CONSTRUCTION LAW SEMINAR
Law 9020
Spring 2013
Lecturer: Richard F. Smith

HOW TO REACH ME:

You may email me at rsmith@smithpachter.com or call me at 434-923-4001(home) or 703-887-6995(cell). Please feel free to email or call me if you have any questions or suggestions concerning the class.

COURSE LOCATION/TIME:

The class will be taught in Classroom xxxx on Tuesdays from 4:00 to 6:00 p.m. Please attend all classes if possible. Let me know if you cannot be there.

COURSE MATERIALS AND SPEAKERS:

The following course materials are required for the course:


There will be handouts for you to pick up at the copy center.

The Course Outline identifies the chapters and materials to read for each class. I make change the reading assignments from time to time.

Other materials may be provided at the copy center or by emails.

We will have guest speakers at some of the classes. The speakers will be practicing attorneys with expertise in discrete areas of construction law, construction consultants or expert witnesses in construction disputes.

COURSE GRADE:

Grades will be determined in part by class attendance and class participation in short assignments. The majority of the grade will be based on a paper covering a mutually agreed, construction related topic. This paper will be 20-30 pages in length. The paper will be due by the date and time set by the law school.
Papers will need to meet the ABA Guidelines for submission in the ABA Forum on the Construction Industry Law Student Writing Contest. These guidelines will be provided at a later date.

I will be available before or after most classes to talk with you about a paper topic. Do not wait until the last minute to choose a topic or write the paper.

**COURSE OUTLINE:**

1. **January 22, 2013  Introduction to Construction Law- The Players and Terminology**

   Chapters 1 and 2


   Be prepared to discuss Spearin and the following hypothetical:

   You have graduated from UVA Law School, passed the bar and work as an associate in a general practice firm in your home state. One of your best friends contacts you saying they have just inherited an unfinished lot in a subdivision on a large, local lake. They want you to represent them in building a vacation home on the property. What advice would you give them about a plan to develop the lot and the legal documents needed to construct the vacation home? What are 5 specific areas you would discuss with them?

   Be sure to review Figure 1 on page 31 of the text.

2. **January 29, 2013  Project Delivery Systems, Contracting for Construction Projects**

   Chapters 4 and 5

3. **February 5, 2013  The Owner, General Contractor, Subcontractors and Suppliers Relationships and Responsibilities**

   Chapters 3, 8 and 10
4. **February 12, 2013 Architects’ Role in Construction Contracts**

   Chapters 6 and 7

   Bring AIA Documents

5. **February 19, 2013 Contract Compensation Mechanisms**

   Chapters 9 and 14

   Bring AIA Documents

**NOTE:** After class you are invited to dinner at our home in Glenmore Country Club. More details later.

6. **February 26, 2013 Contract Administration and Changes**

   Chapters 13 and 16

7. **March 5, 2013 Differing Site Conditions/Mechanic’s Liens**

   Chapters 17 and 19

   **PAPER TOPICS SHOULD BE SELECTED BY NOW. PLEASE EMAIL ME YOUR PROPOSED TOPIC IF WE HAVE NOT DISCUSSED IT.**

8. **March 19, 2013 Terminations and Default/Insurance and Bonds**

   Chapters 18 and 20

9. **March 26, 2013 Time and Proof of Construction Delays/ Damages**

   Chapters 11, 12 and 24
10. April 2, 2013 Virginia State and Local Construction Contracts/Litigation

Handouts—pick up at copy center

Bring AMEC v. VDOT Case Study

11. April 9, 2013 Construction Contracts and other issues with the Federal Government

Handouts—Pick up at copy center

12. April 16, 2013 Construction Site Visit

The class will visit a site currently under construction at the University. We will walk the site so wear appropriate clothes and shoes for the walk.

This year we are planning to walk the New Cabell Hall Renovation Project and hear a presentation from the Director of UVA’s Facilities Planning & Construction, and a member of her staff.

13. April 23, 2013 Dispute Resolution Process

Chapter 21

PAPERS ARE DUE BY 4:30 P.M. on May 10, 2013. Send the papers by email attachment to me at rsmith@smithpachter.com by the 4:30 P.M. deadline. MAKE SURE YOU MEET THE 4:30 P.M. DEADLINE. I am not authorized to grant paper deadline extensions. Also, send a hard copy to me at 3375 Darby Road, Keswick, VA 22947.

With your permission, these papers will be submitted to the ABA Forum on the Construction Industry Writing Contest. There is a $2,000 prize and an all-expenses paid trip to the Forum’s Annual Meeting. So far two of my students have won the prize. One year UVA students won all the awards given.