

# The Dynamic Relation Between Legal and Architecture Firms

A study into how legal firms and  
architecture firms are working together.

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White Paper



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## Introduction

As one of the biggest industries in the world, architecture has expanded dramatically over the past few decades. Even in the past five years, the global architectural services industry has grown by an impressive [2.1%](#).

Architects not only plan, design, and oversee projects, but they also have to manage the business side of their trade. Each contract and commitment involve risk management and legal issues that must be resolved quickly and definitively to ensure continued profitability.

The dynamic legal aspect of their job is why the majority of architect firms work in conjunction with a Land Use and Zoning Attorney.

Navigating contracts for building projects can prove to be a challenge. However, a land use attorney works alongside architects to ensure that each project is up to the standards according to the zoning laws, construction permits, building ordinances, and other land use ordinances.

A Land Use and Zoning Attorney is fully informed of the needs of the architecture industry and is well-versed in the legal regulations, permit requirements, and environmental issues as well as government contracts and construction laws involved in the actual construction phase.

Architects must work with attorneys when challenging a municipality's zone regulations and procuring the proper construction permits as well as sorting out the compliance details when remodeling or constructing for businesses and homeowners. That being said, contact between architecture and law firms most frequently occurs when disputes between the owner and builder arise out of the contract.

## Contract Generation

The first step to solidifying a business relationship is through your contract – this also provides the opportunity to understand and shape the narrative of your relationship.

However, many firms may not understand the importance of creating a comprehensive agreement that guides the owner's expectations throughout the entire project until it's too late. For example, your firm architect can outline the consequences of failing to provide deliverables as promised and look into non-payment solutions as well. Architectural firms that fail to address contract terms carefully can face complications in compliance, particularly in the absence of pre-negotiated resolutions.

An attorney can help architecture firms structure elements in the agreement that specifically define the firm's scope of services and a build description of architectural deliverables as well as the fees for providing those services and payment deadlines. The attorney will ensure both parties agree on the schedule to which the services will be provided. pre-negotiated resolutions.

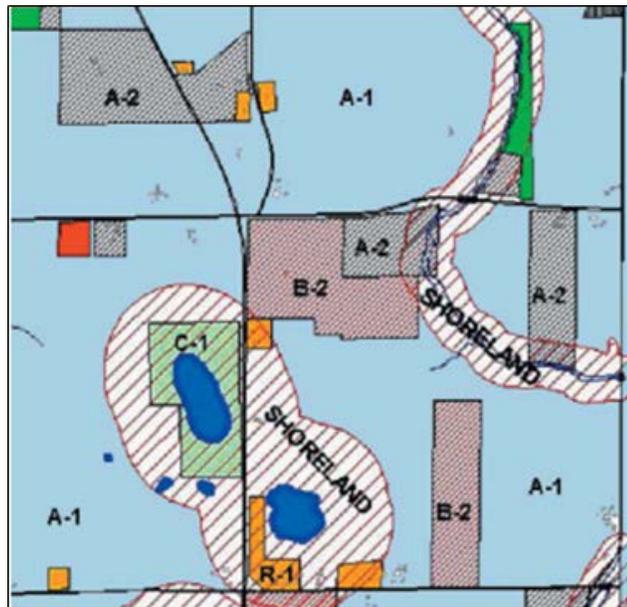
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### Compliance With Zoning and Building Codes

As one of the most common forms of land use regulation, zoning is used by municipalities to monitor and control local property development.

Typically zoning laws divide a municipality into three zones – residential, commercial, and industrial zones. They are set in place to maintain a degree of order and efficiency while simultaneously optimizing zones to serve their purposes.



Zoning Map example

Source: [Kevin Struck](#)

For example, zoning laws prevent factories from opening up in the same locality – thus preserving the area from over-industrialization. Zoning laws also regulate the unique requirements for the types of building construction allowed in each zone, along with the parking requirements, and locations of utility lines.

A land-use attorney will typically review your plans and will research local zoning laws and regulations to ensure contractual compliance. They screen for any potential legal issues and if found, will present cases in court to implement changes to ensure safety.

### Bidding Issues

The most common problems architects face in bidding for projects include failure to correctly specify and evaluate unit prices, as well as compliance-related problems as a result of unclear or non-specific compliance terms. Moreover, the consequences of non-compliance, and methods to remedy these issues, are also not specified in the bid.

An addendum issued too late or close to the submission deadline, can result in further complications to your firm if these matters aren't addressed earlier.

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Your attorney can help you navigate bids more clearly and flesh out Privilege, Discretion, Limitation of Liability, and Exclusion of Liability clauses as well as additional specifications or changes to the scope of your work. Moreover, attorneys can additionally help ensure that clauses related to risk management, employment in non-standard contracts, and supplementary conditions are met accordingly.

Thus, an attorney can bridge the gaps created by a lack of knowledge about legal formalities and procurement isolation. Architects can count on them to ensure the quality of tender documents and ease the stress associated with project bidding.

### Negotiating Change Orders And Requests For Project Extensions

Change orders are a direct result of omissions or errors in the original scope of construction drawings or ambiguous work. Moreover, lack of diligence in reviewing and identifying issues in plans can lead to unnecessary change orders down the line. Disagreements over change orders and claims for extras can magnify into major disputes if not properly managed.

Your attorney will comb your contract and regard clauses for the change orders with utmost scrutiny. Contracts may sometimes include conflicting language or clauses that your attorney can highlight and help modify before your firm executes a contract with the owner or client.

Moreover, as the middleman, [your attorney will be involved](#) in proactive communication with all parties involved on the project, and coordinate with the owner's authorized agent to define the new scope of work and its impact on the current schedule and performance.

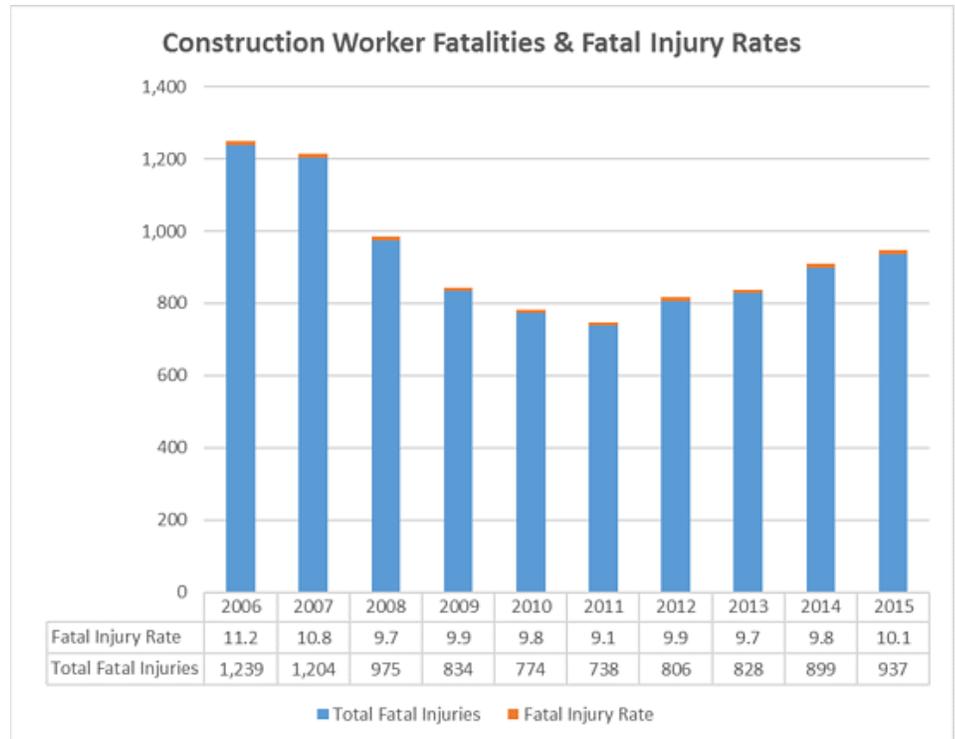
As an additional safeguard against false allegations, attorneys will advise your firm on how to document every step of your change order process. By maintaining written records of all communication between your architectural firm and the owner and ensuring a signed and executed document authorizing the change order, your business can successfully avoid future disputes.

### Reporting Site Injuries

Architectural contacts may require design professionals to make periodic visits to construction sites as a means to safeguard the property against construction defects. More often than not, in fulfilling these terms, your field engineer may notice that the contractor is disregarding safety precautions clearly outlined in your contract documents. If you choose to speak up about the negligent behavior, it can implicate your firm in several problems.

On the other hand, disregarding this situation might result in on-site injury or death – depending on the contract, your firm can be held liable. If you take up legal action against their actions, it can be constituted as interference with the contractor's methods and thus, expose your firm to additional claims.

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Source: [Construct Connect](#)

The legal obligation to act depends significantly on the project location as legal obligations vary by state.

However, in a survey about building safety, [79% of people](#) were unaware that architects might also be liable for ensuring compliance with safety regulations.

A Land Use and Zoning Attorney will help design professionals fulfill their obligations and protect all parties involved by studying your unique contract terms and ensuring all stakeholders are aware of and comply with regulations across the board.

### Negotiating Labor And Employment Issues

The problems associated with the architecture industry are no secret:

High student debt, grueling hours compensated by stagnating wages and unpaid overtime, and little to no job benefits – these are only some of the persistent struggles of an upcoming architect. Coupled with reduced diversity and [blatant sexism](#) (Richard Meir's case is only one of the many examples), the industry is entrenched in problems.

With its long history as a 'gentleman's profession,' this niche offers little to no safeguards against worker exploitation. There is a deeply ingrained culture of architects doing their jobs only because they enjoy it, despite the poor remuneration. Perhaps that's why architectural internships have a terrible reputation for [exploiting unpaid interns](#).

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These issues, coupled with the overall instability of employment in architectural firms, can instigate negative feelings leading to union disputes and unfair terminations.

### Facing Architectural Malpractice Allegations

Architects facing malpractice accusations risk damaging their reputation and losing their livelihood. The damage can be substantial, so it is of utmost importance that any accusations are handled quickly and discreetly so you can minimize the downtime as well as the loss.

Whether ill-intentioned or not, architecture firms have to face the backlash resulting from negligent oversight. In extreme cases, architecture firms can be suspended and even disbarred from pursuing work. Liable employees can even expect to see jail time.

An attorney can protect you from these and other problems, helping your firm overcome local, federal, and even international compliance failures. Nonetheless, in the eyes of the law, ignorance cannot be used as a defense for misconduct, lack of awareness doesn't excuse poor actions, and an attorney can mitigate that risk.

### In Conclusion

Architectural firms, surveyors, and engineers encounter the law in virtually every facet of their work – many of their responsibilities require legal advice. Legal counsel can give you access to the experience and expertise needed to avoid compliance issues and disputes and to ensure all bases are covered.

Legal services for architects, engineers and surveyors include drafting, reviewing and negotiating contracts; assessing and managing risks; resolving disputes (negotiation, arbitration, litigation, and mediation); defending against malpractice and contractual claims, non-payment issues, labor and employment issues as well as formation, and succession planning for professional corporations, partnerships as well as other business entities.

Interested in learning more? [Contact us now.](#)



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