

Fall 2023

EM 632-851: Legal Aspects in Constr

Abigail Avoryie

Follow this and additional works at: <https://digitalcommons.njit.edu/mie-syllabi>

Recommended Citation

Avoryie, Abigail, "EM 632-851: Legal Aspects in Constr" (2023). *Mechanical and Industrial Engineering Syllabi*. 381.

<https://digitalcommons.njit.edu/mie-syllabi/381>

This Syllabus is brought to you for free and open access by the NJIT Syllabi at Digital Commons @ NJIT. It has been accepted for inclusion in Mechanical and Industrial Engineering Syllabi by an authorized administrator of Digital Commons @ NJIT. For more information, please contact digitalcommons@njit.edu.

New Jersey Institute of Technology
EM 632 852 Legal Aspects in Construction Syllabus
Fall 2023

Instructor: Abigail Avoryie, J.D (New York Bar)
Email: avoryie@njit.edu
Office hours: By appointment

Text: Sweet & Schneier, Construction Law for Design Professionals, Construction Managers & Contractors, 2014, Cengage Learning, ISBN# 9781111986902

Grades: Course Assignments & Participation 25%; Mid-term 20%, Term Paper 30%, Final 30%.
Assignments and due dates are posted on Canvas. *Course weights are subject to change.

Welcome to Legal Aspects in Construction! The purpose of the course is to help students learn legal concepts relevant to the engineering field, such as: business formations, contract formation, negligence, professional liability, insurance and liability. **Please read this syllabus in its entirety as it contains important information about the course.**

This is a survey course; therefore we will be touching on a different topic each week. In order to be successful in the course, keep up with the weekly chapter reading, assignments, and forum posts when applicable. There will be a multiple-choice midterm, 10-page term paper and a multiple-choice final exam. More information is posted about the term paper below.

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. 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) |
|-------------------|---|-----------------|
| Wk 1: 9/5 | Introduction to the US Legal System; Aspects of Legal Ethics | 1, 13 |
| Wk 2: 9/12 | Forms of Business Association and Employment; Contract Formation; | 2, 3 |
| Wk 3: 9/19 | Remedies for Contract Breach; Termination | 4, 22 |
| Wk 4: 9/26 | Torts Arising from Contract; Regulation of Land the Construction Process, Term paper topic due (mandatory) | 5, 6 |
| Wk 5: 10/3 | Project Participants; Licensing; Project Organization | 7, 8, 14 |
| Wk 6: 10/10 | Professional- Client Relationship; Sensitive Client Issue & Copyright | 9,10 |
| Wk 7: 10/17 | Professional Liability; Defenses to Claims of Design Professional Liability | 11, 12 |

| | | |
|--------------------|--|-----------------|
| Wk 8: 10/24 | Midterm | 1-14, 22 |
| Wk 9: 10/31 | Term Paper Outlines due | |
| Wk 10: 11/7 | Public Contracts; Performance Disputes; Payment and Project Completion | 15, 16, 17 |
| Wk 11: 11/14 | Changes; Subcontracting * Writing Center Review | 18, 21 |
| Wk 12: 11/21 | Subsurface Problems; Project Scheduling | 19, 20 |
| Wk 13: 11/28 | Apportioning Losses, Insurance | 23, 24 |
| WK 14: 12/5 | Surety Bonds; Arbitration | 25, 26 |
| 12/12 | Final Exam Due | |
| 12/19 | Term Paper Due | |

Term Paper Instructions

Note: The instructor must approve Term paper topics

Format: A ten-page term paper is due on **December 19, 2023**. The format for the term paper is double spaced, 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 construction law, and 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!

Topic: Choose a topic that you have or will likely encounter at work as a project manager, engineer or design professional. 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 in 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. Term papers should be full of analysis, and include your viewpoints and understanding of how to resolve or improve the 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.

Requirements: All students must submit their term paper to the NJIT Writing Center prior to **November 23rd**.

The writing center will review your draft term paper or outline. Writing center appointments fill up fast – so be sure to book ahead. Failure to meet with a writing center tutor, will have a detrimental effect on your grade and is a requirement for the term paper.

Term papers must include a complete list of sources. Plagiarism or the use of AI writing assistants 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 or parenthetical citations. You can use any citation format, as long as it is consistent.

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. If you have questions on how to properly cite research, discuss this during your writing center appointment. If you have made it this far reading the syllabus, well done. The first five students to send me an email with the subject “the password is swordfish” will get a pass that they can use to get an “A” on one homework assignment of their choice. In addition students must also include their full name, class name and class section in the email to be get the free pass. All info must be included.

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.

Please let me know if you have questions about the term paper. I’m very happy to have you in this class.

\