

Advanced Professional Practice

Seminar Spring 2020

Graduate School of Architecture Planning and Preservation

Columbia University

By Adjunct Professor Robert F. Herrmann

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Summary

Below is a summary of the content of each class as planned for this Spring semester. Also included is a list of confirmed guests.

Guest speakers include: Lise Anne Couture from Asymptote Architecture; LeAnn Shelton, Director of Business and Legal Affairs, Rockwell Group; Susan Strauss, consultant to architecture firms and formerly an Associate Partner at Ennead Architects; Rosa Maria Colina, Vice President, Design and Construction of Related Companies; Jennifer Stone, Partner and Kurt Glauber, Senior Associate, Robert A.M. Stern Architects, Marc Leff, Partner at Deborah Berke Partners Architects LLP and Brian Kenet, Senior Advisor, Architecture and Engineering Industry Group at Anchin Block & Anchin.

The class will be led by Robert F. Herrmann, partner at the law firm Offit Kurman, P.A. and lead author of *Law for Architects: What You Need to Know* published by W.W. Norton in 2012.

The class will investigate a range of design, legal and construction problems. A number of the classes will involve students assuming the roles of the various parties involved in the construction process.

Dates of the classes and content are subject to change.

Class 1: January 23, 2020

Agreement and Fees: Owner/Architect

With Hope Plasha, Attorney at Patterson Belknap & Webb

Students will be given a one-page description of a hypothetical mixed use residential/commercial tower project with a list of issues that the architect and owner will want to address in an agreement. They will also get a standard AIA B101 agreement between owner and architect which contain the provisions the owner and architect will negotiate. Using a debate format, the class will discuss and review the issues with the goal of negotiating an agreement on selected topics. The goal would be for the students to develop a better understanding of the issues that often come up in a negotiation and hopefully some understanding of ways to compromise and minimize risks in order to reach a resolution and a signed contract.

Class 2: January 30, 2020

Managing Risk During Design and Construction: Architect/Developer/Contractor

With Marc Leff, Partner at Deborah Berke & Partners Architects LLP

This class will address a series of design and construction problems. The students will be divided into groups and provided design and construction problems commonly encountered in the “real world.” The students will be given the problems before the class and they will be expected to come prepared to discuss and debate. The students will then discuss how the problems could have been avoided and how they could have been handled once they arose. Accompanying that discussion will be a series of slides that show contract terms, common construction issues and other notes that relate to the particular problem under discussion. Marc Leff, a partner at Deborah Berke & Partners Architects LLP will lend his real world perspective to this discussion.

Class 3 February 6, 2020

Collaborative Problem Solving: Lessons and 'True' Stories' from the Construction of Yale's University's New Residential Colleges

Representatives of the architect (Jennifer Stone and Kurt Glauber from Robert A.M. Stern Architects), involved with the design and construction of the two new residential colleges at Yale University will share with the students issues they encountered during design and construction and how, through a collaborative process, they reached resolution. The students will have the opportunity to share their views on how these issues should have been addressed.

Class 4: February 13, 2020

Intellectual Property: Copyright and Trademark

With Cheryl Davis, General Counsel, The Author's Guild

The students will receive an introduction to intellectual property principles, and how they relate to different areas of the design profession. The students will be given a series of examples to provide opportunities for them to review and assess the designer's rights, with an eye toward figuring out how best to protect and exploit these rights.

Accompanying this discussion will be a series of slides highlighting potential contract and licensing terms.

Class 5: February 20, 2020

Business Development and Marketing/Branding

With LeAnn Shelton, Director of Legal and Business Affairs, Rockwell Group and Susan Strauss, Consultant and formerly Associate Partner, Ennead Architects

LeAnn Shelton and Susan Strauss shall lead the discussion of how a firm structures, markets, protects and vets its potential clients and creates a brand.

LeAnn Shelton holds a M.Arch from Columbia GSAPP and a law degree from Columbia Law School. Prior to joining Rockwell Group she was an Associate Partner at Davis Brody Bond, and Ehrenkrantz Eckstut and Kuhn/now Perkins and Will. Susan Strauss holds a Master of Philosophy and Master of Arts, Columbia University Graduate School of Arts and Sciences. Prior to starting her own consulting firm she was Director of Marketing, Business Development and Communications at Ennead Architects. A tour for students of Rockwell's studio can also be arranged.

Class 6: February 27, 2020

Design and Construction Process: 555 W 22 Street

With Rosa Maria Colina, Vice President, Design and Construction, Related Companies and the design and construction team for a new residential building in Chelsea.

Rosa Maria Colina and members of the design and construction team will discuss the many issues they encountered during design and construction and how, through a collaborative process, they reached resolution. Robert A.M. Stern Architects is renowned for classically detailed building and design forms. What challenges does building classical designs bring to current day design tools and construction process? What should architects, contractors and owners do differently in their contracts? During the design process? During construction coordination?

Class 7: March 5, 2020

How Do Design Firms Make Money?

With Brian Kenet, Senior Business Advisor at Anchin, Block & Anchin.

Brian Kenet will lead a discussion on how architecture firms make money and why they often fail to do so. The class will highlight the unique financial characteristics and challenges of architecture firms. Through exercises, students will seek answers to the questions "How well is my firm doing financially?" and "How can I improve the financial performance of my firm?".

Class 8: March 12, 2020

Foreign Projects: Architect/Executive Architect/Consultants/Government

With Lise Anne Couture, Principal of Asymptote Architecture

Lise Anne Couture, an architect working internationally, will lead a discussion of the issues associated with executing foreign projects with architectural partner firms, construction companies, and government entities, including the legal issues of working overseas. The class will focus on a number of contractual issues that arise from bringing together different firms, and legal entities to do a common project with a common timeline. The class will compare and contrast the outlines of the AIA documents with those of The Royal Architecture Institute of Canada, which guidelines Lise Anne Couture finds more flexible and helpful to structure the delivery of complex international projects in terms of fee allocation and structure, additional services, consultants, expenses, project budgets and schedules. There will be a discussion of the legal boundaries and differences evident when American architects work in foreign countries and how to set up an architecture project to design, deliver drawings, accept fees and administer construction abroad.

Classes 9 and 10: March 26 and April 2, 2020

Dispute Resolution

With Richard Menaker, Attorney at Offit Kurman, P.A.

These two classes will address problems that arise during the construction process that demand the involvement of legal professionals and dispute resolution (mediation and if mediation fails, arbitration). There will be both a mock mediation and arbitration and students will assume the roles of owner, architect, contractor and consultant. During these two classes the students will be introduced to an overview of the US legal system. Dick Menaker is a litigation attorney with experience in resolving architecture and construction disputes.

Class 11: April 9, 2020

Setting Out on Your Own: Challenges and Opportunities

Architects who are GSAPP graduates and GSAPP faculty members who have started their own small firms will describe how they came to make that big decision, the planning process, the challenges they faced (anticipated or not) and the risks and the rewards from having your own practice. For students who contemplate one day having their own firm, this panel discussion should provide insights into the process of setting up a firm and managing it through its early years. A lunch with visiting architects will follow the class.

Class 12: April 16, 2020

Final exam: Presentation of Proposals

For the final exam the students will be asked to prepare, based on a set of facts about a project and the student's own architecture firm, a proposal for their firm to design a mixed use residential tower in Manhattan. After the students have submitted their written

proposals they will have an opportunity to present their proposals to the potential client. We will invite a panel to act as the representatives of the developer client to listen to the presentations, ask questions and critique the presentations.

Bibliography

- Law for Architects, What You Need to Know, by Robert Herrmann and the attorneys at Menaker and Herrmann, W.W. Norton, New York and London, 2012
- Professional Practice, a guide to turning Designs into Buildings, by Paul Segal, FAIA
- AIA Architect's Handbook of Professional Practice
- The Routledge Companion for Architecture Design and Practice: Established & Emerging Trends, London, 2015 - Chapters, Social Equity and Ethics for Sustainable Architecture, Branding and the Politics of Identity, Legal Dimension of Practice and Regulatory Agencies' Role in Control of Design and Practice of Architecture
- Licensing Art & Design – Caryn R. Leland
- Infringement Nation: Copyright 2.0 and You – Jane Tehranian

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