

## WE HAVE A STATUTE OF LIMITATIONS!

As a result of an April 1 decision by the Court of Appeals, the highest court in New York State, design professionals now are protected by a statute of limitations. In the case of *Sosnow v. Paul*, the defendant architects had moved in the Supreme Court in Nassau County to dismiss the complaint on the grounds that New York's three-year malpractice statute of limitations had run.

Briefly, the *Sosnow* case involved a claim by an owner against an architect for alleged malpractice when masonry began cracking on the owner's building. Construction had been completed in 1965 and the claim was filed in 1971. The basic issue in the case was to determine when the three-year professional malpractice statute in New York began to run.

The trial court denied the architect's motion to dismiss. The architect appealed, and the Appellate Division reversed the trial court in a 3-to-2 split decision, saying: "The rule in cases when the gravamen of a suit is professional malpractice is now and has always been that the cause of action accrues upon the performance of the work by the professional." Later in its opinion, the court also indicated that the statute of limitations would begin to run no later than the date of completion of construction.

The owner then appealed the appellate court's decision to the New York Court of Appeals. In a unanimous 6 to 0 memorandum opinion, the Court

of Appeals affirmed the Appellate Division by stating, "Upon completion of the buildings a cause of action accrued for the harm done. . ." The Court's opinion was very brief, and, significantly, it addressed itself primarily to pointing out why the minority opinion in the Appellate Division was in error.

In a preliminary analysis of the case, Arthur T. Kornblut, a Washington attorney who recently was AIA Administrator of Professional Practice, points out that this is the first case he is aware of in which the three-year malpractice statute has been applied to a design professional at the Court of Appeals level. He notes that since the parties had agreed that the statute applied, both appellate courts accepted that decision and did not attempt to distinguish the case because the defendant was an architect.

Kornblut then examines the implications of the decision on actions brought by the third parties. Although his analysis is too detailed for this **Oculus** article, he makes it clear that the decision could have very considerable influence on third party suits.

It should be pointed out that the architect was insured by Continental Casualty Company, which, with Schinnerer & Company, followed the litigation closely, working with the defense attorney.

Copies of the decision, together with related correspondence, are available to members at the Chapter office.  
GL

## Survey Shows 1974 Office Activity In Worsening Slump

Seventy-four firms of all sizes responded to the survey of 1974 economic conditions conducted by the Office Practice Committee, Richard Dickens, chairman. A preliminary compilation of the results by John Franklin, subcommittee chairman, has not been analyzed, so that the facts presented here may be subject to interpretative qualification in a later report.

The bare figures comparing 1974 and 1973 projects in architectural offices, adjusted to take into account the Turner Construction Co. cost index which rose 16.6%, shows:

- The volume of work in terms of construction cost of all active projects in the offices dropped 29.5% from 1973.
- The volume of projects authorized to proceed in 1974 was about 50% less than 1973.

The Chapter's survey last year, which received wide attention in the construction industry and among public officials and the press, showed a 55% drop in contracts signed in 1973 as compared with 1969.  
GL

## **Chapter Phone Changed:**

**The new number is (212) 730-1221**



## Executive Committee Actions

**April 3, 1975**

- Resolved to recommend to the membership at a Chapter meeting at 5:15 on May 8 that (a) the minority scholarship program be continued; (b) the present assessment for minority scholarships, which is now in its final year, not be renewed; and (c) corporate and sustaining firms dues be adjusted by the amount of the present assessment. The notice of the meeting, to be sent to corporate members, will explain these resolutions in more detail, and the meeting will be covered in the June **Oculus**.
- Resolved to apply to the N.Y. State Council on the Arts for funds to make possible publication of a series of "bicentennial papers" on New York City architecture in the past 200 years.
- Decided to hold the Chapter's annual meeting as a late-afternoon event at the newly renovated Cooper Union Foundation Building.
- Reaffirmed Chapter funding of the Hospitals and Health Facilities' *Construction Cost Guide*.

## State Minuteman Program Holds Promise

The best lobbyists are political constituents. That's why a well organized state-wide Minuteman program is our best hope for getting the adoption of policies architects believe in.

Fortunately, Laszlo Papp of the Westchester Chapter has taken the initiative in organizing this long needed technique. Papp wants all the names he can get to write or talk to the legislators. He supplies the backup data for correspondence and identifies key committee persons for each bill. Send your name and voting address to Laszlo Papp, AIA, 180 East Post Road, White Plains, N.Y. 10601.

KK

## Welcome to New Members

The NYC/AIA welcomes the following members:

### Corporate

Lawrence R. Randolph  
Eli Attia  
Constantine Kondylis  
Alfred T. Menziuso  
Joseph N. Wills  
John C. Fondrisi  
Stanley G. Kennedy  
John M. Arms (Readmission)

## Candidates for Membership

Information received by the Secretary of the NYC/AIA regarding the qualifications of candidates for membership will be considered confidential:

### Corporate

Christopher Owen  
Michael Anthony Rubenstein  
Harry Alex Meltzer  
Marion Michael Gorenstein

### Professional Associate

Jon Martin Gomberg

### Associate

Barbara Jo Schnepf  
Ruben Tempone (AIA)  
Wassif Mikhail Y. Boutros-Ghali  
John J. Perez, Jr.

## Erratum

Oculus regrets the misspelling of the name of Alexander Garvin, Deputy Commissioner of HDA for Rehabilitation/Neighborhood Preservation, in the March 1975 issue.

## Architectural Design Competition: "A Community School Center"

The National Institute for Architectural Education has announced the 1975 Hirons Prize. It is open to all persons in the architectural field under the age of 35 (up to June 1, 1975) and not enrolled in a full-time architectural academic program. The first prize will be \$1,500, the second, \$500. Prize winners and the top honorable mentions will be exhibited at the 1976 Convention of the American Association of School Administrators and will be published nationally. Due date is September 1, 1975.

The program by Alan Green, Secretary-Treasurer of the Education Facilities Laboratories, offers the opportunity to probe a design problem of interest to many boards of education: The Community/School Center. The jury will be composed of representatives of the NIAE, the AASA and the AIA.

For a program, contact Byron Bell, Chairman, Committee on Scholarships and Awards, National Institute for Architectural Education, 20 West 40 Street, New York, N.Y. 10018.  
BI

**New York Chapter**  
**The American Institute of Architects**  
20 West 40th Street  
New York, New York 10018  
212/565-1866  
George S. Lewis, Executive Director

**Executive Committee**  
Herbert B. Oppenheimer, President  
Robert F. Gatje, 1st Vice President  
Alexander Kouzmanoff, Vice President  
Jams B. Baker, Vice President  
Manfred Riedel, Secretary  
Richard Roth, Jr., Treasurer  
A. Corwin Frost, Director  
Louis P. Giacalone, Director  
Anna M. Halpin, Director  
J. Arvid Klein, Director  
Michael Maas, Director  
Nathan Jerry Maltz, Director

**Oculus Committee**  
David Paul Helpern, Editor and Chairman  
I. M. Aringer  
Mary Jane Clark  
Bonnell Irvine  
Norman F. Jacklin  
Carl Meinhardt  
Joseph R. Mygatt  
Martin Pitt  
Daniel V. Rodriguez  
Ralph Steinglass  
Linda Yang



## **Brunner Award Winner Co-Authors Book on The "Pedestrian Revolution"**

Having won the Brunner Scholarship twice to aide his work, Chapter member Simon Breines has—along with William J. Dean—co-authored *The Pedestrian Revolution*, subtitled "Streets Without Cars".

The book is written for the general public which—at this pont in time, in our city at least—is only vaguely aware of the planning potentials of the "pedestrian revolution".

Paper bound, the book is attractively produced with many photos and drawings to aid the uninitiated in becoming familiar with such terms as "pedestrian districts", "urban bike-ways" and "cluster development".

Breines and Dean argue that new life can be given to our cities through an intelligent use and development of pedestrian islands, bicycle paths, and the extended use of mini vehicles. Suggestions are also included for the improvement of the suburban environment through the careful organization of pedestrian routes and bikeways in conjunction with land use planning.

The pedestrian in history plus successful contemporary achievements are noted, as well as proposals yet to be realized, such as the Madison Mall. This information should provide useful ammunition for communities and pedestrian advocates as they continue their efforts to increase the amount of space available for people who walk, roller skate or bicycle.

CM

## **The Architect's Dilemma: The SOB Solution**

We in the profession all agree that architects are by far the most intelligent, altruistic, perceptive, urbane, understanding, selfless, public-spirited, ingratiating, enlightened, and generally winsome of all nature's creatures. But we are puzzled when others do not quite seem to preceive all these marvelous qualities of ours. We are nonplussed when confronted by a general public which doesn't even acknowledge that we have a reason to exist.

This tragic state of affairs came to be, of course, because we have one fatal flaw in our make-up: we refuse to brag!

In an effort to overcome this terrible deficiency (and, incidentally, to insure the long-term survival and effectiveness of our profession), the Architectural Education Commission is planning to supplement other NYC/AIA efforts with some discussions to explore ways and means of clarifying the value and functions of this most inexplicable profession to the world, from the pre-schooler to the senior citizen. In other words, we will develop methods of becoming Sophisticated Braggarts (SOB's)!

Let Jerry Maltz at Chapter Headquarters know of your ideas (in writing) and/or your willingness to participate in this special quest, or phone him at 777-5131. When enough people respond, we will set a date for the first discussion.

N. Jerry Maltz

## **Women's Place**

City College School of Architecture has announced that two women will receive its highest awards: Misia Leonard—the 1975 Henry Adams Medal (first rank student), and Ethel Goodstein—the Certificate of the AIA (second rank student).

## **Health Facilities Cost Guide**

*Construction Costs of Health Facilities - 1975* was published on April 1st by the Health and Hospital Planning Council of Southern New York in cooperation with the Hospitals and Health Committee of the NYC/AIA. This publication, which is the second edition of a 1972 work, contains the results of a survey of the actual contract price of 115 projects bid between 1969 and 1974.

Designed as a working tool for those planning new facilities, the guide includes numerical indices to enable application of unit cost data to different geographic regions and future bidding dates. A synopsis of the program of each project surveyed is provided.

Project editor is Saul Ellenbogen. The guide is available for \$2 per copy from the Planning Council or NYC/AIA.

MP

## **New York State Council on Architecture Has Closed Its Doors**

After seven years of innovative work, the first and only State Council on Architecture has come to an end. The legislation that created this consulting and advisory body has been cancelled in the process of creating the 1975 New York State budget. The axe fell on April 1, 1975.

We are advised by former Chairman George A. Dudley that some aspects of the Council's activity will be continued by others. For example, a group studying the State laws concerning design and construction will be absorbed by the Division of the Budget. Peter French, an Attorney, will continue as head. The New York State Council on the Arts will take over a few other functions.

BI



## **First Women's Bank: A Step in the Right Direction**

On April 9th at Chapter Headquarters, Madeline McWhinney, president-designate of the First Women's Bank, was the guest speaker at the final Brown Bag Lunch sponsored by the Women's Architectural Auxiliary for the WAA Scholarship Fund.

Miss McWhinney presented an informal discussion to the rather large group, the majority of which were women, on the bank and the many services it will provide. The bank will be located at Park Avenue and 57th Street.

During the course of the discussion, the subject of the bank's "architect" was raised. Two years ago the bank was in the process of selecting an architect who also had to be a woman principal in her own firm.

When the final selection was made, a joint venture of two interior design firms—one with and one without a woman principal—was assigned the commission. This interior design joint venture firm does not have a woman principal who is an architect—although it does have an architect on its staff who will stamp the drawings.

Miss McWhinney, asked if she could explain the bank's decision regarding its selection, stated that she was not with the bank at that time, but knew that the bank chose the design it liked best, unaware of the fact that it would be offending anyone.

*MJC*

## **JUMP! A Helping Hand**

JUMP is an on-the-job training program for disadvantaged youths in New York City; it is sponsored by the societies of design professionals within New York City. More than half of the young people admitted complete the program.

A total of 19 New York City architectural and engineering firms are participating. (This is a major portion of their Affirmative Action Program.) These firms will provide 20 jobs.

The program acquaints a disadvantaged youth with the architectural/engineering profession and gives him an opportunity to learn and advance on the job while still attending a classroom training program towards his architectural/engineering education. A half-day is spent in the classroom at Delehanty Institute, using a curriculum developed by members of JUMP; help toward a High School equivalency diploma is given, if the participant does not already have one. The remaining half day is spent under close supervision, working in a participating office, towards becoming a Junior Draftsman.

The total program is approximately 42 weeks. Employers are reimbursed 100% for classroom training time and 50% for on-the-job training. Expenses for the training portion will be paid from revenue-sharing funds of the Comprehensive Employment Act of 1973, administered through the City of New York's Economical Development Administration.

Any firm interested in participating in this program can contact Mrs. Veronica Anthony, Vocational Foundation, 44 East 23 Street, New York, New York 10010. Her telephone number is 777-0700.

*MJC*

## **Does the Office Make You Famous?**

With funds provided by a CUNY Research Foundation Grant, Judith R. Blau, Assistant Professor in the Department of Sociology and Anthropology at Baruch College, has compiled a sociological study of 152 Manhattan architectural offices. A preliminary report of this study has recently been circulated to participating offices.

The preliminary report is the first in a series of analyses and concerns such aspects of office practice as size, project type and location, office organization, types of services rendered, changes in office structure, and answers to the question: What do you consider a successful project?"

The study's two major drawbacks, according to Ms. Blau, are that it does not reflect as much as it might the severe economic deterioration in architectural offices and that the information included in the report is not a truly representative sample. More larger offices (with four or more employees) responded than did smaller ones in the random sample initially selected. However, this problem can be statistically corrected in future analyses.

Does the architect's office surroundings influence career development or personal achievement? Does the office organization influence the success of a firm? Does specialization increase/decrease a firm's chances for a design award? These are only some of the questions Ms. Blau hopes to address in the coming months as she prepares the information on individuals for future reports on careers, attitudes and the relationships between office and individual characteristics.

*NFJ*