CONSTRUCTION LAW – 257.5/BOALT HALL
PROFESSOR ALAN E. HARRIS
SPRING SEMESTER 2013

Course Textbook: Construction Law

Course Outline:

1. Contractual Relationships in Construction Projects

a. Chapter 2 – Participants in the Design and Construction Process
b. Chapter 4 – Project Delivery Systems
b. Broadway Maintenance v Rutgers, 447 A.2d 906 (1982)

2. The Owner's Role

a. Chapter 3 – The Owner's Role
b. United States v Spearin, 39 Supreme Court Reporter 59 (1918)

3. Responsibilities and Liabilities of the Architect

a. Chapter 6 – The Design Undertaking
b. Swett v Gribaldo, Jones & Associates, 115 Cal. Rptr. 99 (1974)
c. Duncan v Missouri Board for Architects, 744 S.W. 2d 524 (1988)
d. Code of Civil Procedure Section 411.35

4. Responsibilities and Liabilities of Contractors

a. Chapter 9 –Pricing Construction Contracts
b. Business & Professions Code Section 7031
c. MW Erectors v Niederhauser, 30 Cal. Rptr. 3d 755 (2005)
d. Hydrotech Systems v Oasis Waterpark, 277 Cal. Rptr. 517 (1991)
e. Ranchwood Communities v Jim Beat Construction, 57 Cal. Rptr. 2d 386 (1996)

5. Issues in Public Bidding

a. Valley Crest Landscape v City Council, 49 Cal. Rptr. 2d 184 (1996)
b. Ghilotti Construction v City of Richmond, 53 Cal. Rptr. 2d 389 (1996)
c. Kajima/Ray Wilson v Los Angeles County Metropolitan Transportation Authority, 96 Cal. Rptr. 2d 747 (2000)

6. Responsibilities and Liabilities of Subcontractors

a. Chapter 10 – Subcontractors and Suppliers (pages 247-262; 269-276)
b. Drennan v Star Paving, 151 Cal. 2d 409 (1958)
c. Severin v United States, 99 Ct. Cl. 435 (1943)

7. Payment, Mechanics' Liens and Stop Notices

a. Chapter 14 -- Payment
b. Murray's Iron Works, Inc. v Boyce, 71 Cal.rptr.3d 317 (2008)
c. Civil Code Sections 3082 - 3176.5
d. Clarke v Safeco Insurance, 64 Cal. Rptr. 2d 578 (1997)

8. Allocation of Responsibility: Insurance, Bonds, Indemnity, Limitation of Liability

a. Chapter 20 – Insurance and Bonds
b. Civil Code Sections 2772-2784
c. Continental Heller v Amtech Mechanical, 61 Cal. Rptr. 2d 668 (1997)
d. Markborough Homes, 277 Cal. Rptr. 919 (1991)
e. Crawford v Weather Shield Mfg., Inc., 44 Cal. 4th 541 (2008)

9. Changes to the Contract –and Abandonment

a. Chapter 16 --Changes
b. Jasper v Foothill Junior College District, 153 Cal. Rptr. 767 (1979)
c. C. Norman Peterson v Container Corporation of America, 218 Cal. Rptr. 592 (1985)
d. Amelco Electric v City of Thousand Oaks, 115 Cal. Rptr. 2d 900 (2002)

10. Differing Site Conditions

a. Chapter 17 – Differing Site Conditions (pages 459-483)
b. Warner Construction v City of Los Angeles, 85 Cal. Rptr. 444 (1970)
c. Weichmann Engineers v State of California, 107 Cal. Rptr. 529 (1973)
d. Welch v State of California, 188 Cal. Rptr. 726 (1983)

11. Analyzing Delayed Completion

a. Chapter 11 – Contract Time and Completion
b. Civil Code 1671
c. Chapter 12 – Construction Scheduling

12. Termination of the Contract

a. Chapter 18 – Termination and Default

13. Statutes of Limitations and Statutes of Repose

a. Code of Civil Procedure Sections 337.1 and 337.15
b Lantzy v Centex Homes, 2 Cal. Rptr. 3d 655 (2003)
c Moreno v Sanchez, 131 Cal. Rptr. 2d 684 (2003)

14. Damages and the Economic Loss Rule

a. Chapter 24 -- Damages
b. Amelco Electric v City of Thousand Oaks, 115 Cal. Rptr. 2d 900 (2002)
c Gagne v Bertrand, 43 Cal. 2d 481 (1954)
d. Chapter 23 – The Economic Loss Rule in Construction Law (do not read the cases in the text)
e. Aas v Superior Court, 101 Cal.Rptr.2d 718 (2000)
f. J'Aire Corp. v Gregory, 157 Cal. Rptr. 407 (1979)
g. Civil Code Sections 895-945
h. Greystone Homes, Inc. v Midtec, Inc., 168 Cal.app.4th 1194 (2008)

15. Dispute Resolution

a. Chapter 21 – Dispute Resolution Processes
b. Trend Homes v Superior Court, 32 Cal. Rptr. 3d 411 (2005)