

AIATrust **LegalLine: Pitfalls of the Profession**

Thank you for viewing the AIA Trust Week webinar, Pitfalls of the Profession, presented by A/E attorney Peter Stacy, Esq. of LegalLine and W&D Law, LLP. Please answer the following questions and submit your completed test to aiatrust@aia.org to receive 1.5 AIA learning units.

1. True or False? AIA Trust LegalLine is a unique service giving AIA members and Components access to legal professionals who can help manage risks, minimize claims, and prevent lawsuits, whether dealing with clients, contractors, employees, or others.
2. What is a contract?
 - a. An agreement between two parties that creates an obligation to perform a particular duty.
 - b. An agreement between two parties that creates an obligation to not perform a particular duty.
 - c. An agreement between two parties that creates an obligation to perform (or not perform) a particular duty.
3. A legal contract may be necessary because
 - a. It expressly outlines the scope of services, duties, and responsibilities of the parties.
 - b. It establishes the rules of the game.
 - c. It serves as an allocation of risk and reward.
 - d. It develops a framework for disputes in the event of a problem.
 - e. All of the above reasons.
4. True or False? Most litigation arises simply because contracts are unclear
5. True or False? A firm's standard contract form and architectural services agreement can be used as a familiar, protective agreement if it's based on a template from a professional body. These templates are designed to be fair and balanced for all parties involved, and they cover common project scenarios. They're also a good starting point for new architects or clients.
6. True or False? Key provisions of the contract are just price and timeline.
7. True or False? Mediation is a dispute resolution process preferable to arbitration. Mediation is private, confidential and generally non-binding, unless a settlement agreement is entered into by the disputing parties.
8. True or False? A mutual indemnification clause is a legally binding contract that requires two parties to compensate each other for losses or damages caused by their own actions or breaches of the contract. Architects should be aware of indemnification clauses because they can significantly increase their risks on a project, especially if the clause is poorly written.
9. True or False? AIA states in its contract documents the common law definition as follows: The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.
10. True or False? All construction contracts contain suspension or termination clauses which give parties the right to terminate or suspend in certain circumstances.