Standard of Care for Architects and Engineers in Illinois

Standard of care principles by which many professionals are judged have evolved throughout the years, and the standard for design professionals is no exception. While architects and engineers have always been required to abide by certain criteria, the standard of care for the profession was not legally defined in Illinois until 1965. At that time, the Illinois court in Miller v. DeWitt (4th Dist. 1965) held that design professionals are “under a duty to exercise ordinary, reasonable care, technical skill, and ability and diligence, as are ordinarily required of architects and engineers, in the course of their plans, inspections, and supervision during construction.” 208 N.E. 2d 249, 284.

Not surprisingly, that standard has since evolved. Since Miller, Illinois courts further defined the standard to be measured against “the ordinary and reasonable skill usually exercised by [an architect or engineer] in that profession.” Mississippi Meadows, Inc. v. Hodson, 299 N.E. 2d 359, 361 (3rd Dist. 1973). There, the court also acknowledged that the standard of care could be altered depending upon the contract language. In the absence of such qualifying language, however, design professionals will be held to exercise the reasonable care and skill of others in the profession.

Perhaps the clearest—and most impactful—definition of a design professional’s standard of care can be found in the Illinois Pattern Jury Instructions. In the event of a design malpractice claim against an architect or engineer, Illinois courts have approved that the following instruction be provided to the jury prior to deliberations: “In performing services, an architect must possess and apply the knowledge and use the skill and care that is ordinarily used by reasonably well-qualified architects. A failure to do so is a form of negligence that is called malpractice” (I.P.I. Civil No. 105.01—Professional Negligence—Duty).

Jurors are requested by the court to refrain from relying upon their own personal knowledge in evaluating whether a design professional abided by the standard of care. The single exception to this is referred to as the “common knowledge” exception, where the alleged negligence is “so grossly apparent that an ordinary person would have no difficulty in recognizing it.” Board of Education of Community Consolidated School District No. 54 v. Del Bianco & Associates, Inc., 372 N.E. 2d 953 (1st Dist. 1978).

To practice within the standard of care, design professionals in Illinois must, at the very least, abide by the minimum a typical designer would do on a similar project in the same geographical area and with the same resources. Most importantly, design professionals must be mindful to avoid altering—i.e. elevating—their standard of care with contract language that promises or warrants work and results above the ordinary and reasonable skill typically exercised by architects and engineers.
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