Preface

The first edition of this book was published ten years ago to create a useful resource for the construction industry by assisting professors in familiarizing students with the principles of construction law. It was our goal that the availability of the textbook would encourage law schools and other programs to recognize that construction law is a valuable subject for focused study and to facilitate the development of courses guiding such study. We are pleased that this has been the case. Many professors have found the book useful not only in law schools but also in professional programs for architecture, engineering, and construction management as well. We have also been told that the book is a useful resource not only for many attorneys who are new to the practice of construction law but also for experienced practitioners.

As the editors started work on the second edition, we wanted not only to update the book but to improve it. We reached out to professors who use the book and received very helpful responses, and we want to thank those who took the time to respond to us.

While the overall organization of the book remains the same, we made some changes that should make the book easier to use. As was the case in the first edition of this book, many of the discussions in the text and the questions at the end of each chapter focus on typical small commercial construction projects and the American Institute of Architects forms of agreement that are widely used on such projects. This is consistent with our intent to familiarize readers with a wide range of issues that arise on most construction projects. The initial chapters of the book are still devoted to providing an overview of the construction process, including the roles and responsibilities of the key project participants: owners, designers, contractors, and subcontractors. In this edition, all of the discussions of the roles and responsibilities of the design team on a construction project are presented in Chapters 6 and 7.

The discussion of critical time-related issues, including tools for tracking schedules of work and determining the time of completion, are consolidated in
Chapter 11. The next chapters address specific concerns that arise in the construction process, including payment, changes, differing site conditions, site safety, and contractual provisions for termination of construction contracts. The remainder of the book deals with issues arising out of construction disputes, including mechanic's liens, insurance and bonding, defective construction, damages, the economic loss rule, and, of course, alternative dispute resolution systems.

This edition of the book contains two new chapters that cover material that was not included in the first edition. We recognized that the book did not address the special requirements of one of the most important entities initiating construction projects: the government. A new chapter presents an overview of the legal landscape and specialized requirements for government contracts. We also recognized that one of the most significant changes in the construction industry in the last ten years is the increase in importance of BIM and other electronic tools in the construction process. There is now a chapter on BIM that provides an overview about how BIM can facilitate expedited and improved communication on projects. This is a topic that continues to evolve and it is important for students to have insight into how BIM tools are used on construction projects.

This textbook is published by the Forum on the Construction Industry and is written by industry-leading practitioners, most of whom teach construction law. The selection of topics and the scope of their treatment have been dictated by practical needs in the industry, and the student can assume with confidence that the subject areas presented are those that are most commonly faced in the field. The text presents a core group of subjects with which a well-rounded construction attorney should be familiar on a practical level and provides a sound solid foundation for further study and use in practice.