

Construction Contracts, Third Party Claims and Tort Law Liability

Carl R. Pebworth, a partner in **Faegre Baker Daniels**, asks and answers the question: What tort obligations does a design professional on a construction project owe to non-parties – like, for example, the persons who will use what has been designed after it is built?

he discusses an Illinois case in which a court addressed whether an engineer who had contracted to design a “replacement” for a bridge deck had a professional obligation to “improve” the bridge deck after it failed and third-party motorists were killed.

“As long as the design professional sticks to what the designer has contracted to do and does that work professionally, the designer cannot be obligated to go beyond those duties,” Pebworth writes.

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