

USC Viterbi

*Sonny Astani Department of Civil
and Environmental Engineering*

CE 412: Construction Contracts, Law &
Dispute Resolution

Spr 2021

Tues 6:00 pm-7:50 pm

Location: [Online](#)

Instructor: Alan Croll

Office Hours: TBD

Contact Info:

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(310) 415-6564

Taught by Professor Croll, with 50 years of experience representing clients, including Verizon Wireless; Aramark Services; Michael Jackson; Dean Martin; and, The Estate of Diana, Princess of Wales.

Students will learn, discuss, and evaluate construction contract and legal issues; business realities, and legal disputes and their resolution.

Summary

New Class

The primary course learning objectives are for the students to have:

An understanding of the terms, processes and procedures used in construction law and contracts, and the prevention and/or resolution of disputes. Class participation in discussions (not requiring students to be right or correct — but to be engaging) will be emphasized. The class will be interesting, stimulating — and fun.

Required Readings

1. COMMON SENSE CONSTRUCTION LAW, by Smith, Corrie & Hancocks (fifth edition); Selected Chapters; Wiley; ISBN 978-1-118-85810-3
2. A Supplementary Reader, with required articles.

Homework; Description and Assessment of Assignments

The homework will consist of reading selected chapters of the Textbook, and the articles in the Reader. Students will be expected to take notes: in class and on the reading(s) in preparation for class discussions; exercises; quizzes; & papers.

Syllabus: CE 412

[Subject to (minor) changes as to pacing, sequences etc.]

Grading Breakdown

<u>Category</u>	<u>% of Grade</u>
Attendance/Participation	20%
In Class Exercises	20%
Quizzes	20%
Papers	40%

<u>Week</u>	<u>Topics & Assignments</u>	<u>Readings</u>
1.	Introduction to class; Assignments; Introduction to Construction Contracts	<u>Text:</u> <ul style="list-style-type: none">• Chapter 1, pages 1-11 <u>Reader:</u> <ul style="list-style-type: none">• Construction Contracts: Contracts and Risk Transfer, pages 1-8• Relationships Between Construction Contracts Documents, pages 1-6
2.	The Construction Industry — Law & Business [First Paper Assigned]	<u>Text:</u> <ul style="list-style-type: none">• Chapter 2, pages 12-27 <u>Reader:</u> <ul style="list-style-type: none">• Fundamentals of Construction Contracts in California: Understanding the Issues, pages 1-17
3.	Contracts	<u>Text:</u> <ul style="list-style-type: none">• Chapter 3, pages 28-60 <u>Reader:</u> <ul style="list-style-type: none">• Construction Bonds, pages 1-10• Insurance Provisions of the Current AIA Documents, pages 1-7
4.	Law; and Construction Law [First Quiz]	NO READINGS

5.	<p>An Actual Construction (Fire) Lawsuit; Multiple Parties</p> <p>[First Paper Due]</p>	<p><u>Readings:</u> Portions of about 8 pleadings from the actual case.</p>
6.	<p>More on Contracts</p> <p>[First In-Class Exercise]</p>	<p>NO READINGS</p> <p>Two sample contracts in the <u>Reader</u> will be used as resource documents:</p> <ul style="list-style-type: none"> • AIA A101-2007 Owner — Contractor Contract • AIA Document A201-2007, General Conditions
7.	<p>Claims; Torts; Delays; Negligence</p> <p>[Second Paper Due]</p> <p>[Second Quiz]</p>	<p><u>Text:</u></p> <ul style="list-style-type: none"> • Chapter 13, pages 367-398 <p><u>Reader:</u></p> <ul style="list-style-type: none"> • Fundamentals of Construction Contracts: Scheduling and Delay Issues, pages 1-6 • What are Construction Defect Claims, pages 1-3
8.	<p>Dispute Resolution (Part 1 of 2)</p>	<p><u>Text:</u></p> <ul style="list-style-type: none"> • Chapter 23, pages 730-743 <p><u>Reader:</u></p> <ul style="list-style-type: none"> • Your Company Has Been Sued, pages 1-2
9.	<p>Types of Contracts; Delivery Systems</p> <p>[Second Paper Assigned]</p>	<p><u>Reader:</u></p> <ul style="list-style-type: none"> • What Project Delivery Approach Should I Use, Part II, pages 1-5 • The Basics of Design-Build, pages 1-3 • Construction Manager Agreements, pages 1-4 • First Pivot Point and Risk — Defining the Construction Project, pages 1-6

10.	Finances	<p><u>Text:</u></p> <ul style="list-style-type: none"> • Chapter 11, pages 291-319 <p><u>Reader:</u></p> <ul style="list-style-type: none"> • Construction Projects: Agreement Concerning Payments, pages 1-4 • Pay When Paid vs. Paid if Paid Clauses, pages 1-4 • Nonpayment Remedies in the Construction Business, pages 1-3 • Mechanics Liens in General, pages 1-6
11.	<p>Catch Up & Review</p> <p>[Third Paper Assignment]</p> <p>[Third Quiz]</p>	<ul style="list-style-type: none"> • NO READINGS
12.	An Actual Construction (Balcony Collapse) Lawsuit; Multiple Parties	<ul style="list-style-type: none"> • <u>Readings:</u> Portions of about 4 pleadings from the actual case
13.	<p>Dispute Resolution (Part 2 of 2)</p> <p>[Third Paper Due]</p> <p>[Second In-Class Exercise]</p>	<p><u>Reader:</u></p> <ul style="list-style-type: none"> • Alan Croll's 21 "Rules" for Negotiation, one page • Construction Contracts: Provisions Regarding Dispute Resolution, pages 1-14
14.	Miscellaneous: Safety; Common Mistakes; Documentation	<p><u>Text:</u></p> <ul style="list-style-type: none"> • Chapter 19, pages 593-626 <p><u>Reader:</u></p> <ul style="list-style-type: none"> • 7 Critical Mistakes, pages 1-5 <p>The Importance of Proper Documentation Procedures, pages 1-3</p>
15.	<p>Review</p> <p>Summary</p> <p>Conclusions</p>	NO READINGS