

Fall 2019

EM 632-851: Legal Aspects of Construction

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New Jersey Institute of Technology
EM 632 Legal Aspects of Construction Syllabus

Fall 2019

Instructor: Abigail Avoryie, Esq.
Email: avoryie@njit.edu (please allow 48-hours for response)
Office hours: By appointment

Text: Sweet & Schneier, Construction Law for Design Professionals, Construction Mangers & Contractors, 2014, Cengage Learning, ISBN# 978-1-111-98690-2

Grades: Course Assignments & Participation 20%; Mid-term 25%, Term Paper 25%, Final 30%. Assignments and due dates are posted on Moodle.

The NJIT Honor Code will be upheld and any violations of the Honor Code will be brought to the immediate attention of the Dean. The instructor may make modifications or deviate from the syllabus, however students will be notified of any changes.

Late assignments will receive a 10-point deduction; assignments later than one week will not be accepted without prior approval.

Date	Topic	Text Chapter(s)
9/2	Introduction to the US Legal System; Aspects of Legal Ethics	1, 13
9/9	Forms of Business Association and Employment; Contract Formation;	2, 3
9/16	Remedies for Contract Breach; Termination	4, 22
9/23	Torts Arising from Contract; Regulation of Land the Construction Process, Term paper topic due	5, 6
9/30	Project Participants; Licensing; Project Organization	7, 8, 14
10/7	Professional- Client Relationship; Sensitive Client Issues & Copyright	9,10
10/24	Professional Liability; Defenses to Claims of Design Professional Liability	11, 12
10/21	Midterm	1-14, 22
10/28	Term Paper Outlines due	
11/4	Public Contracts; Performance Disputes; Payment and Project Completion	15, 16, 17
11/11	Changes; Subcontracting	18, 21

11/18	Subsurface Problems; Project Scheduling	19, 20
11/25	Apportioning Losses, Insurance	23, 24
12/2	Surety Bonds; Arbitration	25, 26
12/9 -12/15	Final Exam and Term Paper Due	15-21, 23-26

Term Paper Instructions

Note: The instructor must approve Term paper topics

A ten-page term paper is due by **December 15**. The format for the term paper is 12-point, Times New Roman font, with one-inch margins. Please number each page and include a cover page (not included in the page count).

Although this course will introduce you to several topics related to engineering and business law, and will provide a strong starting point for understanding this body of law, the topics covered are not exhaustive. It is very likely that at some point in your professional careers you will encounter a legal issue that will require you to further examine a topic we have studied in this course. Therefore, the intent of this exercise is to make sure you know how to do basic legal research. As you all know, in the real world you will still have to consult a licensed attorney, but through this exercise each of you will at least have a basic understanding of how to research areas in the law, what your attorney is talking about during a consultation and why her services are so expensive!

The term paper can be on a topic of your choice, however; I suggest that you choose a topic that you have or will likely encounter at work or in other professional settings. Using basic legal research tools, identify and explain the legal issue. Next, explain the specific “law” or legal concepts that apply, how courts generally rule of these types of cases and finally what steps can have be taken to avoid this legal issue in the future.

Write your term paper from the point of view of an employee explaining to senior management how to alter, or how to include specific practices to avoid legal complications or for additional legal protection. You can pick any aspect of business, for example, the subcontracting process, how contracts are formed or terminated, ethical concerns, allocating losses, insurance, payments, etc. Term papers should be full of analysis, and include your viewpoints and understanding of how to resolve or improve the business situation. Be sure to include personal analysis in your term paper. I am very interested to see how *you* analyze the legal situation based on the research you have found.

Term papers must include a complete list of sources. Plagiarism will result in a failing grade. Quotes taken directly from a source must have quotation marks and appropriate citations. Please cite all sources with footnotes. Remember if you include a concept that you did not know before researching this term paper, you must attribute the source, even if you do not use a direct quote. Omission of sources is plagiarism. I will provide additional information on how to conduct legal research, and the term paper format and citations.

You will be graded on the thoroughness of your research, clarity and your ability to apply your legal research to the specific facts of your “case.” Your personal analysis of the situation is key to a superior grade.