

# Introduction to Architects and Engineers 2025

This work reviews of all aspects of professional liability litigation against architects and engineers in all jurisdictions across the country. It will aid practitioners in evaluating professionals' duties and standards of practice and in interpreting and enforcing public and private contracts to which architects and engineers are parties.

This edition incorporates recent case law addressing the following emerging issues, among others:

- **Breach of contract and negligence**

- [New] Evidence of Breach**

- Outlaw v. Airtech Air Conditioning and Heating, Inc., 412 F.3d 156 (D.C. Cir. 2005). Chapter 4

- **Contract as creating duty**

- [New] Indemnity**

- New England Bldg. & Bridge, Co., Inc. v. Town of Cohasset, 2024 WL 2304843 (D. Mass. May 21, 2024) (slip op.). Chapter 4

- **Completion and acceptance**

- [New] Defense Rejected**

- Ives v. HMB Professional Engineers, Inc., 2024 WL 2487850 (Ky. App. May 24, 2024). Chapter 9

- **Other defenses**

- [New] Professionals investigating insurance claims**

- Henderson v. Day Engineering Consultants, 560 P.3d 684, 2024 OK CIV APP 25 (Okla. App. 2024). Chapter 9

- **[New] Immunity—Engineer as arbitrator**

- Hill Country Preservation, LLC v. Philip G. King, 2024 WL 1893635 (Tex. App. April 30, 2024) (unpublished opinion). Chapter 9

- **Contractual indemnity**

- [New] No Indemnity against Architect**

- Havison v. Port Auth. of N.Y. and N.J., 224 A.D.3d 411, 205 N.Y.S.3d 11 (1st Dept. 2024). Chapter 12

- **[New] No Negligence, No Indemnity**

- New England Bldg. & Bridge, Co., Inc. v. Town of Cohasset, 2024 WL 2304843 (D. Mass. May 21, 2024) (slip op.). Chapter 12

This edition also includes cases discussing the following points of law:

● **Standard of practice**

Charles Blanchard Construction Corp., Inc. v. 480 King Street, LLC, 443 S.C. 165, 904 S.E.2d 182 (Ct. App. 2024). Chapter 1

● **Expert Testimony**

Adrian Smith + Gordon Gill Architecture LLP v. Chicago Shakespeare Theater, 2024 IL App (1st) 230133 (1st Dist. 2024) (unpublished opinion). Chapter 1

● **Standard of practice—Required duty**

**Duty limited by Contract**

Bonilla v. Verges Rome Architects, 2024 WL 1229219 (La. Mar. 22, 2024). Chapter 1

● **Duty to Workers**

Bonilla v. Verges Rome Architects, 2024 WL 1229219 (La. Mar. 22, 2024), Chavarria v. Bruce Nagel & Partners Architects, P.C., 230 A.D.3d 1286, 220 N.Y.S.3d 57, 2024 N.Y. Slip Op. 04540. Chapter 1

● **Duty of Engineer**

Lynch v. Peter & Associates, 104 Cal.App.5th 1181, 325 Cal.Rptr.3d 265 (2024). Chapter 1

● **Negligence—Privity of contract**

BMI Properties, LLC v. Daewoong, LLC, 224 N.E.3d 1000 (Ind. App. 2023), transfer denied (Ind. Apr. 25, 2024). Chapter 1

● **Negligence—Expert testimony**

**Expert from a Different Profession**

Charles Blanchard Construction Corp., Inc. v. 480 King Street, LLC, 443 S.C. 165, 904 S.E.2d 182 (Ct. App. 2024). Chapter 1

● **Qualifications of Expert**

Pennington v. Memorial Hosp. of South Bend, Inc., 223 N.E.3d 1086 (Ind. 2024). Chapter 1

● **Liability to Third Parties—Workers**

**Workers versus Architect**

Bonilla v. Verges Rome Architects, 2024 WL 1229219 (La. Mar. 22, 2024). Chapter 1

● **Workers versus Engineer**

Havison v. Port Auth. of N.Y. and N.J., 224 A.D.3d 411, 205 N.Y.S.3d 11 (1st Dept. 2024). Chapter 1

● **Liability to third parties—Other remote parties**

**Subsequent Purchasers**

BMI Properties, LLC v. Daewoong, LLC, 224 N.E.3d 1000 (Ind. App. 2023), transfer denied (Ind. Apr. 25, 2024). Chapter 1

● **Drivers and Passengers**

Ives v. HMB Professional Engineers, Inc., 2024 WL 2487850 (Ky. App. May 24, 2024). Chapter 1

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- **Homeowners**

Lynch v. Peter & Associates, 104 Cal.App.5th 1181, 325 Cal.Rptr.3d 265 (2024). Chapter 1

- **Liability arising from real estate law**

Lynch v. Peter & Associates, 104 Cal.App.5th 1181, 325 Cal.Rptr.3d 265 (2024). Chapter 1

- **Interference with contract**

Cutting Edge Homes, Inc. v. Mayer, 229 N.E.3d 613 (Mass. App. Ct. 2024). Chapter 2

- **Tortious Interference**

Gerdts v. Donan Engineering Co., Inc., 4 N.W.3d 464 (Iowa App. 2024) (unpublished opinion). Chapter 2

- **“Scaffold acts”**

Chavarria v. Bruce Nagel & Partners Architects, P.C., 230 A.D.3d 1286, 220 N.Y.S.3d 57, 2024 N.Y. Slip Op. 04540. Chapter 3

- **Safety regulations**

- **No Duty to Worker**

Chavarria v. Bruce Nagel & Partners Architects, P.C., 230 A.D.3d 1286, 220 N.Y.S.3d 57, 2024 N.Y. Slip Op. 04540. Chapter 3

- **Breach of contract and negligence**

Cutting Edge Homes, Inc. v. Mayer, 229 N.E.3d 613 (Mass. App. Ct. 2024). Chapter 4

- **Contract as creating duty**

- **No duty to Worker**

Bonilla v. Verges Rome Architects, 2024 WL 1229219 (La. Mar. 22, 2024). Chapter 4

- **The duty to supervise**

- **No duty to Workers**

Bonilla v. Verges Rome Architects, 2024 WL 1229219 (La. Mar. 22, 2024). Chapter 4

- **Third-party beneficiary**

Gerdts v. Donan Engineering Co., Inc., 4 N.W.3d 464 (Iowa App. 2024) (unpublished opinion). Chapter 4

- **Economic damage**

BMI Properties, LLC v. Daewoong, LLC, 224 N.E.3d 1000 (Ind. App. 2023), transfer denied (Ind. Apr. 25, 2024). Chapter 7

- **Privity of contract**

Lynch v. Peter & Associates, 104 Cal.App.5th 1181, 325 Cal.Rptr.3d 265 (2024). Chapter 9

- **Economic loss defense is accepted**

- **No recovery where no privity**

Gerdts v. Donan Engineering Co., Inc., 4 N.W.3d 464 (Iowa App. 2024) (unpublished opinion). Chapter 9

- **Economic loss defense is rejected**

BMI Properties, LLC v. Daewoong, LLC, 224 N.E.3d 1000 (Ind. App. 2023), transfer denied (Ind. Apr. 25, 2024). Chapter 9

● **Completion and acceptance**

BMI Properties, LLC v. Daewoong, LLC, 224 N.E.3d 1000 (Ind. App. 2023), transfer denied (Ind. Apr. 25, 2024). Chapter 9

● **Design immunity**

Ives v. HMB Professional Engineers, Inc., 2024 WL 2487850 (Ky. App. May 24, 2024). Chapter 9

● **No duty**

**Defense Rejected**

Lynch v. Peter & Associates, 104 Cal.App.5th 1181, 325 Cal.Rptr.3d 265 (2024). Chapter 9

● **No control**

Chavarria v. Bruce Nagel & Partners Architects, P.C., 230 A.D.3d 1286, 220 N.Y.S.3d 57, 2024 N.Y. Slip Op. 04540. Chapter 9

● **No control—Methods of construction**

Chavarria v. Bruce Nagel & Partners Architects, P.C., 230 A.D.3d 1286, 220 N.Y.S.3d 57, 2024 N.Y. Slip Op. 04540. Chapter 9

● **Sovereign immunity—Rejection**

Ives v. HMB Professional Engineers, Inc., 2024 WL 2487850 (Ky. App. May 24, 2024). Chapter 9

● **Res judicata and collateral estoppel**

Paolino v. Commonwealth Engineers & Consulting, Inc., 318 A.3d 209 (R.I. 2024). Chapter 9

● **Other defenses**

**Preemption**

Ives v. HMB Professional Engineers, Inc., 2024 WL 2487850 (Ky. App. May 24, 2024). Chapter 9

● **Certificate of merit**

Charles Blanchard Construction Corp., Inc. v. 480 King Street, LLC, 443 S.C. 165, 904 S.E.2d 182 (Ct. App. 2024), Dorsey v. Environmental Resources Management Southwest, Inc., 2024 WL 4230031 (Tex. App.—Houston [14th Dist.]), SAM-Construction Services, LLC v. Salazar-Linares, 2023 WL 8634951 (unpublished opinion). Chapter 9

● **Economic loss**

**Privity not required**

BMI Properties, LLC v. Daewoong, LLC, 224 N.E.3d 1000 (Ind. App. 2023), transfer denied (Ind. Apr. 25, 2024). Chapter 10

● **Continuous services**

City of Richmond v. Integrated Engineering, PLLC, 2024 WL 387574 (unpublished opinion). Chapter 11

● **Tolling**

City of Richmond v. Integrated Engineering, PLLC, 2024 WL 387574 (unpublished opinion). Chapter 11

● **Comprehensive liability coverage**

**Professional services exclusion**

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Allied Design Consultants, Inc. v. Pekin Insurance Company, 2024 IL App (4th) 230738, 249 N.E.3d 1050, 479 Ill.Dec. 468. Chapter 13

- **Professional services exclusion  
Exclusion Applied**

Allied Design Consultants, Inc. v. Pekin Insurance Company, 2024 IL App (4th) 230738, 249 N.E.3d 1050, 479 Ill.Dec. 468. Chapter 13

- **Right to compel arbitration  
Arbitration Agreement Enforceable**

Mogan v. Kellermeyer Godfryt Hart, P.C., 2024 IL App (1st) 232226-U, 2024 WL 4326948 (Ill. App. 1st Dist.). Chapter 14

- **Unconscionable arbitration provision**

Mogan v. Kellermeyer Godfryt Hart, P.C., 2024 IL App (1st) 232226-U, 2024 WL 4326948 (Ill. App. 1st Dist.). Chapter 14

- **Parties bound**

Mogan v. Kellermeyer Godfryt Hart, P.C., 2024 IL App (1st) 232226-U, 2024 WL 4326948 (Ill. App. 1st Dist.). Chapter 14

As professional relationships in the construction arena become increasingly complex (as do occasions for incurring liability), architect and engineer malpractice law continues to expand. We work diligently each year to make this publication the leading resource available on this topic and hope that you will find it valuable in your practice.

Should you have any questions or comments or notice anything you think is not accurate, please let me know at [annettedavis@aol.com](mailto:annettedavis@aol.com).

Thank you for your subscription.

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