CONSTRUCTION LAW SYLLABUS
Fall, 2013

Course Title: Construction Law (345.1) (WE)
Professor: Heckman
Meeting Day & Time: Tuesday 6:00 – 8:00 p.m.
Room: 4004

I. CONTACT INFORMATION:
Office Phone (336) 387-5181
hheckman@n specs preu et.com

II. ANTICIPATED READING ASSIGNMENTS*
(subject to change)

<table>
<thead>
<tr>
<th>WEEK NUMBER/TOPICS COVERED</th>
<th>TEXTBOOK</th>
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</table>
| 1. Introduction to the Construction Process | Duncan v. Mo. Bd. of Arch., 744 S.W.2d 524 (1988)
“The 59 Story Crises,” by Joe Morgenstern (The New Yorker, May 29, 1995)
| Licensing Issues | 1-32 |

2. Contracting for Project Design Services

| 155-170 |
| Handout AIA B101 (2007) |
| 343-366 |

3. Design Liability and Risk Management

| 131-155 |
| Davidson and Jones v. County of New Hanover, 41 N.C. App. 661, 255 S.E.2d 580 (1979) |
| Intellectual Property Issues |
| 170-186 |

4. Contracting for Construction Services

| 57-128 |
| Project Delivery and Pricing Systems |
5. • Public Procurement Issues 219-244 N.C. Gen. Stat. §§ 143-128, 143-128.1, 143-129.1, 143-132
   • MWBE Participation Goals 189-216 City of Richmond v. Croson, 488 U.S. 469,
   • The Owner’s Obligations 109 S.Ct. 706 (1989) (headnotes only)
   • The Spearin Doctrine 599-607 N.C. Gen. Stat. §§ 143-128.2; 143-128.3
   • Subcontract Issues  

   • Scheduling and Payment 311-332 Ledbetter, et al. v. NCDOT, et al., 68 N.C.
   • Project Changes 431-456 Triple R Paving, 774 So.2d 50 (2001)
   • Differing Site Conditions  

7. • Subcontractor Issues 247-2963 Home Electric v. Hall & Underdown, 358
   • Contingent Payment 393-395 OBS v. Pace, 558 So.2d 404 (1990)
     Clauses N.C. Gen. Stat. § 22C-2
   • Project Changes 431-456 Shields v. Metric, 106 N.C. App. 365, 416
   • Differing Site Conditions 459-483 S.E.2d 597 (1992)
     DEC Electric v. Raphael Construction, 558
     So.2d 427 (1990)

8. • Safety Issues 401-429 Woodson v. Rowland, 329 N.C. 330, 407
   • OSHA 407 S.E.2d 222 (1991)
   • Insurance in the 531-542 O.S. Steel v. Brooks, 84 N.C. App. 630, 353
     Construction Industry 531 S.E.2d 869 (1987)

   • Warranties 581-590 S.E.2d 870 (1985)
   • Termination 269-276 N.C. Gen. Stat. § 143-134.2

10. • Dispute Resolution 559-578 N.C. Gen. Stat. § 1-50
    • Statute of Limitation and 607-612 Servocation v. Hickory, 70 N.C. App. 309,
      Repose 318 S.E.2d 904 (1984)
      Asheville School v. Ward 78 N.C. App. 495,
      337 S.E.2d 659 (1985)

12. Green Construction and other emerging issues in Construction Law TBD TBD

13. Class Tour N/A N/A

III. ASSIGNMENTS

A. Legal Research Paper

Due Date: Friday, December 13, 2013 (11:59 p.m.)
Length of Assignment: Approximately 12-15 double spaced pages (including endnotes)
Relative Weight: Approximately 50% of grade

Description of Assignment:

The paper should report and comment upon a novel, controversial, or unsettled issue of construction law. The paper should be directed towards construction lawyers, and should be of the type that might be published in a construction law periodical. Citations should be handled as per the most recent edition of the Blue Book, and set forth in end notes, which will be included in the page requirements. The paper must be written specifically for this course, rather than as part of another course requirement or past or present clerkship/internship.

B. Open Book Writing Assignment #1 (the student must work independently and may use only the textbook and additional reading materials in responding to the assignment. No further materials may be utilized).

Due date: Assignment will be distributed in class and will be due prior to class two weeks later.
Length of Assignment: Approximately 4-6 double spaced pages
Relative Weight: Approximately 25% of grade.

C. Open Book Writing Assignment #2 – (the student must work independently and may use only the textbook and additional reading materials in responding to the assignment. No further materials may be utilized).

Due date: This assignment will be distributed in class and will be due prior to class two weeks later
Length of Assignment: Approximately 4-6 double spaced pages
Relative Weight: Approximately 25% of final grade
IV. MISCELLANEOUS

A. Grades

Grading shall be done anonymously, via PID number. The mean grade for the class shall fall between 3.4 - 3.6. Class participation may be used in my discretion to positively or negatively affect a student’s final grade.

B. Attendance

Students are required to attend at least 11 of 13 classes.

C. Honor Code

The Honor Code is in effect in this class and all others at the University. I am committed to treating Honor Code violations seriously and encourage all students to become familiar with its terms set out at http://instrument.unc.edu. If you have any questions, it is your responsibility to ask me about the Code’s application. All exams, written work, and other projects must be submitted with a statement that you have complied with the requirements of the Honor Code in all aspects of the submitted work.