp. 2d 602 (SDNY 2005)
   (iii) Blaylock Grading Company, LLP v. Smith, 658 S.E.2d 680
         (NC. App. 2008)
   (iv) N.C.G.S. §22B-1
WEEK 4

A. Contractor Selection (Chapter 8)
   (i) N.C.G.S. §§ 143-128, 143-128.1, 143-129, 143-129.1, 143-132

B. Pricing Construction Contracts (Chapter 9)

WEEK 5

A. Construction Contract Documents
   1. AIA A101-2007
   2. AIA A201-2007
   3. AIA A107-2007

B. Perini Corp. v. Greate Bay Hotel Corp, 610 A. 2d 364 (NJ 1992)

WEEK 6

A. Subcontractors (Chapter 10)
   (i) Ethical Challenges of Bid Shopping, The Construction Lawyer, Summer 2010, p.29.
   (iii) Home Electrical Co. of Lenoir, Inc. v. Hall & Underdown Heating & Air Conditioning Co., 358 S.E.2d 539 (N.C. App. 1987)
   (iv) N.C.G.S. §22B-1
   (v) Dec Electric, Inc. v. Raphale Construction Co., 558 So. 2d 427 (Fla. 1990)
   (vi) N.C.G.S. §22C-2
   (vii) N.P. Severin Co. v. U.S., 102 Ct. Cl. 74 (1943)

WEEK 7

A. Contract Time and Completion (Chapter 11)
   (ii) N.C.G.S. §143-134.3

B. Construction Scheduling (Chapter 12) (except pp. 323-332)
   (i) Biemann and Rowell Co. v. The Donohoe Companies, Inc., 556 S.E. 2d 1 (N.C. App. (2001)
   (ii) Sample CPM Schedules, Richard Smith of Smith Pachter
WEEK 8
A. Payment (Chapter 14)
B. Architect's Contract Administration (Chapter 13)

WEEK 9
A. Mechanics Liens (Chapter 19)
   (i) N.C.G.S. Chapter 44A
B. Bonds (Chapter 20, pp 542-557)

WEEK 10
A. Changes (Chapter 16)
   (i) Shields, Inc. v. Metric Construction, Inc., 416 S.E.2d 597
       (N.C. App. 1992)
B. Differing Site Conditions (Chapter 17)
   (i) Case Study - Gold County v. Park

WEEK 11
A. Construction Safety (Chapter 15)
   (i) OSHA Multi-Employer Work Site Policy
B. Insurance (Chapter 20, pp 531-542)

WEEK 12
A. Dispute Resolution (Chapter 21, pp 572-578)
   (i) Revised Uniform Arbitration Act, N.C.G.S. §1-569, et. seq.
   (iii) N.C.G.S. §22B-3
       717   EDNC 2004)
B. Damages (Chapter 24, pp. 669-695)
   (ii) Biemann and Rowell Co. v. The Donohoe Companies, Inc., 556 S.E. 2d 1
       (N.C. App. (2001))

WEEK 13
A. Field Trip to a local construction site

WEEK 14
A. Warranty Claims (Chapter 22, pp 585-590)
(i) Warranty (A201 §3.5) v. Correction of the Work (A201 §12.2.2)

B. Statutes of Limitation/Statues of Repose (Chapter 22, pp 607-612)
   (i) N.C.G.S. §1-50 and §1-52
   (i) Servomation Corp. v. Hickory Constr. Co., 318 S.E.2d 904
       (N.C. App. 1984)
   (iii) Asheville School v. D.V. Ward Constr., Inc., 337 S.E.2d 659
        (N.C. App. 1985)