

Course Syllabus - CNST 4302

Construction Law and Ethics

Course Description

This course introduces students to a basic understanding of the American legal system and legal issues significant to construction industry professionals. While the course is designed to teach basic concepts of law and to teach you to recognize legal issues, it is not intended to give you all the tools necessary to provide legal advice. The course material is merely a survey of numerous topics covered in in-depth detail in law school. This course also covers ethical issues faced in the construction industry.

Course Prerequisites

C or better in CNST 2341 or CNST 2345.

Textbook

Texas Construction Law Manual, 2016/2017 Edition, by Joe Canterbury and Robert Shapiro, Lawyers Cooperative Publishing. (Paperback) (Thompson Reuters) – *or any newer edition (as of August 12, 2020, this book was available on Amazon in paperback in new and used formats)*

Course Learning Outcomes:

Upon the completion of the course students will demonstrate the ability to understand:

1. Legal terminology common to the construction industry
2. The general structure of the USA legal and regulatory system
3. Construction contracts, roles, and responsibilities of parties
4. The regulatory environment and licensing
5. Lien laws and the contractor's rights
6. Administrative procedures to avoid disputes
7. Common methods of dispute resolution

In addition to the learning objectives above, this course covers ethics, safety, and public speaking.

Student Learning Outcomes:

12. Understand different methods of project delivery and the roles and responsibilities of all constituencies involved in the design and construction process
17. Understand the legal implications of contract, common and regulatory law to manage a construction project

Course and Student Learning Outcome Mapping:

Student Learning Outcome	Course Learning Outcomes
12	1, 4
17	1, 2, 3, 5, 6, 7

Student Learning Assessment and Assessment Target:

Assessment	SLO#12	SLO#17	Assessment Target
Support (S)	X		
Assess (A)		X	At least 70% of students receive a grade of 70 or better

Class Grading:

Quizzes & Presentation:	30%
Mid-Term Exam:	35%
Final Exam:	35%

There will be five quizzes given, with each worth 60 points. The instructor will drop your lowest quiz grade. There will also be a presentation that each student must give, which will also be worth 60 points. The quizzes and presentation are worth a combined 300 points. The mid-term and final exams are each worth 350 points for a combined 700 points. The final exam is comprehensive (cumulative) of the material taught and discussed during the entire semester.

Grading Scale:

Letter Grade	Score
A	630 -700 points
B	560 - 629 points
C	490 - 559 points
D	240 - 489 points
F	Below 240

Class Schedule:

[Subject to Change(s)]

Class	Topic	Reading Assignment
2020.08.25 Class No. 1	Sources of Law (Legislation and Common Law); Our Legal System	
2020.09.01 Class No. 2	Contract Basics - Introduction to and Types of Construction Contracts	Chapter 1 <i>Pearson v. Fullingim</i> , (Tex. App. – Austin 2006)
2020.09.08 Class No. 3	Contracting Around Risks	<i>Lonergan v. San Antonio Loan & Trust Co.</i> (Tex. 1907) <i>El Paso Field Services v. Mastec North America, Inc.</i> (Tex. 2012) <i>United States v. Spearin</i> (1918) <i>Metcalf Construction Co. v. United States</i> (Fed. Cir. 2014)
2020.09.15 Class No. 4	Business of Construction and Regulatory/Licensing Requirements	Chapter 2
2020.09.22 Class No. 5	Contract Claims and Disputes Contracting Around Delays	Chapter 8 Cases: The <i>Zachry Construction Corp.</i> line of cases
2020.09.29 Class No. 6	Midterm Review	
2020.10.06 Class No. 7	Midterm	

2020.10.13 Class No. 8	Selected Statutes Affecting Construction	Chapter 3
2020.10.20 Class No. 9	Negligence and Insurance	Chapter 9 Cases: <ul style="list-style-type: none"> • <i>LAN/STV v. Martin K. Eby Construction Co.</i> (Tex. 2014); • <i>Chapman Custom Homes, Inc. v. Dallas Plumbing Co.</i> (Tex. 2014)
2020.10.27 Class No. 10	<i>Cont'd:</i> Negligence and Insurance	Chapter 9 Cases: <ul style="list-style-type: none"> • <i>LAN/STV v. Martin K. Eby Construction Co.</i> (Tex. 2014); • <i>Chapman Custom Homes, Inc. v. Dallas Plumbing Co.</i> (Tex. 2014)
2020.11.03 Class No. 11	Public Contracts	Chapter 4
2020.11.10 Class No. 12	Liens; Bonds and Bond Claims	Chapters 10, 11, 12 Cases: <ul style="list-style-type: none"> • <i>Page v. Structural Wood Components</i> (Tex. 2003) • <i>Stolz v. Honeycutt</i>, (Tex. App.—Houston [14th Dist] 2001)
2020.11.17 Class No. 13	Dispute Resolution (Litigation/Arbitration)	Chapters 13, 14
2020.11.24 Class No. 14	Review for Final Exam	
2020.12.01 Class No. 15	Final Exam	

NOTE: The syllabus is subject to change(s). You will be notified in advance when the syllabus changes and when reading assignments are added, removed or moved around in the syllabus.

Important Dates:

2020.08.24 First day of class
2020.09.09 Official Reporting Day – Last day to drop a course without receiving a grade
2020.11.03 Last day to drop a course or withdraw with a “W”
2020.11.25-28 Thanksgiving holiday
2020.12.05 Last day of class
2020.12.16 Official closing of the session

No Representation:

We will be discussing many legal topics in this class. Many of you will experience or have experienced such matters in your life. Legal issues are complex and for every legal rule there can be many exceptions. Do not use the material that is covered in class as a substitute for proper informed legal advice. A lawyer can give you legal advice only after establishing an attorney-client relationship and investigating the facts and the law of a particular matter completely. What is discussed in class shall never be considered legal advice. Although both instructors are licensed attorneys, unless a formal attorney-client relationship has been established, the instructors do not represent you as your attorney. Please seek competent legal advice if you are faced with a legal issue.

Class Procedure:

The class will not be structured like a pure lecture-format class. Do not expect that the instructor will simply lecture throughout the entire class period. It is important that you read the assigned readings before each class and be prepared to discuss them. Students will be called upon to discuss and analyze the issues covered in each reading assignment. At times, the students will be asked to stand in front of the class to discuss issues covered in the reading assignment (COVID-19 update: no need to stand in front of the class if you are attending via the Teams platform). Student participation in the discussions is a very important part of the grading criteria. The construction industry is highly competitive, fast-paced and unforgiving. The successful construction professional must have effective time management skills, punctuality, the ability to read and follow instructions carefully, and the ability to stand up and speak in front of his/her peers, colleagues, subordinates. Therefore, you will be evaluated, in part, based upon arriving to each class on time and following instructions. All assignments are due on time; late assignments will not be accepted.

NOTE: Class attendance is imperative. There will be quizzes given at unannounced times during the semester to promote class attendance.

Assistance:

The instructor's objective is to educate you regarding legal issues affecting the construction industry. Accordingly, the instructor welcomes your questions.

Classroom Behavior:

High level of professionalism in the classroom is expected. The instructor has the right to set the rules in his classroom—including assignment of seats. A student does not have the right to make changes to the instructor's way of managing the classroom. Disruptive behaviors, such as excessive talking, arriving late to class, and using unauthorized electronic devices during class is not permitted. Repetitive and seriously disruptive behavior may result in removal from class in accordance with policies and procedures set by the Dean of Students Office.

Academic Honesty:

The instructors reserve the right to adjust letter grades, upward only, based on individual attendance and class participation if numerical grade warrants such consideration. Students who violate University rules on scholastic dishonesty are subject to disciplinary penalties, including the possibility of failure in the course and dismissal from The University. Since dishonesty harms the individual, all students, and the integrity of The University, policies on scholastic dishonesty will be strictly enforced.

Exam Policy:

Exams will include material covered in class discussions and homework assignments. Exam make-up will be given only in the event of a verified emergency or doctor-verified sickness.

The last day of class is the deadline for students to verify their grades and the accuracy of their score. After this deadline, there will be no consideration for any changes.

University Counseling and Psychological Services:

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to college, or feeling sad and hopeless. You can reach CAPS (UH main campus www.uh.edu/caps, or UH Sugar Land campus <http://www.uh.edu/dsaes/uhsugarland/>) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus.

UH main campus: http://www.uh.edu/caps/outreach/lets_talk.html

UH Sugar Land campus: <http://www.uh.edu/dsaes/uhsugarland/>

Course/Instructor Evaluation:

A course/instructor evaluation will be conducted in class during the last scheduled lecture. Any suggestions you have on improving the course, however, are welcome throughout the term.

Students with Disabilities:

University of Houston provides, upon request, appropriate academic adjustments for qualified students with disabilities. Any student with a documented disability (physical or cognitive) who requires academic accommodations should contact the Center for Students with Disabilities (713/743-5400) for more assistance.

For detailed information about Disabilities, Religious Holy Days, the Academic Calendar, and Academic Honesty, and other information, please visit the following website:
<http://www.uh.edu/provost/policies/student/resources/>.