

Advanced Professional Practice

Seminar Spring 2017

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

Guest speakers including, Lise Anne Couture from Asymptote Architecture, Vishaan Chakrabarti from PAU, LeAnn Shelton, Director of Business and Legal Affairs, Rockwell Group, Rosa Maria Colina, Vice President, Design and Construction of Related Companies, John Rusk, Principal of Rusk Renovations Inc. and Greg Kumm, Principal of Prosurance Redeker Group Ltd. will bring their real life experiences to the classroom.

The class will be led by Robert F. Herrmann, partner at the law firm Menaker and Herrmann LLP 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 19, 2017

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 an AIA B101 standard agreement between owner and architect reflecting changes an architect might make, and a modified version of that agreement reflecting changes that an owner might want. Using a debate format, the class will discuss and review the issues and the two versions of the agreement and then negotiate 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 26, 2017

Design and Construction – Architect/Developer/Contractor

With Evan Remington, Associate, SHoP Architecture

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 would be a series of slides that show contract terms, common construction issues and other notes that relate

to the particular problem under discussion. Paul Fredrickson from SHoP will lend his real world perspective to this discussion.

Class 3: February 2, 2017

Business Development and Marketing – Architect /Marketing/Branding

With LeAnn Shelton, Director of Legal and Business Affairs, Rockwell Group

LeAnn Shelton, General Counsel at Rockwell Group, shall lead the discussion of how a firm structures, markets, protects and vets its potential clients. Shelton will work from an RFP (Request for Proposals) to illustrate how to evaluate a proposal, calculate a fee, allow for profit, prepare the response to the RFP and then track the project progress.

The students will see how a project goes from RFP to contract and how a profit margin is calculated and protected. The discussion will address copyright and trademark protections, and developing a global 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. A tour for students of Rockwell's studio will also be arranged.

Class 4: February 9, 2017

Urban Architecture and Advocacy

With Vishaan Chakrabarti, Principal of PAU

The discussion with architect Vishaan Chakrabarti, Founder of Practice for Architecture and Urbanism (PAU), will focus on the creation of a new firm based on a specific mission around urban architecture and advocacy. Recent examples of their work include a proposal for Penn Station feature in the New York Times (<http://www.nytimes.com/interactive/2016/09/29/opinion/1000000004681093.app.html?nytapp=iphone>). And a

joint proposal for networked public space in response to the recent election (<https://www.vanalen.org/stories/public-space-for-free-expression/>). Chakrabarti will discuss this and other work, including the formation of his ten person architecture firm.

Class 5: February 16, 2017

Intellectual Property – Copyright and Trademark

With Cheryl Davis, Attorney at Menaker & Herrmann LLP

The students would receive an introduction to intellectual property principles, and how they relate to different areas of the design profession. The students will receive a series of examples that will 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 6: February 23, 2017

Construction Process –Architect/Developer/Construction Manager/Contractor

With Rosa Maria Colina, Vice President, Design and Construction, Related Companies (formerly at Robert A.M. Stern Architects)

And John Rusk, Construction Manager, Principal of Rusk Renovations Inc.

Rosa Maria Colina and John Rusk will bring the perspective of the owner/developer and construction manager when working with architect. The class will consider a variety of problems and will see how developers and construction managers address matters that arise during construction. Both Mr. Rusk and Ms. Colina will share their experiences as to what works well and what does not when interacting with architects, including issues such as project timeline delivery and cost, sequencing of work and unexpected occurrences and how these affect cost overruns. Divided into groups, some students will

argue for the architect's interests, while others will argue for the owner and the construction manager. The broadly based discussion will help students understand what it takes to work through a project collaboratively as a team from design through project completion and to achieve an outcome that works for the owner/developer, contractor and architect.

Class 7: March 2, 2017

Foreign Projects – Architect/Executive Architect/Consultants/Government

With Lise Anne Couture, principal of Asymptote Architecture

Yao Fu Bailey, Attorney at Duane Morris LLP

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. There will be a discussion of the legal issues of working overseas. The class will focus on a number of contractual issues that arise from bringing together different firm's 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.

Yao Fu Bailey and Robert Herrmann will discuss the legal boundaries and differences evident when American architects work in foreign countries such as China and how to set up an architecture project to design, deliver drawings, accept fees and administer construction abroad.

Classes 8 and 9: March 23 and 30, 2017

Dispute Resolution – Architect/Lawyer/Claim

With Dick Menaker, Attorney at Menaker & Herrmann LLP

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 10: April 6, 2017

Corporate Structure – Architect /Employee / Employer

With Greg Kumm, Prosurance Redeker Group Ltd.

This class will focus on the various ways architecture firms are structured (PC, PLLC, sole proprietorship and DPC). There will be a discussion of issues that need to be resolved in any agreement among owners in setting up a firm in New York, and in growing a firm in the US and overseas. The students will be provided sample agreements with typical provisions regarding issues such as decision making, non-solicitation, non-competition, termination and dissolution. Some students will assume the role of an employee being offered the opportunity to become a part owner, while others will assume the role of the firm owner and or a negotiation of terms for the employee to become an owner will follow. The students will be encouraged to think about the issues from both the owner and prospective owner's perspective. The class will also include

discussion of issues such as working in other states and the need for proper corporate organization to do business in another jurisdiction.

The class will also include a discussion of insurance that firms typically carry and what insurance does and does not cover. Greg Kumm from Prosurance Redeker Group works with design firms, and he will discuss how professional liability insurance works, what it covers and the kind of claims that most frequently arise on projects.

Class 11: April 13, 2017

Setting Out on Your Own: Challenges and Opportunities

A panel with several architects who (GSAAP graduates and GSAAP faculty members) have recently started their own firms will speak to how they came to make the big decision, the planning process, the challenges they faced (anticipated or not) and the risks and the rewards from having your own practice.

Class 12: April 20, 2017

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 architecture student's architecture firm, a proposal for the firm to design a mixed use residential tower. 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 and to ask questions.

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