

**BSCI 7126**  
**CONSTRUCTION LAW AND RISK MANAGEMENT**  
**Spring Semester, 2017**

**Instructor:** J. Mark Taylor  
232 Gorrie Center  
844-5305  
[taylojt@auburn.edu](mailto:taylojt@auburn.edu)  
Cell 334-421-0292

Office hours:  
11:00 am – 3:00 pm – Tuesday & Thursday  
Available by phone or email at other times

**Required Texts:** Common Sense Construction Law  
5th Edition  
Smith, Currie & Hancock  
ISBN: 978-1-118-85810-3

**Class Schedule:**

Residency Schedule:

1/4/2017	7:30 am – Noon
1/5/2017	1:00 pm – 5:30 pm
1/6/2017	7:30 am – Noon
1/7/2017	7:30 am – 10:00 am

WebEx Schedule:

Session #1:	1/24/2017	6:00 pm – 8:00 pm CST
Session #2: Quiz 1	2/07/2017	
Session #3:	2/14/2017	7:00 pm – 8:00 pm CST
Session #4:	2/21/2017	7:00 pm – 8:00 pm CST
Session #5:	2/28/2017	6:00 pm – 8:00 pm CST
Session #6:	3/21/2017	7:00 pm – 8:00 pm CST
Session #7: Quiz 2	3/28/2017	
Session #8:	4/11/2017	7:00 pm – 8:00 pm CST
Session #9:	4/18/2017	7:00 pm – 8:00 pm CST
Session #10:	4/25/2017	7:00 pm – 8:00 pm CST
Session #11: Quiz #3:	5/02/2017	

Asynchronous Assignments:

TBA

## **Course Objectives:**

- To understand the basic operation of the American legal system
- To be acquainted with the U.S. Constitution and State Codes
- To understand common legal terminology
- To understand the risks associated with the business of general contracting and how to plan for and mitigate risks
- 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 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

## **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. 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.
3. 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.
4. Construction Insurance  
Students will be able to identify the different types of insurance required in the course of owning and operating a construction company. Students will understand which types of insurance are required and which types of insurance are recommended
5. Risk Management  
Students will be able to identify the different types of risks prevalent in the course of owning and operating a construction company.
6. 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.

7. Environmental Concerns  
Students will have a basic understanding of the different federal regulations faced by general contractors in today's work environment as related to environmental issues.
8. Damages  
Students will be able to identify the different types of damages that are encountered in the contracting arena and when each is applicable.
9. 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.

### **Evaluation:**

#### Tests:

Tests will consist of multiple choice or short answer/short problem/discussion questions. Questions will be from class discussions. Three one-hour tests will be given.

#### Participation / WebEx Assignments:

Student participation in class and during online sessions is encouraged and is expected.

#### Assignments/Exercises:

Six assignments/exercises will be given during the semester that will count 40% of your final average. Each assignment should be performed following all requirements as outlined in the assignment and turned in by the appointed time. Assignments turned in late will be assessed a 10-point penalty and an additional 10 points for each day thereafter. The assignments are:

- Assignment #1: Case Analysis #1
- Assignment #2: Cash Flow
- Assignment #3: Letter Writing #1
- Assignment #4: Cash Analysis #2
- Assignment #5: Letter Writing #2
- Assignment #6: Free Form - Legal

More detail and formatting requirements are provided in the assignment.

Schedule and weight:

Event	Date	Weight
Quiz 1	February 7 <sup>th</sup>	20%
Quiz 2	March 28 <sup>th</sup>	20%
Quiz 3	May 2 <sup>nd</sup>	20%
Assignment #1	TBA	5%
Assignment #2	TBA	10%
Assignment #3	TBA	5%
Assignment #4	TBA	5%
Assignment #5	TBA	5%
Assignment #6	TBA	10%

Grading Scale:

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

**General Information:**

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.**