



Focus

FEBRUARY 2007

Sustainable Design

A Call to All Architects

AIA Chicago



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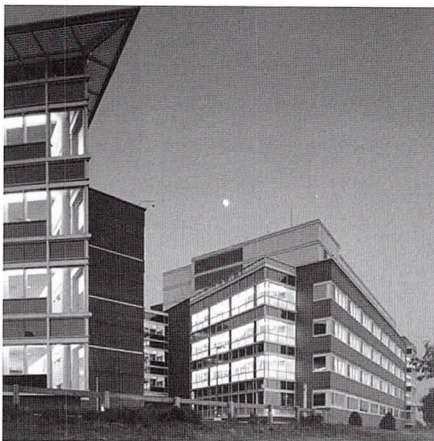
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FOCUS (ISSN 1071-3700) Vol. 27 No. 2, is published monthly with a combined issue July/August, by AIA Chicago, 35 E. Wacker Dr., Suite 250, Chicago, Illinois 60601-2116. \$20 of each member's dues are allotted as a subscription. Periodicals postage paid at Chicago, Illinois. POSTMASTER: Send address changes to Focus, AIA Chicago, 35 E. Wacker Dr., Suite 250, Chicago, Illinois 60601-2116.

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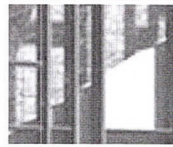
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Calendar

Cover image: Chicago Center for Green Technology Headquarters
by Farr Associates, Architecture and Urban Design
Photo courtesy of the firm

■ First Tuesday Happy Hour

Tues., February 6, 5:30 to 8:30 p.m.
 Rock Bottom Brewery, 1 W. Grand Ave.
 Sponsor: Young Architects Forum

Warm up for winter at our monthly meeting.

■ Accessible Housing in Chicago: Implementation and Incentives



Wed., February 7, 5:30 to 7:00 p.m.
 AIA Chicago*
 Sponsor: Housing KC

Karen Tamley, commissioner, Mayor's Office for People with Disabilities, and Chris Zafiris will provide an overview of the relatively new Chicago Building Code Accessibility Chapter as it pertains to housing; recent amendments to that document; and incentives offered by the Dept. of Zoning for provision of accessible housing in excess of code requirements.

1.5 LU/HSW

■ ARE Study Hall

Mon. and Tues., February 12, 13, 26, 27
 6:00 to 8:00 p.m.
 OWP/P, 111 W. Washington St., #2100
 Sponsor: Young Architects Forum

AIA Chicago has purchased all the available ARE and LEED study materials, and anyone preparing for the ARE is welcome to attend these sessions. Hosted by Jessica Figenholtz.

■ Tour: The Crazy Wall - Garmin International



Tues., February 13, 6:00 to 7:30 p.m.,
 663 N. Michigan Ave.
 Sponsor: Young Architects Forum

In Garmin's flagship store on Michigan Avenue, a dramatic two-story perimeter wall wraps customers in a big wood blanket. Randy Mattheis, AIA (Valerio Dewalt Train Associates) will review the

Garmin store interior
 by Valerio Dewalt Train Associates



genesis of the forms, their rationale, and manufactures. Based in Olathe, Kansas, Garmin is the leading designer of GPS systems. Limited to 50 participants.
 1.5 LU/HSW

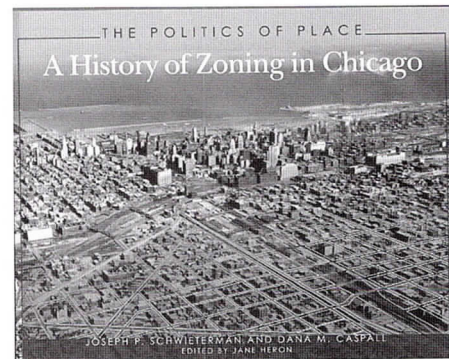
■ Politics of Place: A History of Zoning in Chicago



Wed., February 14, 12:00 to 1:00 pm
 AIA Chicago*
 Sponsor: Regional & Urban Design KC

In *The Politics of Place: A History of Zoning in Chicago*, author Joseph Schwieterman, director of Chaddick Institute for Metropolitan Development at DePaul University, looks at the interplay between development, planning, and zoning in the growth of the Central Area and surrounding communities. Why do

planned developments such as Marina City, Illinois Center and Dearborn Park look the way they do? Hear stories of bold visions compromised by political realities, battles between residents and developers, and occasional misfires from City Council and City Hall. Bring lunch; beverages provided. 1 LU/HSW



 **Sign Me Up!**

- 2/7 Accessible Housing in Chicago
- 2/13 Tour: The Crazy Wall - Garmin Int'l.
- 2/14 Politics of Place: A History of Zoning in Chicago
- 2/15 Roofing 2: Quality and Liability
- 2/20 Constructing Alberici's Green Headquarters

ARE STUDY HALL

- 2/12
- 2/13
- 2/26
- 2/27

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Roofing 2 - Watch Where You Step: Quality & Liability




Thurs., February 15, 12:00 to 1:00 p.m.
 Chicago Bar Association
 121 S. Plymouth Court
 Sponsor: Technical Issues KC

Joanne Rodriguez from Tremco Roofing will discuss choices made during the specification of roofing systems.; main causes of roofing-related litigation; and examples of what professionals can do to minimize their exposure to roofing-related problems, including installation, observation and warranties. Bring lunch or buy at CBA cafeteria (purchase ticket on first floor). 1 LU/HSW

Constructing Alberici's Green Headquarters




Tues., February 20, 5:30 to 7:00 p.m.
 AIA Chicago
 Sponsor: Environment KC

Alberici Constructors converted a 50-year old St. Louis manufacturing facility into Class-A office space for its parent company, Alberici Corp. The new headquarters has become a model of sustainable design and construction, locally and nationally, by achieving LEED Platinum certification. Thomas Taylor, manager of Alberici's sustainable consulting service, Vertegy, will present his project. 1.5 LU/HSW 

** Please check AIA Chicago's Web site to find out if the meeting is being held at 222 Merchandise Mart, Suite 1049 or our new office, 35 E. Wacker Dr., Suite 250.*

Sign up early!

This spring JC Consultancy offers its second course in Chicago on project management, leading to the International Project Management Association Level D qualification exam. Those who attended the first class achieved the firm's first-ever 100% pass rate, demonstrating that Chicago architects are excellent candidates. The course will be presented April 9-11 with exams on April 12 at University Center, 400 S. State St., Chicago. The cost, which includes materials, food, and exam fees, is \$1600 for AIA/RIBA members, \$1800 for non-members. For more details and to register, go to www.jc-consultancy.com or send an email to John Colville at johncolville@btconnect.com. Earn 60 LU/some HSW.

 denotes that this program reflects the goals of AIA 150 - celebrating the past, designing the future - and AIA's 10 Principles of Livable Communities. For 150 years, members of The American Institute of Architects have worked with each other and their communities to create more valuable, healthy, secure, and sustainable buildings and cityscapes. Learn more at www.aia150.org and www.aia.org/nav_atp.

Did you know?

In 1857 twelve architects met in New York City and formally drew up a Charter for the American Institute of Architects.

In 1867, it was reorganized as a national organization with local chapters and held its first convention.

John C. Cochrane was the only Chicago member listed in the 1868 convention proceedings.

The history of the Chicago Chapter of AIA begins on December 13, 1869, when the AIA board officially recognized the Chicago Chapter...thus making the Chicago Chapter the third oldest chapter in the country.

By Kathleen Nagle, AIA, excerpted from *Architecture Chicago: Contemporary Architecture & Interiors, Vol. 12*

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Communities by design



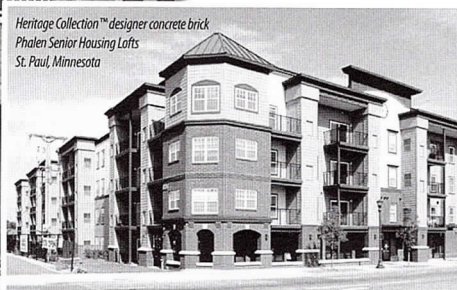
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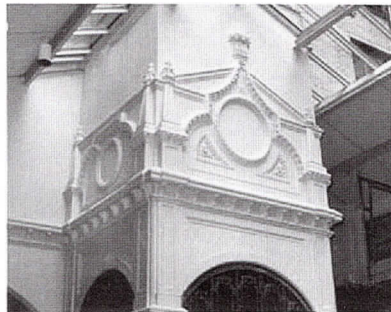
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Sustainable design has become a mainstream concern. Because of our education and experience as architects, we are the

natural leaders in this area. We must continue to refine our skills and lead our communities in the pursuit of sustainable design.

The AIA has put architects at the front of the conversation by establishing a goal of reducing by 50 percent the building and construction related fossil-fuel usage between now and 2010. It is an ambitious goal but one that we feel is necessary due to the amount of energy consumed by buildings.

Because of this challenge, sustainability will be the overarching topic of the 2007 Professional Development Conference, which will be offered April 12-13.

Chapter officers will soon leave for the annual Grassroots Conference where we will be talking to our own legislators about energy issues such as tax deductions for energy efficient commercial buildings, federal building energy efficiency, and sustainable design and water quality.

Laura Fisher



A Message from Sadhu Johnston, Commissioner of the City of Chicago's Department of Environment

The Chicago Department of Environment (DOE) has enjoyed a successful and rewarding partnership with the American Institute of Architects Chicago Chapter. Through our collaboration on such ground-breaking projects as the Chicago Center for Green Technology and the Green Bungalow Initiative, we have been able to further our goals of improving the quality of urban life, promoting economic development, and protecting the environment.

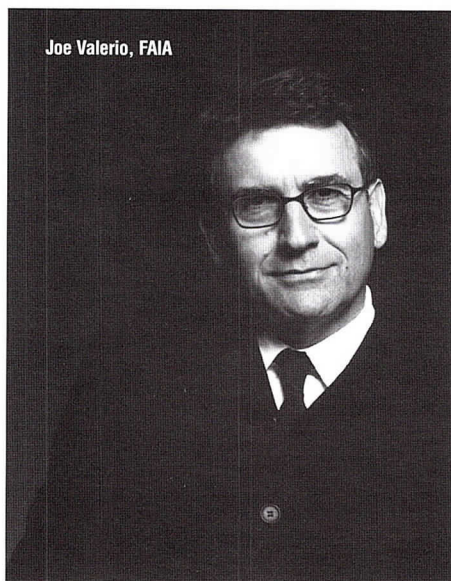
This year as in past years, DOE signed into a Memorandum of Understanding with AIA Chicago and its Committee on the Environment (COTE). Our organizations share a powerful vision of urban development, environmental education and green building. Together, we have hosted a variety of programs to educate Chicagoans on green architecture and sustainable development.

Currently, DOE and AIA Chicago are working with the Chicago Public Building Commission to meet the goals of the 2030 Challenge. We are researching ways to make all new public buildings carbon neutral by 2020,

enabling them to operate without any energy systems requiring fossil fuels or emitting greenhouse gases.

Together, we will also continue to provide AIA members with environmental education opportunities through the Green Tech U program at DOE's Chicago Center for Green Technology (CCGT). Serving the general public, as well as the architecture community, CCGT offers classes on green building and technology, and lectures by leaders in the environmental field. The facility, including its Green Building Resource Center, is open Mondays, Wednesdays, and Fridays from 9 a.m. to 5 p.m., and Tuesdays and Thursdays from 9 a.m. to 8 p.m.

We at DOE are proud of our association with COTE and the opportunities this unique partnership affords for improving the environment and the quality of life for all Chicagoans.



Joe Valerio, FAIA

Image courtesy of the firm

Joe Valerio, FAIA, Among “Chicagoans of the Year”

Of the 16 people named “Chicagoans of the Year” by the Chicago Tribune, only one was an architect. Joseph Valerio, FAIA, was lauded as an architect who designs for our contemporary culture. To quote Blair Kamin’s article, “His deliberately ambiguous approach is clearly attuned to the sober realities and energy-saving concerns of the post-9/11 era but effectively explores new dimensions of sensuousness and serenity.”

Chapter Calls for Fellowship Nominations

The Fellowship Committee soon will begin to consider a list of nominees for election to the College of Fellows. The FAIA distinction is one of the highest honors bestowed upon an architect. Fellowship recognizes the achievements of the architect as an individual and elevates him or her before the public and the profession as a model architect who has made significant contributions to architecture and society. To be considered for the College of Fellows, an individual must have been an AIA member for at least ten years. List your suggestions for fellowship and send them in an email to Phil Rahill, Membership Director, at rahillp@aiachicago.org.



Richard Meier, FAIA

Image courtesy of the firm

Richard Meier, FAIA, Gives Presentation at Coverings 2007

Coverings 2007 will provide a rich conference program with numerous options for architect and interior design attendees. This conference is co-sponsored by AIA Chicago and will be at McCormick Place from April 17 to 20. Internationally acclaimed, award-winning architect Richard Meier tops the impressive lineup of experts who will be speaking when the premier exposition dedicated exclusively to ceramic tile and natural stone convenes April 17-20, at Chicago’s McCormick Place Convention Center. Richard Meier, FAIA, is slated to speak on Thursday, April 19, 12:30 to 2:00 p.m., discussing several of his landmark projects as well as his experience working with tile and stone and the innovation that can be achieved through the use of these materials. Elizabeth Plater-Zyberk will also speak. To register, go to <http://coverings.com/registration.html>.

Important Information for Architects Registered in Florida

The State of Florida is requiring all registered architects to complete a 2-hour Advanced Florida Building Code course every 2-years, with the upcoming deadline of 2/28/07. Any architects who are registered in Florida have the option of taking a course online or through a DVD to fulfill this requirement. AIA Florida is offering the Advanced Florida Building Code Accessibility Course, taught by Larry Schneider, AIA, on the AIA Florida Website, www.aiafla.org. The AIA member price is extended to all AIA members in other states.

Registration Open for the 2007 AIA Convention

The 2007 AIA Convention will convene in San Antonio, Texas from May 3 to the 5. Interact with industry leaders and your peers at the many workshops, continuing education programs, tours, and receptions. Early Bird registration goes through February 7 and is available at www.aia.org.

Marvin Architectural Tour 2007

Take a complimentary two-day tour of the Marvin Windows and Doors Factory in Warroad, Minnesota. After your flight from Waukegan Airport to Warroad, you’ll be welcomed with introductions and your two-day schedule overview, plus a history of Marvin Windows and Doors. Marvin instructors will take you on tours of the state-of-the-art training facility as well as the factory, where you will see first hand how different styles of windows and doors are manufactured, assembled and packaged. You’ll learn about wood processing, glazing and more. Participating architects earn 7 CES health/safety/welfare learning units. Two trips are available: March 6th and 7th; March 8th and 9th. The trip includes airport parking, flight, hotel accommodations and meals. To find out more or to reserve your space, contact Sharon Roscher at 815-768-6678 or sharonr@marvin.com.

Wright Plus Tour Begins

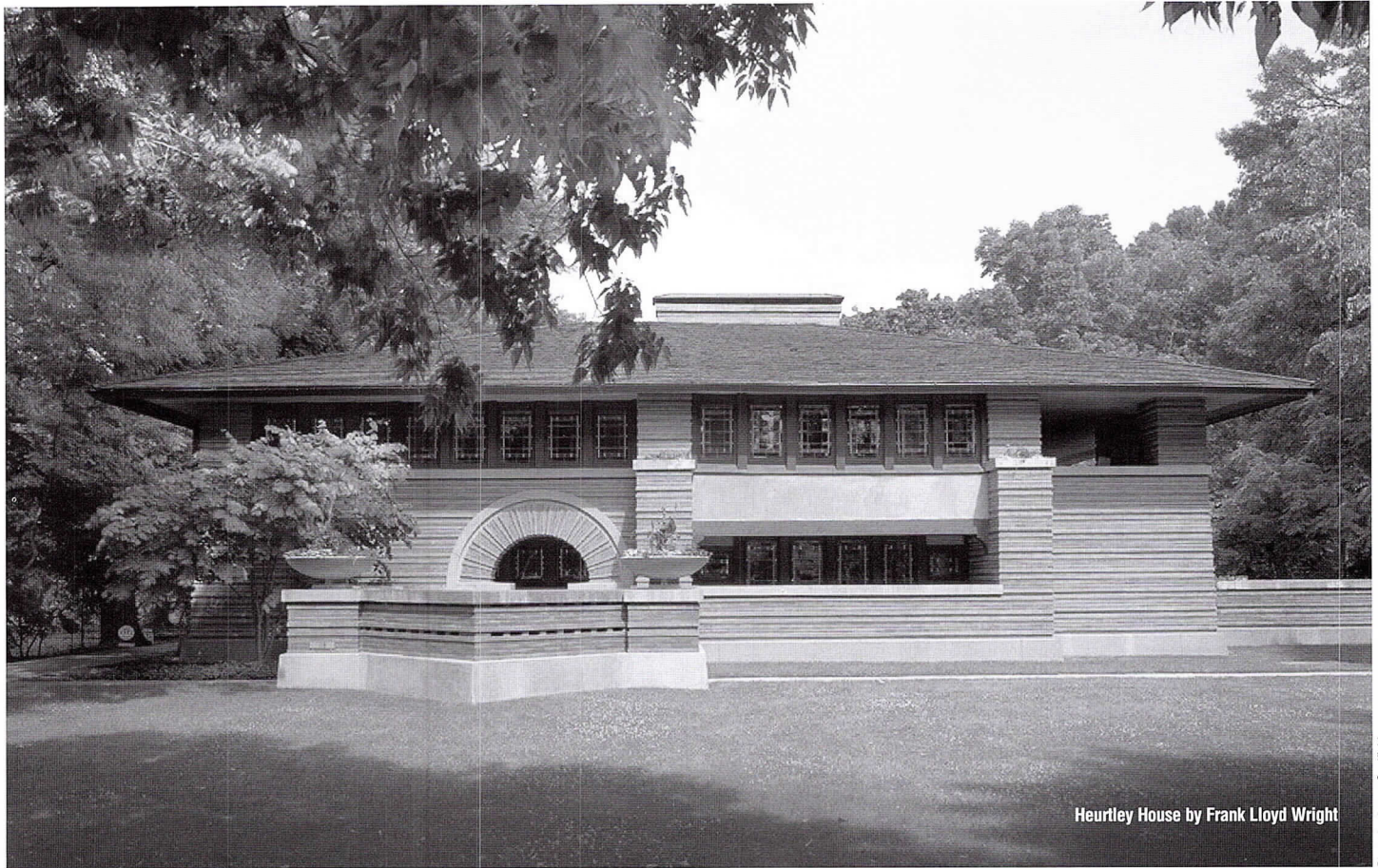
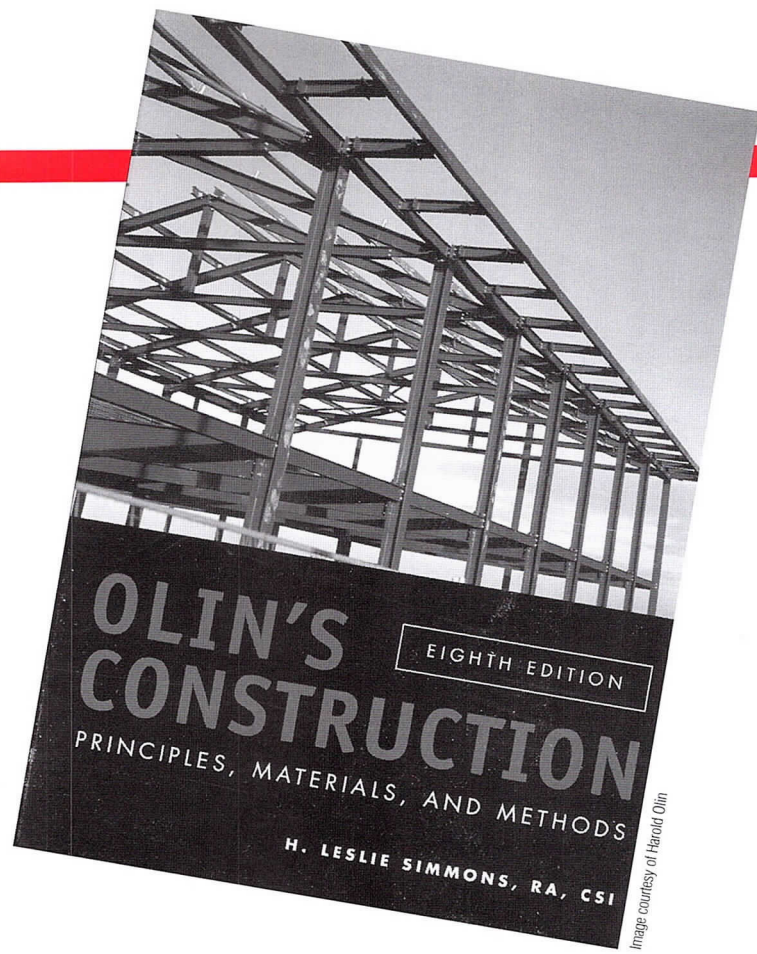
Enjoy rare interior views of private homes designed by Frank Lloyd Wright and his contemporaries during the annual benefit housewalk, Wright Plus. On May 19, view ten outstanding homes with guided interior tours by trained docents. Featured this year are Wright’s Heurtley, Copeland, and Beachy houses, plus a free entry through the end of 2007 to Frank Lloyd Wright’s Home and Studio, Unity Temple, and Robie House. Plus see six other contemporaneous homes in the Forest Avenue area. Order tickets by phone toll-free at 877.848.3559.

Ed Mazria, AIA, Speaker for The 2010 Imperative Web Cast

The 2010 Imperative: Global Emergency Teach-In, a live Web cast, will be offered by the New York Academy of Sciences on February 20 from Noon until 3:30 EST. Participants include Edward Mazria, AIA, of Architecture 2030, and Susan Szenasy, editor of Metropolis Magazine. The program is free. For details, go to www.2010imperative.org/webcast.html

Harold Olin, FAIA, Releases 8th Edition of *Olin's Construction*

Harold Olin, FAIA, is the author most closely associated with the encyclopedic reference and text *Olin's Construction: Principles, Materials, and Methods*, recently released in its 8th edition. The 1,200 page text has been in continuous publication for over 40 years and has been adopted as a textbook in nearly 200 colleges and universities offering architectural and building technology curricula. The book addresses the key issues involved in residential and commercial construction—from site preparation to concrete finishing, masonry design to plastic fabrications, waterproofing to sprinkler systems, air conditioning to heat conveyance, and much more. The book is currently being translated for distribution in China, where an English language version was circulated for decades. Harold joined the originators John Schmidt, AIA, and Walter Lewis, FAIA, early in 1965 and has participated since the book's first edition variously as co-author, principal author and editor, or advisor to current principal author Leslie Simmons, RA. The book is available at the Prairie Avenue Bookstore, online at the AIA Bookstore, and the CAF Bookstore.



Heurtley House by Frank Lloyd Wright

Photo by James Caulfield

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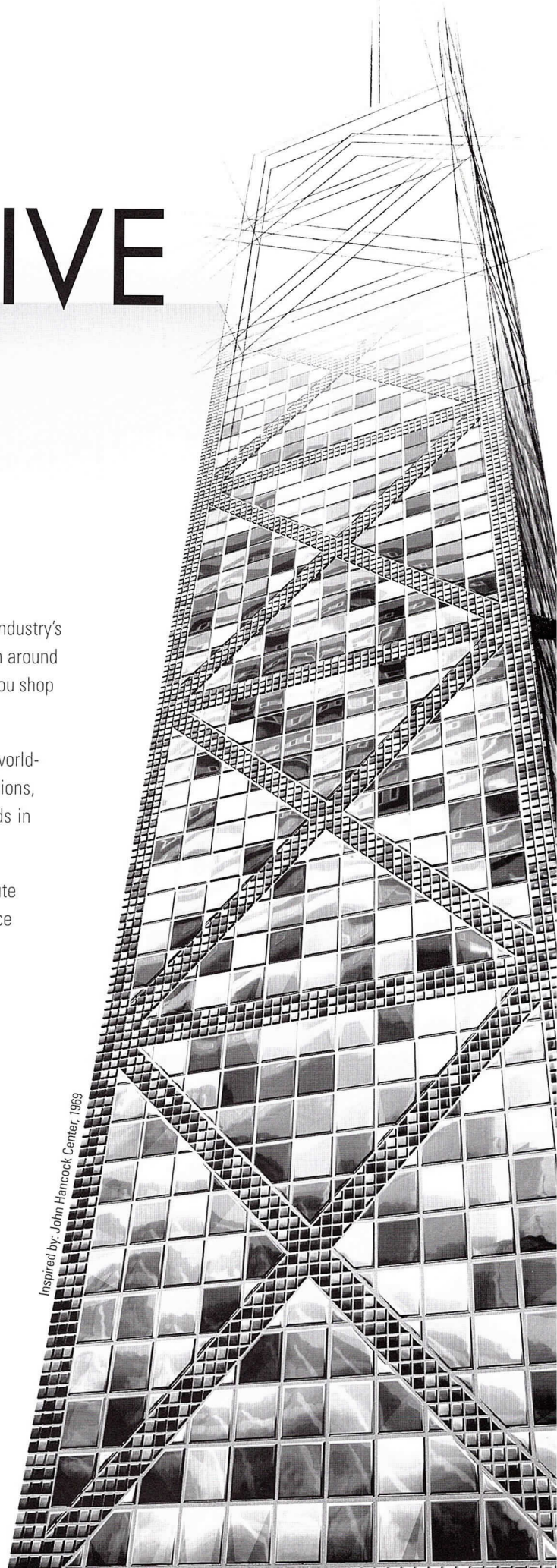
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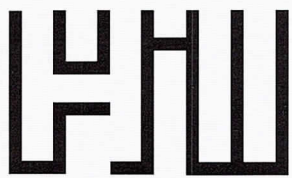
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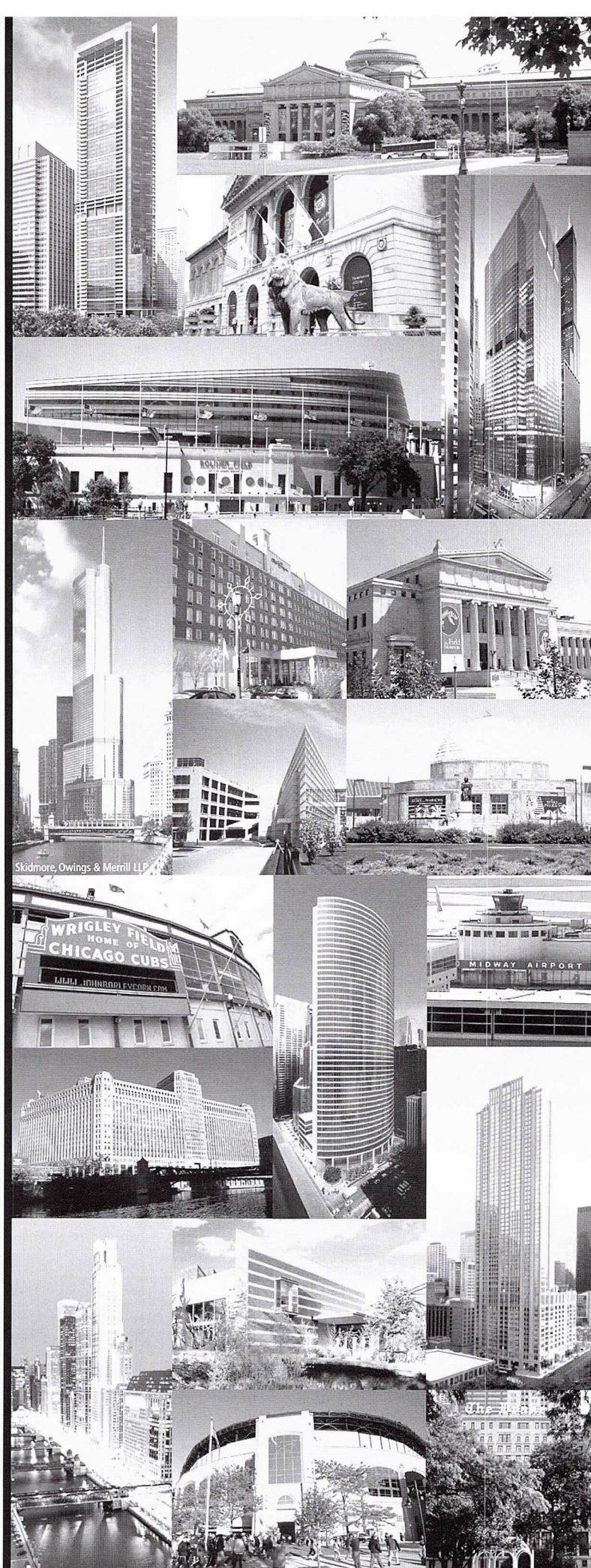
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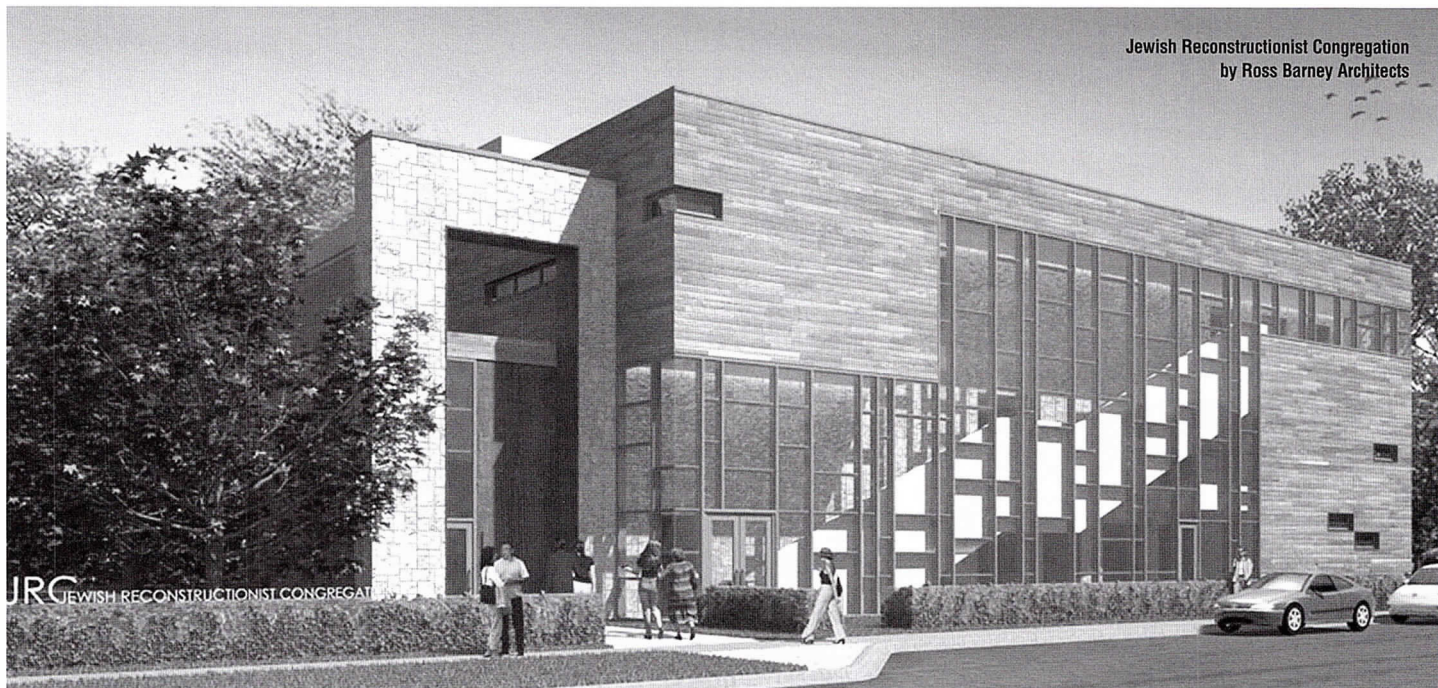
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Sustainable Design

A Call to All Architects

By Helen Kessler, FAIA, LEED A.P.



Jewish Reconstructionist Congregation
by Ross Barney Architects

Directly and indirectly, buildings account for forty-eight percent of U.S. energy consumption and have a greater impact on global warming than any other sector. As the population of the Earth increases toward 9-10 billion people by 2050 (we're over 6.5 billion now), our current use of resources is unsustainable. Just imagine: if the Chinese people were each to use as much energy as we Americans do, they would be using more energy than is being consumed by the peoples of the entire planet today. Equally staggering is the fact that we in the U.S. use eight times more energy on a per capita basis than do people in Asia and twice as much as people in Europe. The gaps are wide, yet with our growing experience in sustainable design and construction, there is clearly an opportunity for architects to take the lead on increased efficiency and for change.

The Architecture 2030 Initiative

The national AIA Board of Directors, in recognizing the contribution of our current planning, design and construction practices to global warming, adopted two position statements that promote sustainable design and resource conservation. In their December 19, 2005 statement on Sustainable Architectural Practice, they call on architects to "accept responsibility for their role in creating the built environment and consequently . . . alter our profession's actions and encourage our clients and the entire design and construction industry to join with us to change the course of the planet's future." Specifically, they have called on the profession to achieve a minimum 50% reduction from the current standards of consumption of fossil fuels by the year 2010, and to promote further reductions of remaining fossil fuel consumption by

10% or more in each of the following five years until, by 2030, all new buildings and major renovations are carbon neutral.

In a second position statement, the AIA supports development and use of third party verified rating systems and standards that promote "the design and construction of communities and buildings that contribute to a sustainable future."

I was very excited when I read this. It demonstrates a new AIA commitment that I encourage all of us to embrace. We have so much to gain by taking on this initiative and the inhabitants of our planet (that includes all of life!) have so much to lose if we don't.

Not only has the AIA taken on the Architecture 2030 Initiative, other organizations have done so as well. The U.S. Conference of Mayors, led by Mayor Daley and the mayors of Albuquerque, Miami and Seattle endorsed the 2030 initiative in June

2006. In November 2006, the U.S. Green Building Council also declared its support for the initiative. ASHRAE has declared a sustainability initiative as well and is collaborating with the U.S. Green Building Council and the Illuminating Engineering Society to develop new, more stringent energy efficiency standards. The U.S. EPA is working with Architecture 2030 to develop metrics that can be used to benchmark building efficiency.

Achieving the Goal - A Challenge

In spite of everyone's efforts, for the most part, we are not close to meeting the AIA goal of 50% reduction in the consumption of fossil fuels. So far the best performance experienced by my projects with respect to energy is a 40% reduction in consumption relative to a budget ASHRAE 90.1-1999 model, without using renewable energy. Most of the projects save 30 to 35% or less. In order to achieve the AIA goal of 50% by 2010, we will need to make a concerted effort to take an integrated approach to design, melding appropriate solar orientation and a very efficient building envelope (insulation, glazing and solar control) with high efficiency lighting, HVAC and process systems. In addition, the use of renewable energy must become significantly more attractive. It is encouraging that wind power is the fastest growing energy source in the world, with a 35% growth in the U.S. in 2005, and it is becoming more cost effective than using natural gas for making electricity.

Given that whatever we do is market driven, it makes me wonder how we will in fact achieve the AIA's goals. Certainly, the technology is available. The AIA has declared its intention to collaborate with national and

international organizations, the scientific research and public health communities and industry leaders engaged in sustainable design as well as to educate architecture students and professionals. But, how will we convince owners to meet this commitment? How will we convince ourselves that we can change the way we do business in order to make this goal a reality? It will be essential to think more about life cycle costs and less about first cost, but is that enough?

It would certainly help if our economic system didn't treat the environment as an "externality," as if it doesn't count. Over the years, I have become particularly interested in figuring out how to change the way our economic system values the environment. Short of catastrophe, I believe that the only way we can transform the use of natural resources is to do this. If we consider that context is the key to how we think about everything, then the context for the economic system, which is an invented paradigm, could be reinvented. Because the economic system currently values the environment as an externality, we don't usually pay the full costs for the goods and services provided by the environment. Such goods and services include among other things, erosion control provided by trees and other plants, and soil and water used for food production - services that are taken for granted. They also include fossil resources that are extracted and that will take billions of years to replace. How about reinventing the economic system so that it is located inside the context of the environment (where it actually is!)? Wouldn't we then have to value the environment differently? And if the environment were valued such that we paid the true cost of fossil fuels, it is inevitable that owners would look to their architects to use as little of those precious resources as possible.

The time is now - we must act if we are to create a more sustainable world. The AIA's new position statements on High Performance Buildings are a great place to start.

An Opportunity to Learn More

On April 11, Ed Mazria, the founder of Architecture 2030, will be giving a public lecture at the Art Institute. And on April 12 and 13, AIA Chicago will be holding its Professional Development Conference, which will be focused on high performance building and strategies for designing and constructing buildings that meet the Architecture 2030 initiative.

References and reading material:

For the complete AIA new position statements:

http://www.aia.org/SiteObjects/files/HPB_position_statements.pdf

http://www.aia.org/release_121905_fossil_fuel

Brown, Lester R., *Plan B 2.0 - Rescuing a Planet under Stress and a Civilization in Trouble*, Earth Policy Institute, 2006.

<http://www.architecture2030.org/home.html>

Helen J. Kessler, FAIA, is Principal of HJKessler Associates, Inc. She has over 25 years of experience in sustainable design, energy efficiency and renewable energy and is a nationally recognized LEED/green building design consultant. Some of her LEED projects include the Exelon Headquarters Project, the Orland Park Police Headquarters, the Jewish Reconstructionist Congregation in Evanston, the Westinghouse High School in Chicago and the Museum of Broadcast Communications.

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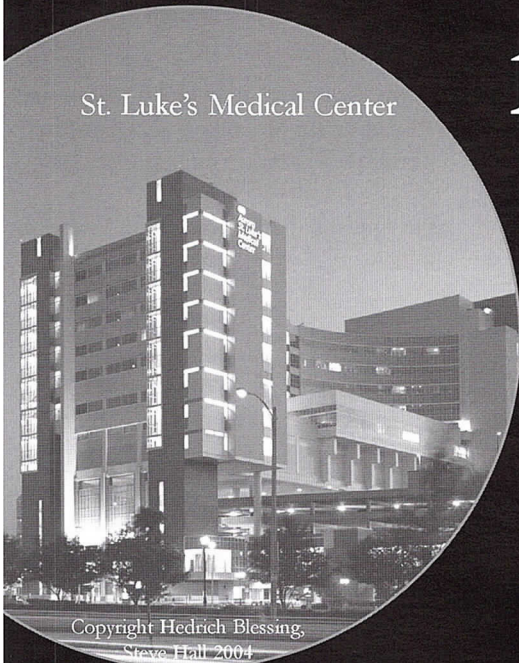
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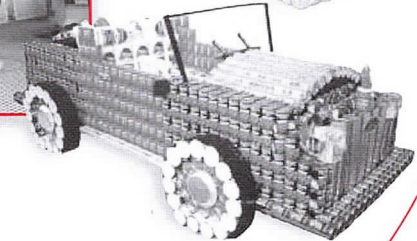
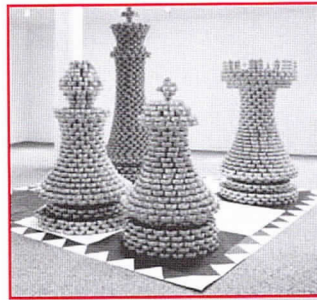
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By Werner Sabo, FAIA, Esq.

The Copyright Act, 17 U.S.C. 101, provides both an opportunity and an expensive trap for architects. The creator of an architectural drawing or sketch is considered the author of the work and the owner of the copyright in that work. The exception to this rule is where the author is a person acting as an employee of a firm and creates the work as part of that employment relationship. For instance, when an architectural draftsman prepares a drawing for the firm, it is the firm and not the draftsman that is considered the owner of the copyright. This is referred to as the "work made for hire" doctrine.

Even if the architect's client is strongly involved in the creation of the design, perhaps even providing napkin sketches to help the architect, it is still the architect and not the client who owns the copyright. Similarly, consultants to the architect do not fall within the work made for hire doctrine - they own their own copyright in the documents they create, such as the structural plans. Note that in a corporation and similar organizations, even the president is an employee and does not own the copyright in the work that the president creates. The copyright is owned by the firm unless the parties have a written document assigning the copyrights, perhaps as joint authorship.

The owner of a copyright has the exclusive right to control whether or not copies of the copyrighted work are made. This includes derivative works. Thus, the architect alone determines whether a contractor can prepare a shop drawing that incorporates any of the architect's work. If the architect's drawing is changed, that is considered a derivative work. The architect can also determine

if a building is constructed based on the architect's copyrighted work. The process of giving permission to make copies or derivatives of the work is referred to as "licensing" or "granting a license."

Normally, architects agree to grant licenses by contract. For instance, when an owner hires an architect, there is usually a provision whereby the architect grants the owner and the owner's consultants and contractors a license to make copies and prepare derivatives of the architect's copyrighted plans and specifications for the purpose of constructing the building that the architect has designed. Letter agreements and oral or "handshake" deals often do not discuss copyright issues. This will present a problem that may prohibit the architect from using the

At the moment that an architect creates something original and puts that creation into a tangible form....that document is protected from copying under federal law.

Copyright Act to collect the fee. More on this later.

Do you need to register your copyright to protect yourself? Initially, no. At the moment that an architect creates something original and puts that creation into a tangible form, such as a drawing, sketch or written specification, that document is protected from copying under federal law. **Note, however, that ideas are not protected. It is only the expression of the idea that is protected.** If you explain your idea to someone in great detail, there is no protection.

However, if you draw that same idea, it is protected (at least the drawing is) by virtue of your expressing that idea. Even if you have drawn up your idea, if you then call me up and explain your idea, I can still steal that idea without violating your copyright, so long as I have not actually copied your sketch or drawing. If I create my own sketch based on merely hearing your idea, my sketch was still independently created (a key defense to a copyright infringement lawsuit) so long as I did not actually see your drawing. If I saw your drawing, I will not be able to claim independent creation as a defense to your copyright infringement suit.

In order to best protect a work, registration is a good idea. If a party wants to actually file a copyright infringement lawsuit, registration is required. Registration is quite easy. The proper form is available from the Copyright Office on the internet at www.copyright.gov. On the main page is a link to "forms." There, the form that design professionals will need is the "VA" form, which consists of two pages, plus two instruction pages. For maximum protection, obtain two copyright registrations for each work (project). In Section 2, there are two boxes to be checked: one for "technical drawing" and the other for "Architectural work." Submit a separate form for each of these choices, along with a set of drawings and a check for the required fee (\$45.00 as of 2006). Registration is effective as of the time the completed package is received at the Copyright Office.

The difference between these two categories of copyright protection is straightforward. Having a copyright in a technical drawing (this does not need to be "technical" - it includes sketches) merely protects against somebody



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copying that document, such as by tracing, photocopying, scanning, and so forth. If you were to actually construct a building from the plans, someone could take detailed measurements of the completed building, without reference to any of your plans, and construct a duplicate building. This is where the "Architectural work" comes in. This copyright protects against this form of copying. Note that, while a technical drawing copyright provides protection for any drawing, an Architectural work is limited to habitable buildings. Bridges, gazebos, sidewalks, and other non-habitable constructions are not protected. By having both forms of copyright protection, your design will have the maximum amount of copyright protection.

Whether or not the architect has obtained registration prior to an infringement or afterwards will affect the types of recovery available in court. As an inducement to registration, the Copyright Act allows for recovery of attorneys fees to a plaintiff if the work

was registered prior to the infringement, as well as "statutory damages." These statutory damages can total up to \$150,000 per infringement at the discretion of the court. If, on the other hand, the work is registered after the infringement is discovered, the plaintiff must prove actual damages. In the case of architectural projects, actual damages can be significant and be a much better alternative than statutory damages. In general, actual damages includes the profits of each infringer and the loss to the plaintiff.

For example, consider a \$1,000,000 residence where the architect obtained a \$50,000 fee. If one of the contractors on that project took the plans to a builder who hired a second architect to take those plans, make some modifications for a new client and then constructed a second house for \$1,000,000, the architect might recover very significant damages. Most likely, the architect will register his drawings with the Copyright Office and file a copyright infringement suit in federal court against the new

owner, the builder, the second architect and, perhaps some of the major subcontractors. Note that fault, or guilt, is not important in a copyright suit. The only thing that matters is whether or not a copy was made without permission. In our example, the new owner may not have had any idea that anything illegal was going on, but he will be liable nonetheless.

What are the damages that the plaintiff will likely recover? First, there is the lost fee of \$50,000. Next, each of the defendants has some amount of profit. The builder is likely looking for between 10 and 20% profit, so that may mean anywhere between \$100,000 and \$200,000. An important point here is that the plaintiff only has to prove the gross income, and the burden shifts to the defendant to prove all offsets. The only proof that our architect will need to provide is that the builder received \$1,000,000 for the house. The builder will then need to put on sufficient proof of each element of cost, from what the landscaper was paid to the cost of the doorknobs. If the builder paid anybody in cash, he may not be able to prove that particular offset and the plaintiff's recovery is that much greater. This places an exceedingly high burden of proof on each defendant and will likely result in a significant recovery for the plaintiff. Each defendant is similarly treated. The owner is treated slightly differently. He has no "profit" unless he has resold the house in the meantime. He does have a real profit, however, and that is the increased value of the house. This can be quite significant in a rising real estate market. The plaintiff will hire a real estate appraiser as an expert, who will testify as to the market value of the house. If that market value is greater than what the owner paid for the house,

Continued on page 18

that is the "profit." For instance, if the market value of this house is \$1,500,000, then the architect might recover \$500,000 from the owner alone!

In the case of a housing development, each separate structure will be a copyright infringement violation, and the numbers can add up very quickly. If a developer builds 100 houses with a profit of \$50,000 each, the architect might recover \$5,000,000 from the developer alone if he can prove that his drawings were improperly copied.

The AIA documents contain excellent language that provides the best possible protection for the architect. By such a contract, the architect grants the owner a license to use the architectural drawings and specifications to construct that project. However, if the owner breaches the agreement by, for instance, failing to pay the architect, that license is revoked and the drawings must be returned to the architect. If, as usually happens, the owner continues with the project, the architect can sue for copyright infringement. This is a very powerful tool for obtaining prompt payment from the owner. Some owners are apt to modify the standard AIA language to give them the copyright, or at least an irrevocable license. The architect should only give up a copyright in the most exceptional circumstances, such as where the design came from another source or if the client is McDonald's. Remember that if the architect gives the owner the copyright, the architect does not have the copyright and the owner can prevent the architect from using any part of those drawings for future projects. This is a serious problem for "signature" architects who have a recognizable style, since they might be prohibited from using that style in the future.

What if the contract is silent about

copyright issues? A number of courts would hold that the owner has an implied license to use the plans whether or not the architect is paid. **The lesson is that every contract should cover copyright issues.**

In copyright cases, architects often are named as defendants, resulting in very high legal fees and migraine headaches. Even if the architect's insurance covers the cost, which is not always the case, the cost and aggravation will be high. Even if you are ethical and careful, you might still be named as a defendant in a copyright case.

Consider this scenario: a client asks you to design a building. The client has specific ideas and gives you photos and brochures of building elements. Perhaps he gives you a floor plan. He might even give you a set of plans from another architect, telling you that he owns the copyright to use those plans. In every one of these scenarios, you might become a defendant unless you are careful — even if you refuse to use the plans that the client provides to you and you decide to do your own design, with some input from the client, of course. If you are later sued and you have a copy of that plan that the client left with you, the odds of your winning the case and proving that you did not infringe are probably bleak.

The best defense for an architect in a copyright infringement action is independent creation. That is, you came up with this design on your own, with absolutely no reference to the other architect's work. Obviously, if any of the other architect's work is found in your possession, you appear guilty, whether you used it or not. Even if you do not have a copy, if your client had a copy, it will be inferred that you had access to the other architect's work. Unless your work is significantly different from that of the other architect, your chances of prevailing are slim.

Only if you actually create all of your own work will you be reasonably safe. If you work for disreputable owners or developers, your odds of losing a copyright case are high. Conversely, if your client would never even think about "borrowing" someone else's work, you are much better off. Beware of red flags. If you don't trust your client, don't do the project. Copyright cases are on the increase. Even well-meaning clients normally don't understand copyright law and may inadvertently make you a defendant in a copyright case. ■

Werner Sabo, FAIA, Esq. Werner Sabo is an attorney concentrating in the areas of construction, copyright and real estate law and a partner at Sabo & Zahn. He is also a licensed architect.

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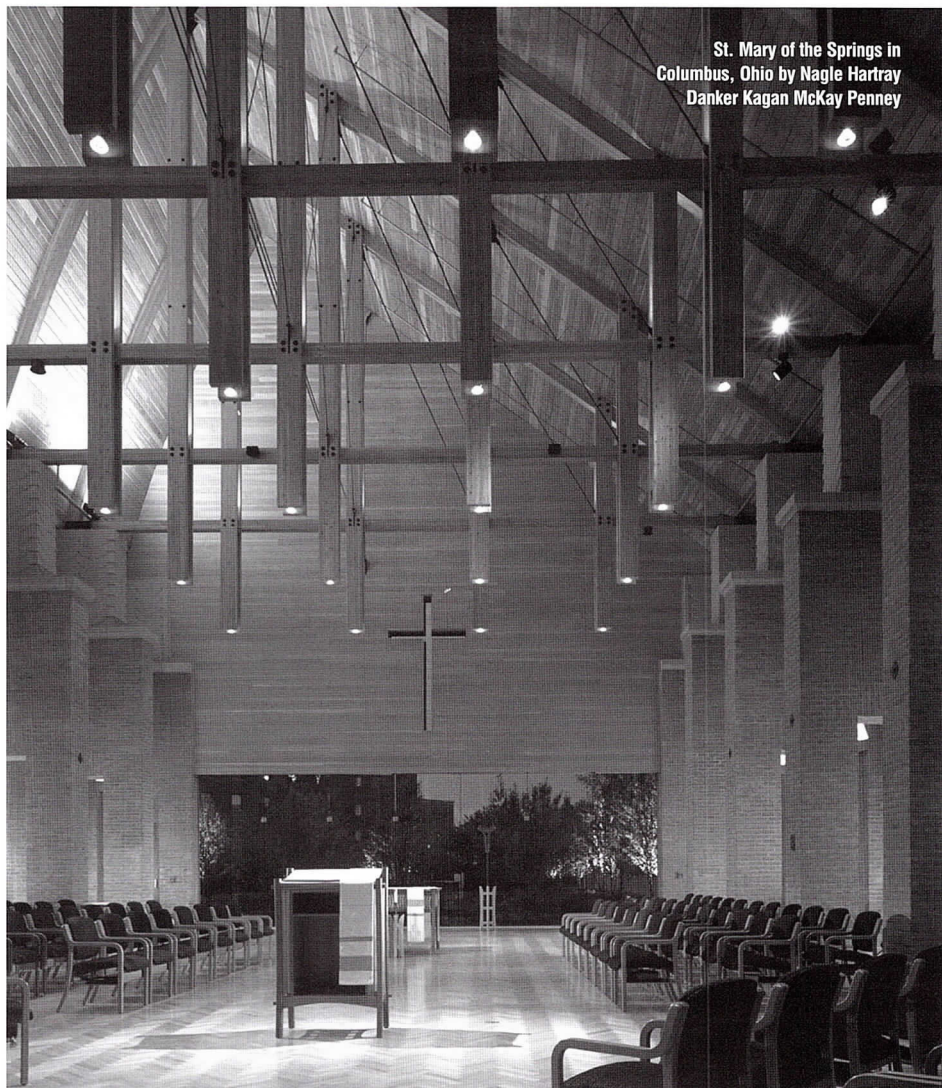
Valerio Dewalt Train Associates (VDTA) is pleased to announce the two promotions: **David Rasche, AIA**, to Principal, and **Antonio Caliz** to Associate. As VDTA's technology advocate, Rasche is responsible for both maintaining its leadership in technical applications and for managing and developing the firm's information systems. He heads VDTA's IT department in addition to bringing his exceptional computer software skills to his work as a designer. Antonio Caliz came to VDTA with thirteen years of professional experience, including six years in Mexico and South America. Since joining VDTA in 2005, he has been assigned to the eBay North Campus project, serving as both designer and project manager. He recently relocated to California to head up VDTA's new office in San Jose, VDTA West.

Two Chicago Firms Win AIA Honor Awards for Interior Architecture: **Nagle Hartray Danker Kagan McKay Penney** won for St. Mary of the Springs in Columbus, Ohio. It is a chapel for a 380-member congregation of Dominican Sisters located on a heavily wooded 30-acre rolling site.

The architects said, "The architecture reflects the values of this religious community. Masonry and stone detailing echo the pattern of flowing water. The chapel is distinguished by its organic form. The design of this new home fosters the sense of community important to the sister's daily life." The jury said, "Stained glass windows, designed by one of the Sisters to depict Dominican water themes, span between buttress capitals. The jury appreciated the structure as a "metaphor for stability, light, and warmth."

Perkins + Will|Eva Maddox Branded Environments™ was recognized for the Haworth Chicago showroom, sales office, and conference facility featuring various workplace concepts, product applications, and integrated communications elements, demonstrating the client's product evolution from workstations to a solutions-driven resource for work spaces. The Gold LEED®-certified project serves as an example of sustainability, demonstrating methods of integrating improved quality of life, restorative space, resource preservation, waste elimination, and cost reduction. The jury called the project "a new standard for brand integration into architecture. The space serves as an inspiration for the melding of sustainable design with high design principles."

Booth Hansen has recently made these announcements. **Chris Guido, AIA**, has been named a Principal. Guido is currently directing several residential projects in Illinois and Michigan. **John DeSalvo, AIA**, joined Booth Hansen in 2005 and brought experience in high-rise residential



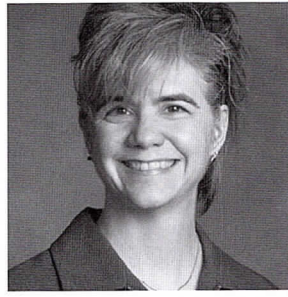
St. Mary of the Springs in Columbus, Ohio by Nagle Hartray Danker Kagan McKay Penney

Photo by: Cyril McThornell, Heinrich Blaeslein



Haworth Chicago showroom by Perkins+Will|Eva Maddox Branded Environments™

Photo by: Chris Lull, Heinrich Blaeslein



Pictured from left to right: David Rasche, AIA; Mary B. Brush, AIA; Susan F. King, AIA, LEED AP. All images courtesy of the firm.

and multi-use commercial projects. He currently is providing leadership on a major mixed-use development in Kansas City. Cheryl Souder also joined the firm in 2005 and leads the Interiors practice for the firm. She is currently directing interiors for The Residences at 900 N. Michigan Avenue and the Joffrey Ballet of Chicago.

Murphy/Jahn has recognized and announced the following appointments: Carl D'Silva, AIA, to Principal Architect; Dan Cubric to Associate Principal Architect; Nicolas Anderson, Thaddea Mattheissen, Nebojsa Stanic and Jonas Upton-Hansen to Project Architect; Patrick Brown, Jonathan Reynolds, Sowsan Simon, Kathleen Wendland and Hugh Whitmore to Senior Architect.

"Drawings by Martin Wolf" will be on display at the Ispace Gallery at 230 W. Superior Street, Second Floor, until February 24. The gallery is open Tuesday-Saturday from 11 to 5. Martin Wolf, FAIA, is a partner at Solomon Cordwell Buenz.

Jeffrey Sommers, AIA, has opened his own practice, Square Root Architecture + Design. The firm's work is primarily residential reuse of existing structures, and focused on the marrying of modern design within Chicago's historic context. The firm currently specializes in residential work, although the firm's portfolio includes commercial work and furniture design. All are created with an awareness of affordability and environmental issues. The firm is pleased to welcome Kate Votava as a new associate.

pb2 Architecture and Engineering, an Arkansas-based firm, announces that it will relocate the Chicago office from the 47th floor to the 9th floor of 311 South Wacker Drive located in Chicago's historic South Loop. The move is dictated by the need to accommodate a growing staff.

Megan Burgess, Associate AIA, of BSA Life Structures, has achieved designation as a Leadership in Energy and Environmental Design® Accredited Professional by the U.S. Green Building Council.

Mary B. Brush, AIA, has been promoted from Project manager /Director of Preservation Services to Associate/Director of Preservation Services at Klein and Hoffman. She has been there since September 11, 2001. She manages the facade and building envelope restorations and the preservation issues of the office. Notable projects to date include the facade restorations of The Rookery Building, The Gage Building, and The Monroe Building. Mary is also a Chicago delegate to the AIA Illinois Board of Directors.

Harley Ellis Devereaux has announced its newest principals and associates, effective January 1, 2007, among them Susan F. King, AIA, LEED AP, architecture, Chicago and David D. Troszak, AIA, operations leadership. In King's activities for the firm's partner company, GreenWorks studio, her primary focus is sustainable/green design. An additional focus is special needs housing. Notable projects include Wentworth Commons, a "green" affordable housing residence on Chicago's south side, as well as Chicago's Bernardin Manor, an affordable senior apartment residence and senior center.

OKW Architects is pleased to announce that Kate Hauseman, AIA, LEED AP, and Brett W. Cochrane have joined the OKW office. They are both senior associates.

Marianjoy Rehabilitation Hospital by Stephen Rankin Associates



Photo by Christopher Barrett, Hedrich Blessing

PROJECTS

Stephen Rankin Associates has designed the new Marianjoy Rehabilitation Hospital, a 175,000 square foot, 120 bed replacement facility in Wheaton, Illinois. Alta Engineering of Elk Grove Village, Illinois was the project structural engineer and EME, LLC of Chicago was the project MEPFP engineer. The project was constructed by Gilbane Building Company of Chicago, Illinois. Marianjoy Rehabilitation Hospital was selected by Midwest Construction Magazine as the best healthcare project of 2006. The new three-story hospital is located on a site of approximately four acres within the existing 65-acre campus of the Wheaton Franciscan Sisters. According to the wishes of the Franciscan Sisters, the new building was designed to occupy only the land where surface parking lots were previously found. Primarily an inpatient facility for patients requiring physical rehabilitation, the new building features post tensioned concrete structural framing and face brick that accentuates the architecture of the existing buildings on campus. It is the only free standing rehabilitation hospital in the U. S. that features all private rooms.

Continued on page 22

Notebook

Continued from page 21

Griskelis Young Harrell has recently completed a 14,000 s.f. church addition/renovation for the Glen Ellyn Evangelical Church. The project creates a new entrance and narthex for the original sanctuary and is designed as a "connector" for the future construction of a larger sanctuary. The project was constructed by Bulley & Andrews.

The Chicago firm **Johnson & Lee**, in association with the firm Quinn Evans of Ann Arbor, have been selected to provide architectural services for the rebuilding of Pilgrim Baptist Church.

\$36,000 in prizes is at stake as the annual **Spectrum and Prism Awards** issue their call for entries. As is tradition, the competitions-Spectrum for tile, Prism for stone-culminate with a presentation ceremony during the Coverings expo and conference, April 17-20, in Chicago. More than 15,000 entry forms have been mailed, plus downloadable versions are available at <http://www.coverings.com/spectrum-prism-awards.html>. The deadline for receipt is Friday, February 23.

OKW Architects has designed a mixed-use development for downtown Park Ridge. The recently completed Phase One is a combination of luxury row houses and condominiums. Phase Two is expected to be completed soon and Phase Three in Spring 2008. Image on page 24.

The **AIA Design-Build KC** will have a two-day conference in Kansas City, Missouri on March 8-9 at the KC Convention Center. This conference will feature keynote presentations by award-winning architects who will discuss best practices in design using the design-build project delivery method. Register online at www.aia.org/br_db_summit07.

The **Art Institute of Chicago** is pleased to announce a lecture by Winka Dubbeldam, principal of Archi-Tectonics in New York City on Wednesday, February 7, 2007 at 6:00 pm at Fullerton Hall at the museum. She will be presenting a talk entitled "From HardWare to SoftForm." Admission is free and seating is available on a first-come, first-served basis.

Courtyard Houses of Weishan: Documentation and Delight, March 15, 2007 from 12:15 to 1 pm. Speaker: Vince Michael, director, historic preservation program, The School of the Art Institute of Chicago. The School of the Art Institute of Chicago's historic preservation program has been working with the historic Southern Silk Road town of Weishan as it seeks to preserve a rich collection of historic architecture. Vince Michael will describe the latest project, a digital and large-format photo documentation of traditional courtyard houses that took

place this summer with 13 students and will result in landmark protection and a book on Weishan architecture featuring student and faculty contributions.

This program will take place at the Chicago Cultural Center, 2nd Floor, Claudia Cassidy Theater, 78 E. Washington St. Call: (312) 922-1742 Landmarks Illinois.

SMPS Chicago is offering a February 14th luncheon program, 11:30 a.m. to 1:30 p.m. at the East Bank Club, 500 N. Kingsbury St., Chicago. This program is designed for marketing professionals at architecture, engineering and construction firms. Jeffrey Nemetz, a principal of Chicago-based Healthcare Branding Group, will share his perspectives on how strong brands support marketing and



Glen Ellyn Evangelical Church
by Griskelis Young Harrell

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sales. Nemetz is responsible for HBG's proprietary six-step process for brand development, deployment and diagnosis. Cost of the SMPS program, including lunch, is \$40 for members, \$60 for non-members and \$20 for students, plus a \$10 surcharge for walk-ins and late registrations. To register, visit www.smeps-chi.org.

New Metal Crafts will present a one-hour educational seminar entitled, "Effective Uses of Decorative Lighting in Residential Applications" at their showroom located at 812 North Wells Street, Chicago, on Wednesday, March 28th at 4:30 pm. The seminar is free and open to design professionals.

Professionals from Chicago's architecture and design community will offer advice and strategies for improving a home's appearance and function through the use of decorative lighting. Speakers include **Bud Dietrich, AIA**, principal of HFD Architects; **David McNulty, CKD**, principal of McNulty Design Group; and **Paul Jurkschat**, Senior Lighting Designer of New Metal Crafts. Topics will include proper location of lighting in a room, the variety of lighting styles available, customization and restoration of lighting fixtures, exterior lighting, electrical requirements, and maintenance. This presentation will be at **New Metal Crafts**, 812 N. Wells St., Chicago, on March 28 from 4:30-6:00 pm. Seating is limited. For reservations, please call (312) 787-6991 or register by email at www.inquiries@newmetalcrafts.com no later than Friday, March 23rd.

Unity Temple Restoration Foundation presents **break :: the :: box**, a lecture series exploring creative non-conformity across art, architecture and culture. Join us for 8 intriguing events January through May 2007 in Frank Lloyd Wright's masterpiece of non-convention, Unity Temple. These events are held at Frank Lloyd Wright's Unity Temple 875 Lake Street, Oak Park unless otherwise noted.

Upcoming lectures include: **inside the creative mind: Studio Tour and Presentation**. Saturday, February 10, 2007, 2-3:30 pm. For an unvarnished peek into the creative process, experience the artwork of the late Chicago Imagist Roger Brown in his original Halsted Street studio. A unique experience that explores the personal objects, art and events that helped fuel one man's process of breaking the box. At The School of the Art Institute's Roger Brown Studio - 1926 N. Halsted St., Chicago Limited to 25. \$20 per person.

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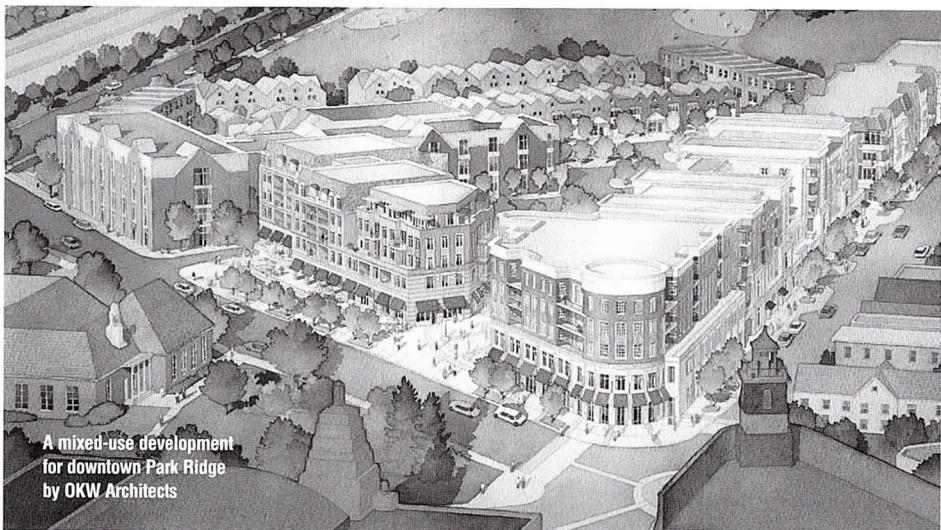
Continued from page 23

The radical wright. Tim Wittman, Thursday, February 22, 2007, 7-9 pm. Chicago architecture historian, Tim Wittman, delves into his vast knowledge of Wright, his contemporaries, and the city of Chicago to look at Wright's deeply-ingrained spirit of non-conformity. \$15 for members, \$20 for non-members.

The emancipated woman. Alice Ireland, Saturday, March 3, 2007, 2-4 pm. How did the conservative Arts & Crafts movement liberate turn-of-the-century Chicago women? Join academic Alice Ireland for an intriguing exploration. Before and after in Unity House, auctioneer John Toomey presents furniture vignettes and decorative objects from the Arts & Crafts period.

The following three events are provided by and at **Archeworks**, 625 North Kingsbury Street (at Ontario). Reserve by calling 312/867-7254 or at www.archeworks.org

Sarah Herda, Director, Graham Foundation for Advanced Studies in the Fine Arts, will lecture on: **Independent Spaces for Architecture.** February 7, 2007, 6:00 -7:00 p.m. Sarah Herda is the Executive Director of the Graham Foundation for Advanced Studies in the Fine Arts. Herda was the Director/Curator of the Storefront for Art and Architecture, a non-profit exhibition space in New York City, from 1998-2006. While in that position she mounted



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Image courtesy of the firm

over forty diverse exhibitions, working closely with architects, artists, and designers to present their work in a public forum. Herda is active in the design community and serves on numerous advisory boards and review panels related to architecture, art, design and related fields.

Alona Nitzan-Shifan, Ph.D., Senior Lecturer, Technion, Israel will speak on **Spatializing Histories at the Foot of Jerusalem's Temple Mount/Haram al Sharis.** February 19, 2007, 6:30 - 7:30 p.m. Nitzan-Shifan is an architect and historian; member of DOCOMOMO Israel; and a Senior

Lecturer at the Technion-in Israel. Her research focuses on post-World War II architectural culture in the light of recent thought in the fields of nationalism, Orientalism and post-colonialism; modernism in Israeli architecture and planning (Erich Mendelsohn; Jerusalem after 1967); American architectural and urban culture of the 1960s and 1970s (including I.M. Pei); and the politics of architectural historiography and preservation. Her publications have appeared in *Architectural History*, *Theory and Criticism*, *Harvard Design Magazine*, *Jama'a*, and *Thresholds* (MIT).

Elizabeth Smith, Chief Curator, Museum of Contemporary

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rt will lecture on **Architecture in the Museum of Contemporary Art**. February 21, 2007 6-7 p.m. Elizabeth Smith is the James W. Alsdorf Chief Curator at the Museum of Contemporary Art (MCA), Chicago, where she has oversight of the MCA's exhibition program and collection. Smith has curated many architectural exhibitions including *Blueprints for Modern Living: History and Legacy of the Case Study Houses*, *The Architecture of R.M. Schindler, At the End of the Century: 100 Years of Architecture*, *Garofalo Architects: Between the Museum and the City*, and most recently, *Sustainable Architecture in Chicago: Works in Progress*. Smith is at work on a forthcoming exhibition on organicism in contemporary art and architecture.

Marvin Windows and Doors Winter Architectural Seminar for 3 LU/HSW, February 21, 2007, 11:00 to 1:00 at the Marvin Training Center, 457 W. Fullerton Ave, Elmhurst, IL 60126. Lectures include: *Building Green* (1 H/S/W) and *AAMA 2605-02* (1H/S/W) plus one take-home article (1 H/S/W). A complimentary lunch will be served. Reservations required. Contact Sharon Roscher at 815-768-6678 or sharonr@marvin.com to register.

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Submit announcements to Alice Sinkevitch, Hon. AIA, at sinkevitcha@aiachicago.org or AIA Chicago, 35 E. Wacker Dr., Suite 250, Chicago, IL 60601; 312/670-2422 (fax). High-resolution images are encouraged; call 312/670-7770 for details.

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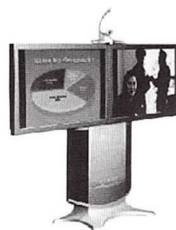
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- 6** **First Tuesday Happy Hour**
 Sponsor: Young Architects Forum
 5:30 to 8:30 p.m.
 Rock Bottom Brewery, 1 W. Grand Ave.
- 7** **Accessible Housing in Chicago: Implementation and Incentives**
 Sponsor: Housing KC
 5:30 to 7:00 p.m.
 AIA Chicago
- 12** **ARE Study Hall**
 Sponsor: Young Architects Forum
 Mon. and Tues., February 12, 13, 26, 27
 6:00 to 8:00 p.m.
 OWP/P, 111 W. Washington St., #2100
- 13** **Tour: The Crazy Wall - Garmin International**
 Sponsor: Young Architects Forum
 Tues., February 13, 6:00 to 7:30 p.m.
 663 N. Michigan Ave.
- 14** **Politics of Place: A History of Zoning in Chicago**
 Sponsor: Regional & Urban Design KC
 12:00 to 1:00 pm
 AIA Chicago
- 15** **Roofing 2 - Watch Where You Step: Quality and Liability**
 Sponsor: Technical Issues KC
 12:00 to 1:00 p.m.
 Chicago Bar Association, 321 S. Plymouth Ct.
- 20** **Constructing Alberici's Green Headquarters**
 Sponsor: Environment KC
 5:30 to 7:00 p.m.
 AIA Chicago



AIA Chicago is Moving! In early February, AIA Chicago will relocate to the Jewelers Building, 35 East Wacker Drive. If you are planning to attend a program at AIA Chicago during February, please check our Web site to verify whether your program takes place in Suite 1049 at the Merchandise Mart or in Suite 250 at the new building.

AIA Chicago

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