

BSCI 4850
BUSINESS AND CONSTRUCTION LAW
Fall Semester, 2007

Instructor: J. Mark Taylor
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Office hours:
10:00 am – Noon – Monday and Wednesday
11:00 am – Noon – Tuesday and Thursday
Or by appointment

Required Texts:
None

Recommended Texts:
Common Sense Construction Law, 3rd Ed.
Smith, Currie & Hancock
John Wiley & Sons, Inc.

Class Schedule:
8:00 am - 9:15 pm, Tuesday and Thursday

Credit Hours:
3.0 Credit Hours – Lecture
0.0 Credit Hours – Lab

Course Description:

Introduction to the legal environment of business in the United States with emphasis on contract law and liability issues for construction companies. Course includes legal research, claims avoidance, claims documentation, and alternative dispute resolution.

Course Objectives:

- To understand the basic operation of the American legal system
- To be acquainted with the U.S. Constitution and the Code of Alabama
- To understand common legal terminology
- To understand the basic principles of contract law
- To understand the common relationships that exist among parties involved with the construction process
- To have a basic knowledge of common legal matters that impact the construction

- industry
- To understand some of the ethical dilemmas facing those involved with the construction process
- To understand the need for and means of prompt resolution of construction disputes
- To understand the typical contract documents and their functions
- To understand the role of subcontracting, bonding, insurance and liens in the construction industry
- To understand the importance of and the use of building codes

Learning Outcomes:

1. American Judicial System
Students will understand the difference between the federal judicial system and the state systems with a focus on where and what types of public information is available from the different court systems.
2. Alternative Dispute Resolution
Students will understand the differences between mediation, arbitration and litigation and the steps required to initiate each of the dispute resolution mechanisms.
3. Choice of Entity
Students will be able to identify the different legal identities that are available for a business organization and which is most likely to be used for a construction company.
4. Construction Contracts
Students will be able to review and analyze typical construction contracts and their general conditions. Particular attention is paid to the AIA documents common in the construction industry.
5. Surety Bonds
Students will be able to identify the different types of surety bonds used in the construction sector. The students will learn what steps are required in developing a relationship with a surety agent and when surety bonds will be required.
6. Insurance and Risk Management
Students will be able to identify the different types of business risks that are prevalent in the course of owning and operating a construction company and the types of insurance available to shift the risk to a third party. Students will understand which types of insurance are required and which types of insurance are recommended
7. Mechanic Liens
Students will understand the importance of the mechanic lien laws and how they apply to the property owner and those providing improvements to the owners of real property. Students will be able to identify the steps required in perfecting and foreclosing a mechanic's lien.
8. UCC
Students will be able to recognize the importance of the Uniform Commercial Code in the realm of construction contracting.

9. Environmental Concerns
Students will have a basic understanding of the different federal regulatory issues faced by general contractors in today's work environment.
10. Warranties
Students will understand the different types of warranties that are a part of the construction process.
11. Damages
Students will be able to identify the different types of damages that are encountered in the contracting arena and when each is applicable.
12. Building Codes
Students will be able to identify the different building codes used throughout the U.S. and understand the purpose and use of these codes.

Evaluation:

Tests:

Tests will consist of multiple choice or short answer/short problem/discussion questions. Questions will be from class discussions. Four one-hour tests will be given. The lowest of the four test scores will be dropped with the remaining three tests each counting 26.667% of your class average. In order for the Quiz 4 to be dropped as the low test score, this Quiz MUST be taken and you MUST receive a passing grade. If you do not receive a passing grade on Quiz 4, each of the four quizzes will count towards your final average; i.e., the four quizzes will each count 20% of your grade.

Exercise:

Two written exercises will be given. The exercises may be done individually or in groups of two (a two person team is recommended). The exercises are aimed at allowing you to demonstrate your ability to perform basic legal research regarding a given factual situation.

Optional Exercise:

Optional bonus credit (up to 3 points added to your final class average) will be given for a court visit and write-up. You should visit one of the trial courts in the Auburn - Opelika area or your home town (based upon prior approval) and write a brief description (2 pages) of the proceedings including:

1. Court location
2. Case name
3. Case number
4. Judge or Courtroom
5. Date of visit
6. Description of proceedings

Optional assignment due no later than November 29, 2007.

Daily Quizzes:

During the term a number of daily quizzes will be given during class. These daily quizzes cannot be made up at a later date; i.e., you must be in class to do the daily quiz. The daily quizzes will be added as bonus points to your final average.

Schedule and weight:

Event	Date	Weight
Quiz 1	Sept 11 th	26.667%
Quiz 2	Oct 4 th	26.667%
Quiz 3	Nov 1 st	26.667%
Quiz 4	Dec 6 th	Drop Lowest of Q1 – Q4
Exercise 1	Oct 2 nd	10%
Exercise 2	Nov 29 th	10%
Court Visit	Due not later than Nov 29 th	Up to 3 points added to your final average

Note: Lowest score on Quiz 1 through Quiz 4 will be dropped.

Participation:

Student participation in class is encouraged and is expected.

Grading Scale:

- 90% and higher = A
- 80% - 89.99% = B
- 70% - 79.99% = C
- 60% - 69.99 = D
- Below 60% = F

General Information:

Testing:

There will be four scheduled tests in accordance with the above identified dates. Tests are closed book, and must be taken at the scheduled time. There will be no exceptions and no make-up tests (except in cases of emergency). Tests will be graded, returned and recollected in class. All tests are mandatory. Students are required to remove hats and sunglasses and turn off all electronic communication devices (cell phones, etc.) during the test.

Honor Code:

The policy regarding cheating is as follows:

Auburn University expects students to pursue their academic work with honesty and integrity. Violations of this principle, which are enumerated in the Tiger Cub include:

Any communication between students during an examination.

Plagiarism (submission of work that is not one's own without proper acknowledgment).

Students with Disabilities:

Students who need accommodations are asked to arrange a meeting during office hours the first week of classes, or as soon as possible, if accommodations are needed immediately. If you have a conflict with your instructors' office hours, an alternate time can be arranged. To set up this meeting, please contact your instructor by E-mail. Bring a copy of your Accommodation Memo and an Instructor Verification Form to the meeting. If you do not have an Accommodation Memo but need accommodations, make an appointment with The Program for Students with Disabilities, 1244 Haley Center, 844-2096 (V/TT).

Syllabus is subject to change with prior notice.