

# The Architect and Engineer's "Standard of Care"

By [Melissa Dewey Brumback](#)

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Architects and engineers are required to meet the appropriate standard of care for their work on a construction project. Such a simple phrase is actually a very loaded statement. What, exactly, is the "standard of care" that the design professional is required to meet? This is one of the "terms of art" that lawyers love and everyone else tends to hate.



Basically, the "standard of care" is a shorthand description that states the designer owes a duty to perform reasonably well on the project. How is "reasonably well" defined? It is **not** perfection. It is, however, the showing of "reasonable care" and performing the "level of skill and diligence those in engaged in the same profession would ordinarily exercise under similar circumstances." Again, what? If you are an architect practicing in, for example, Raleigh, you will be presumed to:

1. Possess the required degree of learning, skills, and experience that is ordinarily possessed by similarly situated professionals in the community (that is, perform as well as other architects practicing in the Raleigh area);
2. Use reasonable and ordinary care and diligence in the exercise of your skill to accomplish your professional tasks; and
3. Use your best judgment in performing your professional tasks.

Notice that nowhere did I say that the architect's plans had to be perfect. However, the plans do need to meet a "typical" standard. They must meet the applicable Codes. They must generally be sound. But they do not have to be perfect. (Question: Is there ever a perfect set of plans?).

Courts in North Carolina have spent a lot of time, and a lot of ink, discussing the deceptively simple concept of "standard of care," but essentially this is how it is defined. If you want to read caselaw discussing the standard, a good case is [RCDI Const. Inc. v.](#)

[Spaceplan/Architecture, Planning, & Interiors, PA.](#), 148 F. Supp. 2d 607 (W.D.N.C. 2001).

## **Note for Contractors & Subcontractors**

If you are not a licensed professional, are you off the hook? No. But your duties fall under the "[implied duty of workmanship](#)". Essentially, you have a duty to make sure your work is sufficiently free from defects such that it meets the requirements of the Contract documents.

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Have a question about the standard of care or other construction issues? Come visit me at my blog, [www.constructionlawNC.com](http://www.constructionlawNC.com).

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Melissa Dewey Brumback is a Raleigh, NC attorney who focuses on construction law. She blogs on construction law at [www.constructionlawNC.com](http://www.constructionlawNC.com). Her twitter handle is @MelissaBrumback.

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