



Legal Resilience for Architects: When to Seek Counsel & How to Be Prepared

Thank you for viewing the AIA Trust Week 2025 webinar presented by Jacqueline Pons-Bunney, Esq. & Peter L. Stacy, Esq., W&D Law, LLP / LegaLine. Please send your completed quiz to aiatrust@aia.org with your member number to receive 1.5 AIA learning units.

1. The webinar focuses on risk management and claims, including pre-claim issues and those that arise during litigation.
 - A. True
 - B. False
2. It's wise to have a professional liability insurance carrier that offers "pre-claim assist" or "loss prevention risk management" programs to
 - A. Help manage a potential claim *before* it becomes a formal demand for money or services
 - B. Resolve the issue early to save time, money, and the policyholder's reputation
 - C. Cover losses from non-insurable events
 - D. A & B
3. Receiving a subpoena means you are legally required to provide information, and retaining an attorney at this stage is a crucial precaution against potential claims escalating for several key reasons, including
 - A. Preventing self-incrimination
 - B. Determining your role
 - C. Assessing your legal exposure
 - D. Avoiding mistakes during compliance
 - E. A & D
 - F. All of the above
4. A prompt and decisive response is critical when served with a summons and complaint, as a lawsuit is a time-sensitive matter with serious consequences for inaction. LegaLine advises that, to avoid legal pitfalls, you immediately engage with your broker, your insurance company, and your counsel (if you have one).
 - A. True
 - B. False

5. If you fail to file a response with the court by the deadline specified in the summons, the plaintiff can request a "default judgment," which can result in
 - A. The court will automatically rule in the plaintiff's favor, granting them the remedies they requested in the complaint, such as monetary damages
 - B. A wage garnishment, seizure of bank accounts, and liens on your property
 - C. The court has agreed with the plaintiff's claims
 - D. A & B
 - E. All of the above
6. Most cases involve mediation. Construction and design disputes should preferably be mediated by neutrals with relevant industry experience, mediators who have a deep understanding of the design and construction process and the work of architects.
 - A. True
 - B. False
7. To determine if a corporation is a C or an S corporation, you check its tax filings with the IRS. If the corporation filed Form 2553, Election by a Small Business Corporation, and is approved by the IRS, it is an S corporation. Otherwise, it is a C corporation.
 - A. True
 - B. False
8. Licensing and insurance requirements are determined at the state and local levels and can vary significantly depending on the industry and location of the business.
 - A. True
 - B. False
9. Key reasons to have ownership transition provisions outlined in a shareholder or buy-sell agreement include
 - A. Conflict prevention
 - B. Business continuity,
 - C. Protection of other owners
 - D. A & B
 - E. All of the above
10. An architect who signs and stamps construction documents is ultimately liable for their professional work and can be sued individually for negligence, errors, or omissions. However, this liability is commonly managed through contractual clauses and professional liability insurance.
 - A. True
 - B. False