

Building Information Modeling: Potential Legal Exposures

Contributed by Victor O. Schinnerer & Company Inc.

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SUMMARY

Building information modeling (BIM) does not have enough of a case history as an architectural tool to determine risk. However, project delivery exposures should be addressed before issues become critical.

ADDRESSING LEGAL EXPOSURES

The idea of parametric modeling as the design and construction database is difficult to examine from practice and insurance coverage perspectives. Firms will have increasing challenges as they realize that they are moving from a physical model and hard-copy plans and specifications to becoming the primary information generators for a digital database.

As firms move from an analog system, where original source material is relatively easy to identify and control, through our present semi-integrated system and ultimately to a “superintegrated” future, those firms will have to deal with new business rules and possibly unknown liability exposures.

TAKING CHARGE OF THE PROCESS

One thing is clear: Architecture firms should control the information model. As integration of design and construction develops, protecting public health, safety, and welfare becomes more critical. The rationale for having a licensed professional in charge makes increasing sense. Design professionals, however, must become capable of monitoring and guiding the inevitable “looping” of design and construction features so that there is conformance with the intent, constraints, and requirements of the design.

BRINGING THE FUTURE—SLOWLY

The construction industry as a whole will have to address some significant issues:

- Definition of professional services and the design process
- Ownership and control of the digital information
- Regulation or control of revisions to modeling information
- Conformity of completed construction to the model
- Relationships of the various parties with concurrent design and construction authority
- Payment for the creative efforts, control of information, and assumed or assigned risks

Professional liability exposure seems to be only one small part of the whole definition of design and construction using building information modeling. This issue will evolve rapidly as BIM leads to an even more complex phase of design, construction, and operation.

RESOURCES

More Best Practices

The following AIA Best Practices provide additional information related to this topic:

- 10.04.02 Getting Started with BIM
- 10.04.03 How BIM Changes Architectural Practice
- 10.04.04 BIM Creates Change and Opportunity

For More Information on This Topic

See also “Virtual Design and Construction: New Opportunities for Leadership” by James R. Bedrick, AIA, *The Architect’s Handbook of Professional Practice, Update 2006*, p. 33.



See also the 14th edition of the *Handbook*, which can be ordered from the AIA Bookstore by calling 800-242-3837 (option 4) or by email at bookstore@aia.org.



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Key Terms

- Practice
- Information management
- Project management automation
- Building information modeling