

BRIEF CONTENTS

FOREWORD V
ABOUT THE AUTHORS IX
PREFACE XXIV

PART ONE

INTRODUCTION TO LAW

- 1 EVOLUTION OF ENGINEERING AND LAW 2
- 2 LEGAL SYSTEMS IN THE UNITED STATES AND THE WORLD 20
- 3 SUBSTANTIVE V. PROCEDURAL LAW 38
- 4 SYSTEMS OF COURTS 49

PART TWO

LAW OF CONTRACTS

- 5 TYPES OF CONTRACTS 57
- 6 FORMATION OF CONTRACTS 68
- 7 PROCEDURAL ISSUES IN FORMATION OF CONTRACTS 89
- 8 TERMS AND CONDITIONS 95
- 9 PRIVITY AND THIRD-PARTY BENEFICIARIES 99
- 10 CONSTRUCTION AND INTERPRETATION 102
- 11 DISCHARGE OF OBLIGATIONS 106
- 12 ISSUES WITH DISCHARGE BY PERFORMANCE 119
- 13 REMEDIES FOR BREACH OF CONTRACT 124

PART THREE

RELATIONSHIPS OF INDIVIDUALS AND SOCIETY

- 14 AGENCY 142
- **15** PARTNERSHIPS 149
- **16** CORPORATIONS 157
- **17** INSURANCE 172
- 18 BONDS AND SURETYSHIP 181
- 19 FEDERAL STATUTES AND REGULATIONS 188

PART FOUR

LAW OF TORTS

- 20 DEFINITION AND SCOPE OF TORTS 207
- 21 TORTS BASED UPON INTENTIONAL ACTIONS 213
- **22** TORTS BASED UPON NEGLIGENT ACTIONS 228
- 23 TORTS WITHOUT FAULT 240
- 24 PROCEDURAL ISSUES RELATING TO TORTS 253
- **25** PROFESSIONAL LIABILITY FOR ARCHITECTS AND ENGINEERS 259





LAW OF REAL AND OTHER PROPERTY

- 26 REAL AND PERSONAL PROPERTY 283
- **27** ABOVE AND BELOW—AIR, WATER, AND MINERAL RIGHTS 316
- 28 INTELLECTUAL PROPERTY 334

PART SIX

APPLICATION TO ENGINEERING AND CONSTRUCTION PROJECTS

- 29 CONTRACTS FOR CONSTRUCTION PROJECTS 359
- 30 DRAWINGS 374
- 31 SPECIFICATIONS 389
- 32 SPECIFICATIONS FOR WORKMANSHIP 405
- 33 SPECIFICATIONS FOR MATERIALS 424

- **34** GENERAL CONDITIONS 438
- 35 CLAUSES RELATING TO FINANCE 458
- **36** PROPOSALS 481
- 37 ADVERTISING FOR BIDS 504
- **38** DUTY TO DESIGN—ENGINEERING V. STATUTORY CODES 508

PART SEVEN

INDEX 581

ENGINEERING AND LEGAL PROCEDURE

- 39 THE ENGINEER'S ROLE IN LITIGATION 546
- **40** THE ENGINEER'S ROLE IN ARBITRATION 565
 GLOSSARY 577



