

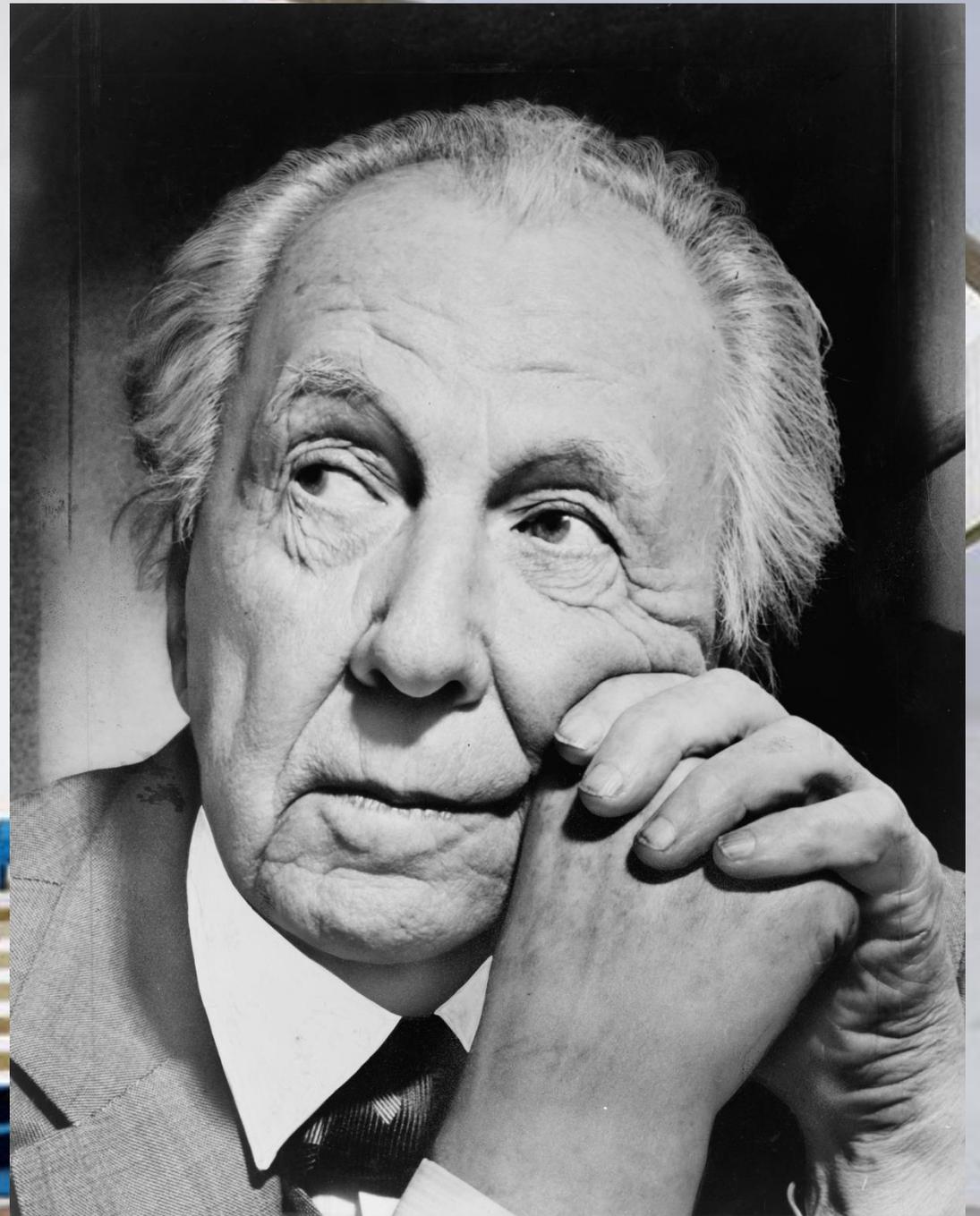
Frank Lloyd Wright, Howard Roark, Individualism and Legal Ethics in Construction Law

Travis R. Marker, JD, LL.M.
Scrivener's Quill



“I know the price of success:
dedication, hard work, and an
unremitting devotion to the
things you want to see happen.”

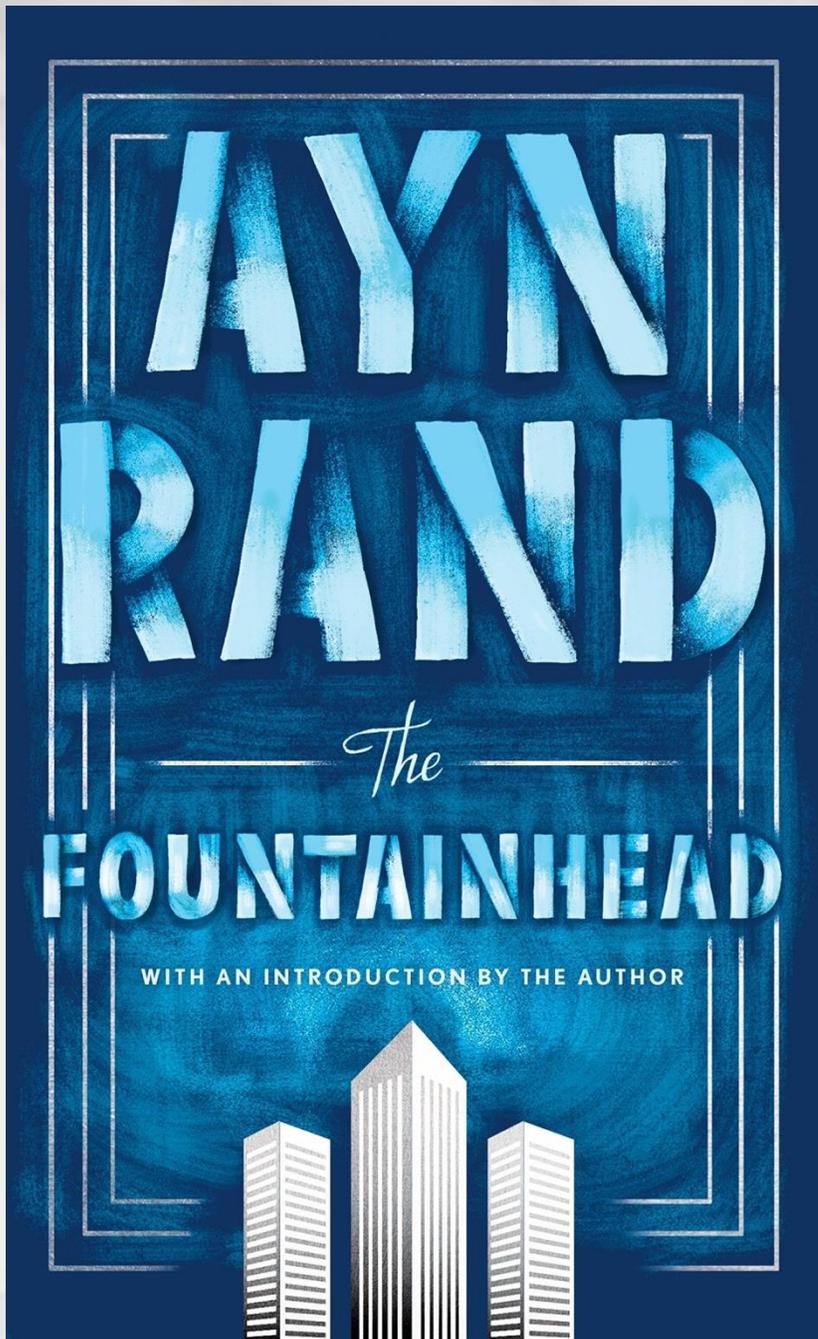
— Frank Lloyd Wright





- Even the world's most famous and celebrated architects have their failures, whether due to unforeseen consequences of an extraordinarily complex design or just plain shoddy construction. From the mold and cracks in Frank Lloyd Wright's masterpiece Fallingwater to downright dangerous flying roof panels at Calatrava's opera house in Valencia, these structural defects have led to injuries, lawsuits and in some cases, potential razing of a project before it's even opened to the public. You can't quite call these buildings outright failures just because they've got structural issues, especially since some of them are already iconic. But is this what happens when architects neglect practical considerations in favor of bold aesthetics?

- "Fallen Starchitects: 7 Failures of Famous Architects," Article by SA Rogers (<https://weburbanist.com/author/steph/>)



- "What in hell are you really made of, Howard? After all, it's only a building. It's not the combination of holy sacrament, Indian torture, and sexual ecstasy that you seem to make of it."
- **"Isn't it?"**
- — Ayn Rand (The Rountainhead)



“A great building must begin with the immeasurable, must go through measurable means when it is being designed, and in the end must be unmeasured.”

— Louis Kahn



“I like architecture to have some raw, vital, earthy quality”

— Zaha Hadid



“Do you mean to tell me that you're thinking seriously of building that way, when and if you are an architect?”

“Yes.”

“My dear fellow, who will let you?”

“That's not the point. The point is, who will stop me?”

— Ayn Rand, *The Fountainhead*





- "Early in my career...I had to choose between an honest arrogance and a hypercritical humility... I deliberately choose an honest arrogance, and I've never been sorry."
- — Frank Lloyd Wright





- “Why no. I’m too conceited. If you want to call it that. I don’t make comparisons. I never think of myself in relation to anyone else. I just refuse to measure myself as part of anything. I’m an utter egotist.”

- — Ayn Rand, *The Fountainhead*





- “The sun never knew how great it was until it hit the side of a building.”
- — Louis I. Kahn



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MODEL RULES OF PROFESSIONAL CONDUCT



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- “As a **representative** of clients, a lawyer performs various functions.
- As **advisor**, a lawyer provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications.
- As **advocate**, a lawyer zealously asserts the client's position under the rules of the adversary system.
- As **negotiator**, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others.
- As an **evaluator**, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.”

- Model Rules of Professional Conduct, Preamble

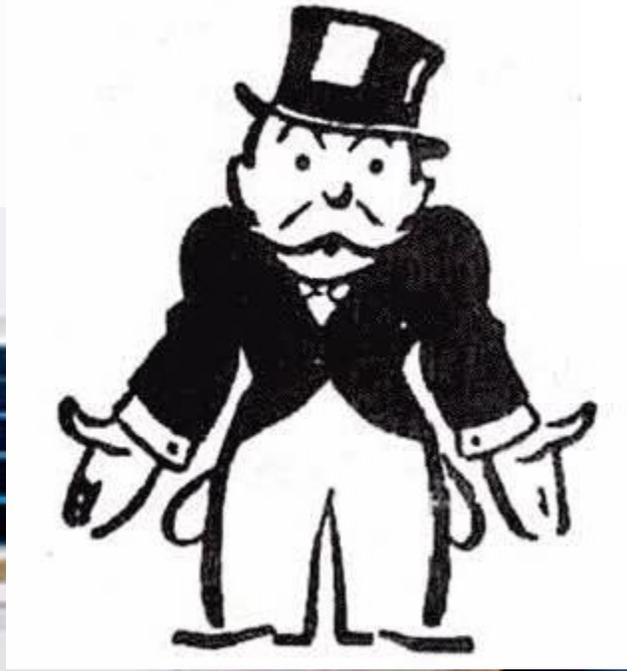


“It is not an individual act,
architecture. You have to
consider your client. Only out
of that can you produce great
architecture. You cannot work
in the abstract.”

— I. M. Pei

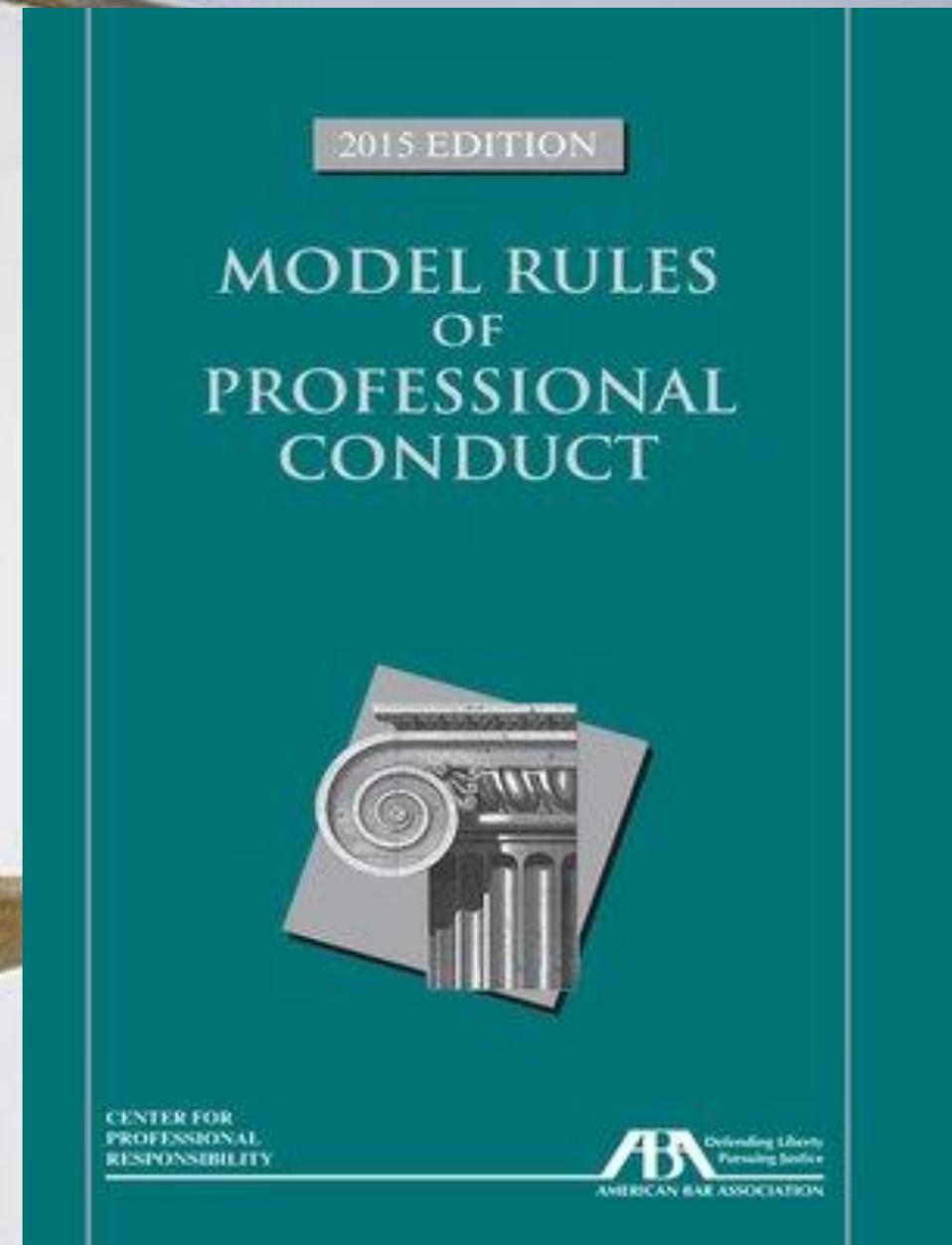


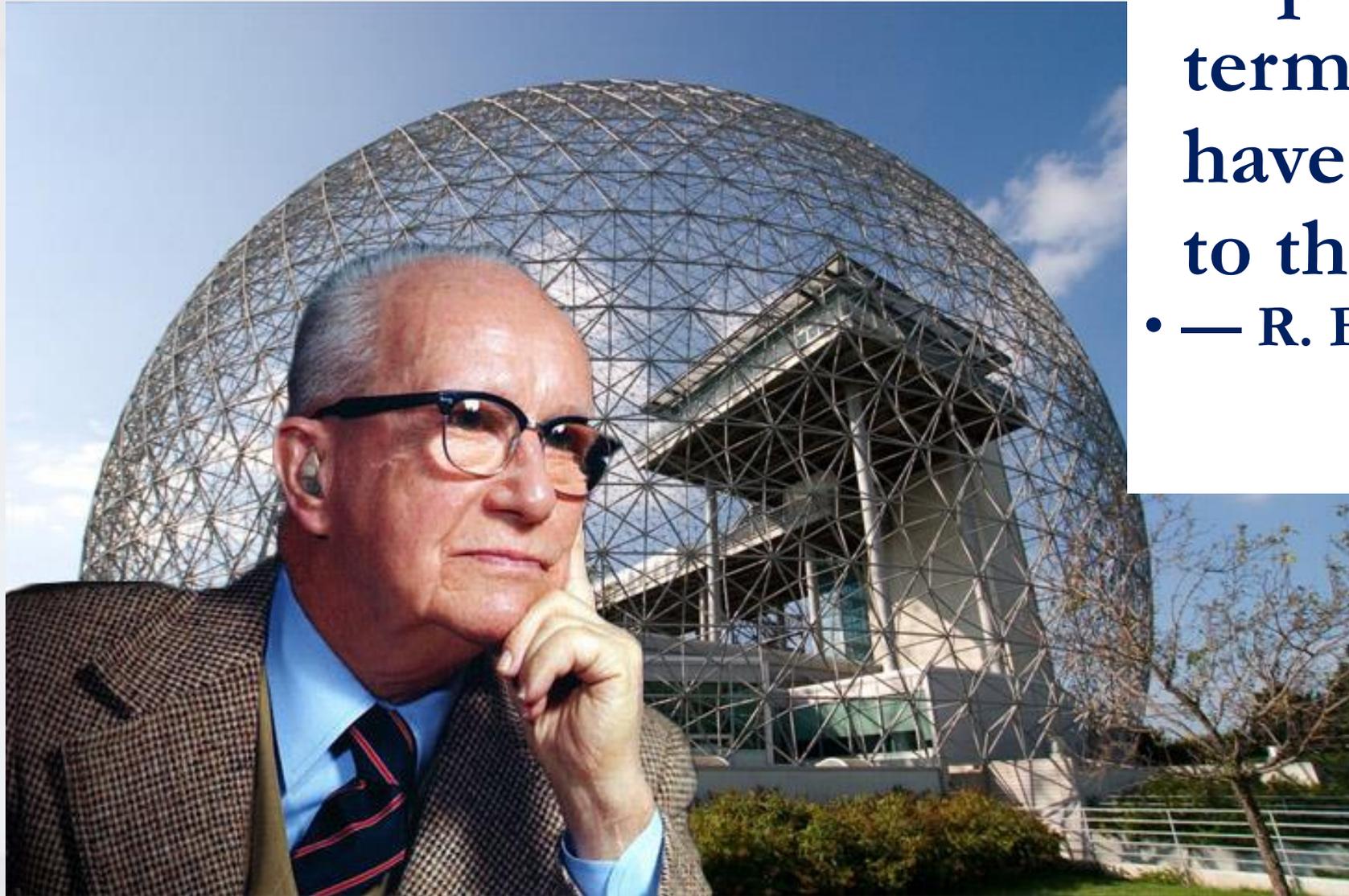
• Who's your Client?



“In all professional functions a lawyer should be **competent**, prompt and diligent. A lawyer should maintain communication with a client concerning the representation. A lawyer should keep in **confidence** information relating to representation of a client except so far as disclosure is required or permitted by the Rules of Professional Conduct or other law.”

Model Rules of Professional Conduct, Preamble





- "We are powerfully imprisoned by the terms in which we have been conducted to think."
- — R. Buckminster Fuller

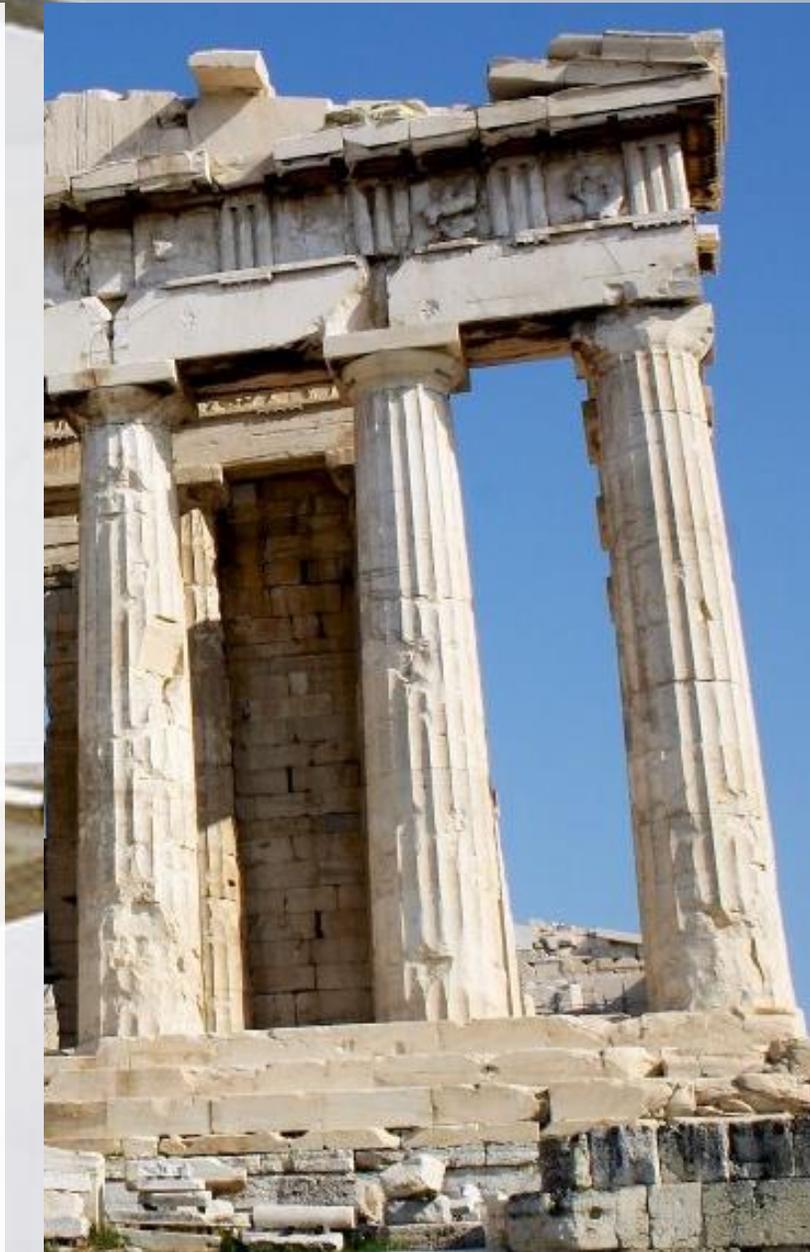




- “It is insufficient for architecture today to directly implement an existing building typology; it instead requires architects to carefully examine the whole area with new interventions and programmatic typologies”
- — Zaha Hadid

“But I don’t understand. Why do you want me to think that this is great architecture?” He pointed to the picture of the Parthenon. That, said the Dean, is the Parthenon. “So it is.” . . . Roark got up, he took a long ruler from the desk, he walked to the picture. “Shall I tell you what’s rotten about it? . . . The ruler struck the glass over the picture. “Look,” said Roark. “The famous flutings on the famous columns – what are they there for? To hide the joints in wood – when columns were made of wood, only these aren’t, they’re marble. The triglyphs, what are they? Wood. Wooden beams, the way they had to be laid when people began to build wooden shacks. Your Greeks took marble and they made copies of their wooden structures out of it, because others had done it that way. Then your masters of the Renaissance came along and made copies in plaster of copies in marble of copies in wood. Now here we are, making copies in steel and concrete of copies in plaster of copies in marble of copies in wood. Why?”

— Ayn Rand, *The Fountainhead*



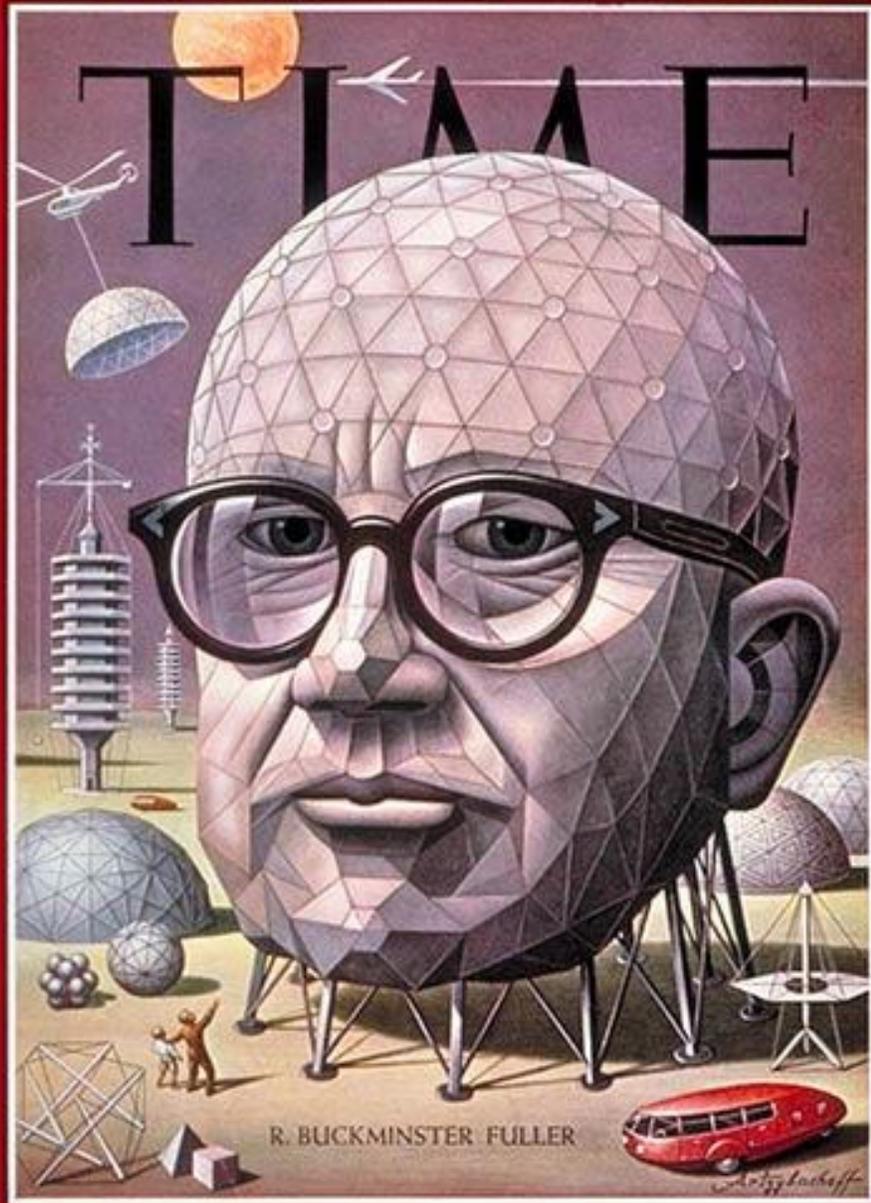
“The creation continues incessantly through the media of man. But man does not create . . . he discovers. Those who look to the laws of nature for support for their new works collaborate with the creator. Copiers do not collaborate. Because of this, originality consists in returning to the origin.”

— Antoni Gaudí



FIFTY CENTS

JANUARY 10, 1964



- "You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete."
- — R. Buckminster Fuller





• “But you see,” said Roark quietly, “I have, let’s say, sixty years to live. Most of that time will be spent working. I’ve chosen the work I want to do. If I find no joy in it, then I’m only condemning myself to sixty years of torture. And I can find the joy only if I do my work in the best way possible to me. But the best is a matter of standards—and I set my own standards. I inherit nothing. I stand at the end of no tradition. I may, perhaps, stand at the beginning of one.”

• — Ayn Rand, *The Fountainhead*



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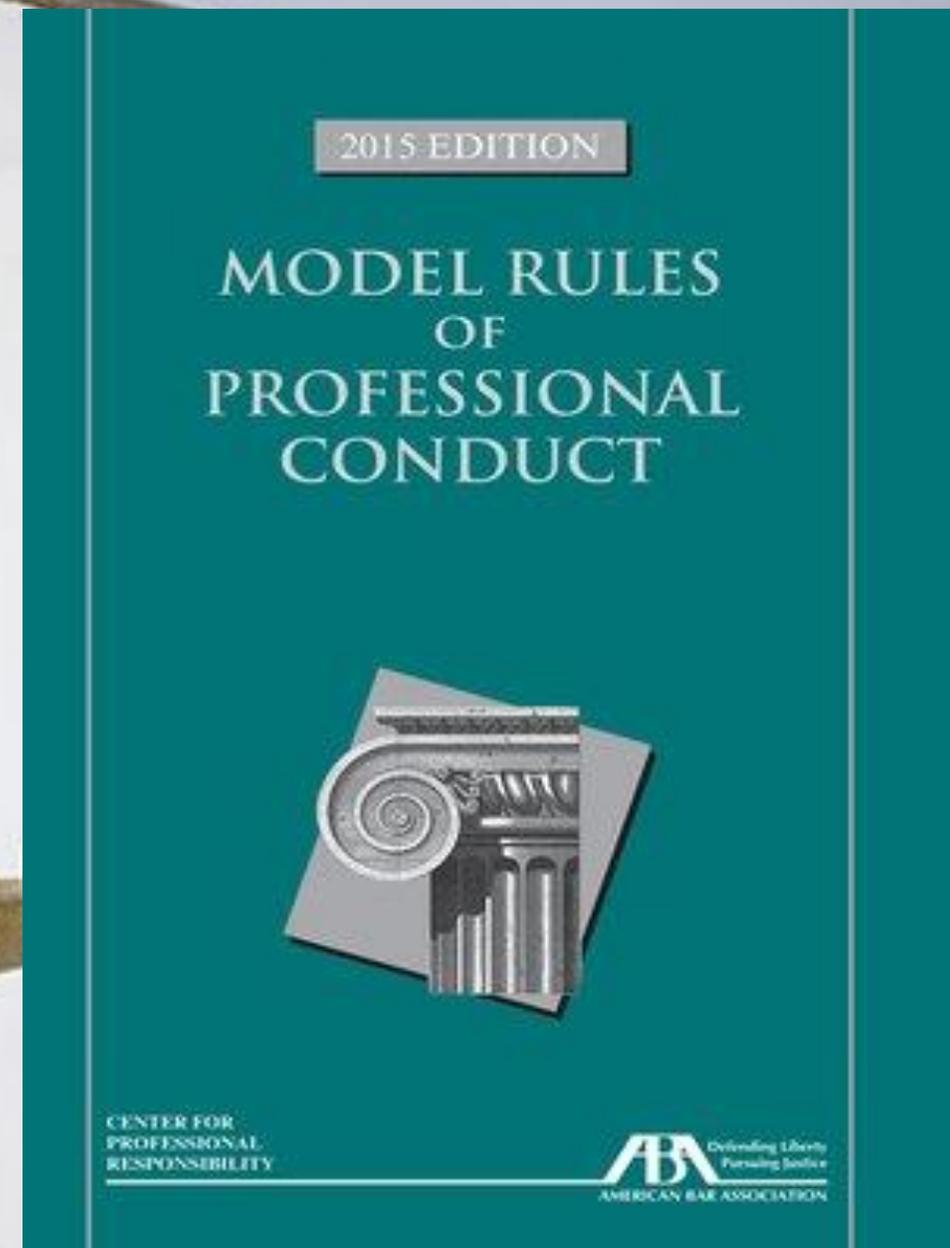
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- A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation **reasonably necessary** for the representation.
- Rule 1.1: Competence



(a) Subject to paragraphs (c) and (d), a lawyer **shall abide by a client's decisions concerning the objectives of representation** and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter.

Rule 1.2: Scope of Representation & Allocation of Authority Between Client & Lawyer





- “Degrees of ability vary, but the basic principle remains the same: the degree of a man's independence, initiative and personal love for his work determines his talent as a worker and his worth as a man. Independence is the only gauge of human virtue and value. What a man is and makes of himself; not what he has or hasn't done for others. There is no substitute for personal dignity. There is no standard of personal dignity except independence.”

- — Ayn Rand, *The Fountainhead*



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- “A lawyer's conduct should conform to the **requirements of the law**, both in professional service to clients and in the lawyer's business and personal affairs.”

- Model Rules of Professional Conduct, Preamble



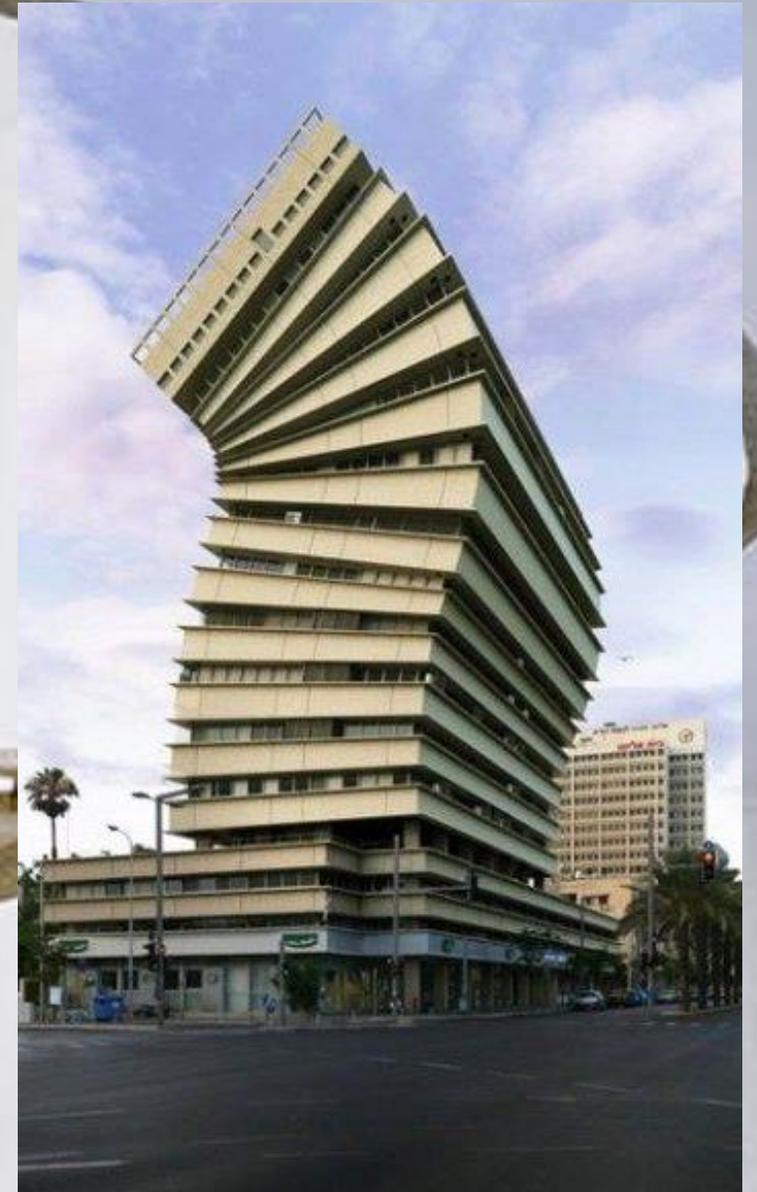
"I came here to say that I do not recognize anyone's right to one minute of my life. Nor to any part of my energy. Nor to any achievement of mine. No matter who makes the claim, how large their number or how great their need. I wished to come here and say that I am a man who does not exist for others." - Howard Roark

— Ayn Rand (The Fountainhead)



As an "all-risk" policy, this insurance policy basically covers everything unless specifically excluded. That means the number of possibilities for last-in-time "but for" causes of damage are limited only by the imagination of the reader. What if a roof contains a flawed design, and it leaks water into the house, which ruins one of the floors? But for the water, no damage to the floor would have occurred. Yet the contract does not exclude damages caused by "water." Coverage?

TMW Enterprises, Inc. v. Federal Ins. Co., 619 F. 3d 574 -
Court of Appeals, 6th Circuit 2010



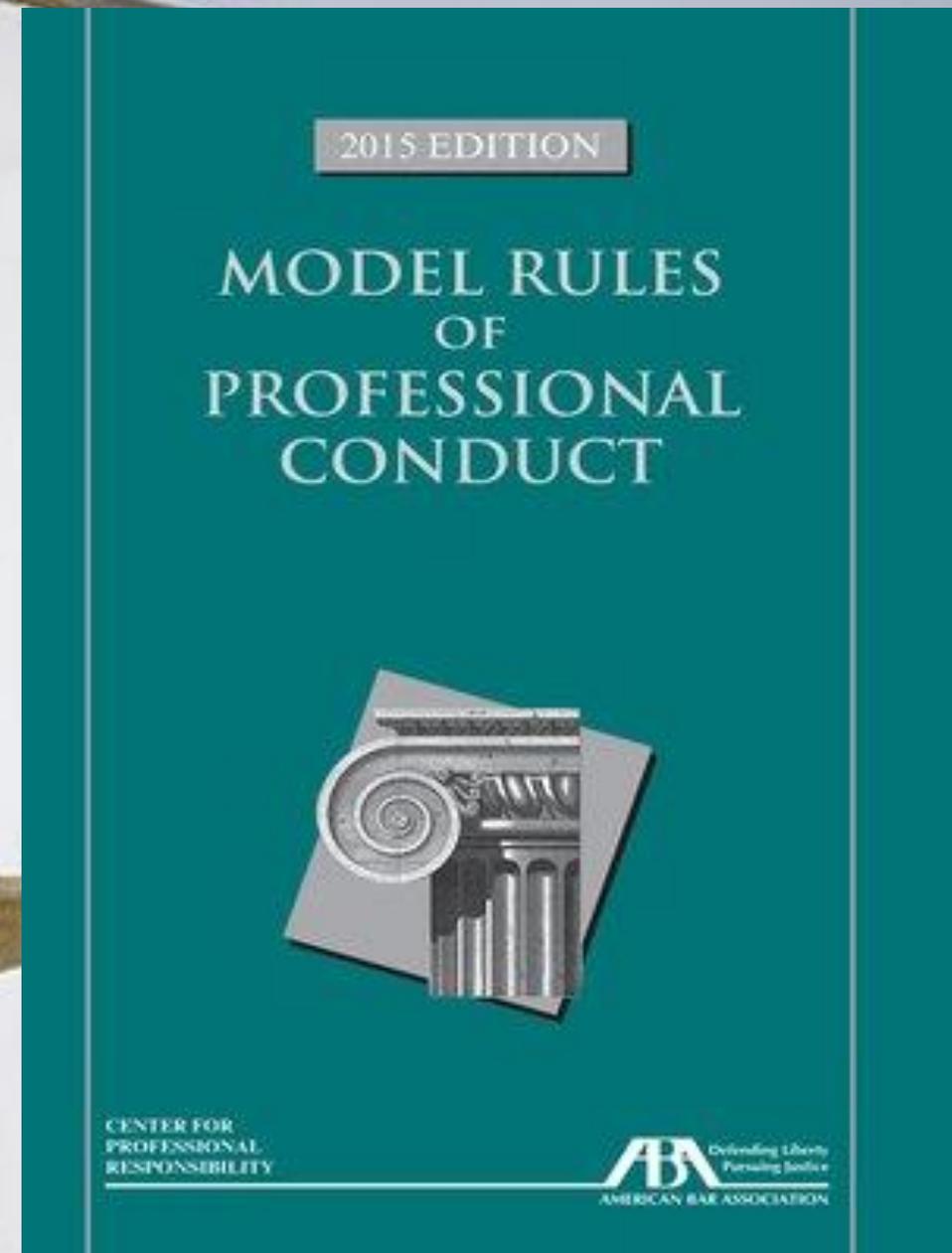
“A doctor can bury his mistakes, but an architect can only advise his clients to plant vines.”

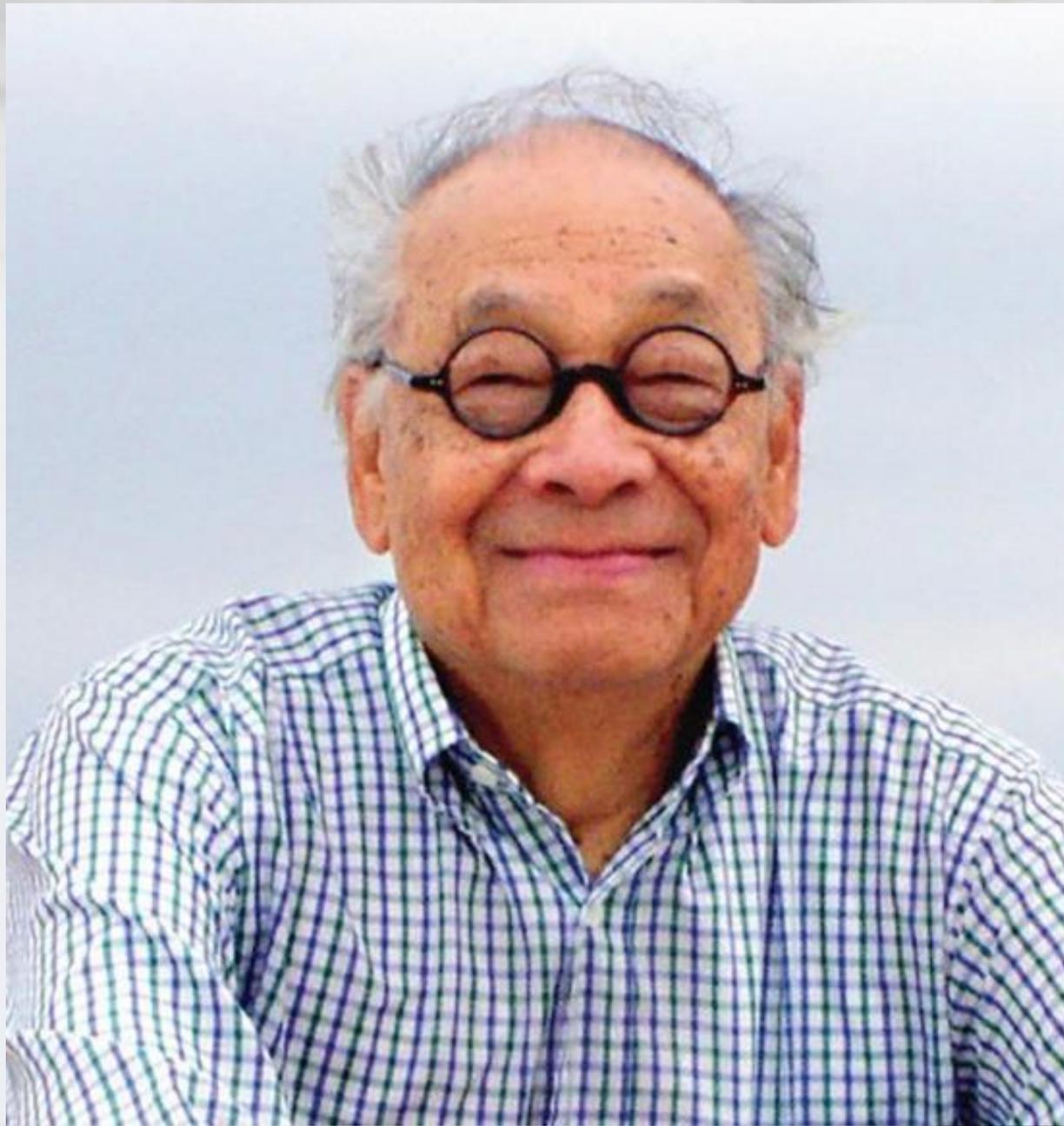
— Frank Lloyd Wright



“Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living.”

Model Rules of Professional Conduct, Preamble





- “Architecture is the very mirror of life. You only have to cast your eyes on buildings to feel the presence of the past, the spirit of a place; they are the reflection of society.”
- — I. M. Pei

