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# The Legal Environment

**BARRY B. LEPATNER, Esq.**  
**DAVID J. PFEFFER, Esq.**

Over the past 20 years, design professionals have increasingly encountered challenges from new and varied areas of legal complexity and exposure. In recent years, the design world has been forced to address liability for claims ranging from sick-building-related illness to Americans with Disabilities Act (ADA) violations, to the more common equivocal billings and delay claims brought by owners and contractors. In addition, interior designers and other design professionals in many states have been exposed to increased civil and even criminal liability for practicing in jurisdictions without a license as well as charges for unauthorized practice as a professional. While most designers do not set out to break the law, uncertainty about legal issues may be their undoing.

It is troubling enough for designers to consider the personal and professional losses they might incur if they must defend a legal claim. But legal exposure presents a concrete financial risk, too, even when a designer is covered by insurance. At the same time that legal claims against designers have increased in frequency and complexity, the costs of defending designers against these claims have skyrocketed. The cost of defending a claim too often exceeds the potential liability of the claim itself. Even when the designer has liability insurance to cover a claim, the diminishing coverage, exhausted by the costs of one's defense, may not leave enough insurance left over to pay the claim. In the face of a diminishing liability policy—which is what most design professionals have—a designer can be personally liable for a large portion of the costs of a claim even if the settlement or judgment amount is originally within policy limits.

Even though the risk and costs of liability may seem overwhelming, designers can protect themselves if they are aware of the types of liability they face and what they can do to avoid becoming involved in legal action. This chapter focuses on those areas of the law that pose increased liability to practicing interior designers and other design professionals. Included in this discussion are practical steps for interior designers to take in order to avoid liability. As a related matter, this chapter also sets out a discussion addressing certain