

# REASONABLE STANDARD OF CARE

In Louisiana, the architect's standard of care has long been judicially established. A case frequently cited because it states the standard very succinctly is [Weill Construction Co., Inc. v. Thibodeaux, 491 So.2d 166 \(La. App. 3rd Cir., 1986\)](#). This case states:

The ordinary care and reasonable skill by virtue of which architects' preparations of plans and specifications are to be evaluated in determining whether they are guilty of negligence, must be the same care and skill required by other engaged in the same profession in the same locality. [Maloney v. Oak Builders, Inc., 224 So.2d 161, 168 \(La.App.4th Cir.1969\)](#), modified, [256 La. 85, 235 So.2d 386 \(La.1970\)](#)

Notably, the standard of care provision (Section 1.2) that was added to the AIA Owner—Architect Agreement (BI02-2007) in the most recent revision in 2007 uses very similar language as Louisiana's standard. The AIA provision states,

“The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances.”

As for statutory provision in Louisiana law, there are several statutes scattered throughout the Louisiana Revised Statutes that limit liability of or immunized architects (and others) for certain activities in connection with mold, hazardous waste, asbestos removal, declared emergencies or disasters, and re-use of drawings by public entities. However, such statutes do not directly address reasonable standard of care.

- Herman Gesser , AIA, Attorney at Law

## QUANTIFYING ERRORS AND OMISSIONS

Error and omission change order data for FPC projects are:

2000 projects over five year period  
\$2.4 billion in construction cost  
\$150 million in designer fees

120 projects had error omission change orders of \$1,365,633 total (6% of total projects; 0.06% of total construction cost; 0.9% of total designer fees)

Caveat: some of the projects are still in construction and may not have all of the eventual E&O change orders currently coded

- John Davis, Director of Facility Planning and Control

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## QUANTIFYING ERRORS AND OMISSIONS CONT.

“The issue of quantifying errors and omissions comes up quite often, but unfortunately no metrics are available that we have found. Some years back I issued a query to our readers to quantify documents such as RFIs in an effort to establish trends based on project delivery types. We received no meaningful data. The biggest problem with establishing this type of data is the fact that all projects vary in scope and complexity, but even more they vary by contractor sophistication and preparedness.”

- Jim Atkins, FAIA, FKIA