

Professional Liability Is Major Problem

(The following article appeared in The Michigan Surveyor, Spring Issue, 1973, published by The Michigan Society of Registered Land Surveyors, and is reprinted here in the interest of our membership — Editor).

The Consulting Engineers Council has developed a manual on Professional Liability Losses and Prevention. Part 2, which has been forwarded to the membership, discusses a typical problem for the Engineer and/or Surveyor on charges of incompetency, malfeasance, neglect, etc. Quoting from the Part 2 Manual our readers should read thoroughly.

When an accusation is made against a Design Professional Engineer or Surveyor he usually experiences one of two types of behavior, or both; anger or guilt.

If his reaction is anger the normal response is to retaliate by seeking a method of countering or injuring the party making the claim. As pointed out in the study of modern theories of human resolution, this tends to distort the importance of the subject matter under dispute. In a crisis then, the following advice cannot be overstated. Remain Calm. This means inwardly, outwardly, and actually.

The statement of a party who contends he has been wronged by an Engineer or Surveyor should be examined calmly and objectively. Authorities in dispute hardly recommend that the accused party assume a benign attitude, but seek an understanding of the other party's position. Please let me have the details, I would like to make notes. I want to be sure I fully understand what you are saying, let me get this straight. You feel that the plans of survey were lacking in what regard? This is a far better response than a quick and heated denial.

The second possible reaction by the Professional Engineer and/or Surveyor to an accusation is guilt. Risk Analysis and Research Corporation is appalled at the number of claims it has been involved in where the Consulting Engineer or Surveyor has assumed full responsibility when something unexpected occurs, yet a more thorough examination at a later date proves this responsibility wholly erroneous, since the fault lay elsewhere. It is almost impossible to undo the wrong that can be done by a party who has mistakenly assumed responsibility and communicated it to other parties connected with the laws.

The acceptance of blame is so prevalent however that it is given a name, the "good guy syndrome." It is a way of saying that Design Professional Engi-

neers and/or Surveyors strive to perform with such skill and confidence that nothing can go wrong. This is impossible, but their sense of identity with the project on which they have worked may be so strong they are willing to accept fault even when it is not theirs.

It should be noted that mankind has developed techniques for coping with crises. Fire Departments are trained to respond to conflagration. Police Departments, Coast Guard Rescue Squads and so forth are trained for all types of emergencies.

What the Design Professional Engineers and/or Surveyors in private practice need then is a squad of experts trained in professional liability crises in order to resolve them in the most efficient and expert manner.

Regional Group News (continued from page 4)

NORTH EASTERN REGIONAL GROUP

The Group's last meeting was held at North Bay, May 5, and saw the election of officers for the coming year. These included: C. Stewart, chairman; J. Jackson, vice-chairman; and W. E. G. Taylor, secretary-treasurer. J. Kerr of the Ontario Ministry of Natural Resources gave an informative talk on the survey of mining claims. The Group's next meeting is scheduled for October 20 at the Holiday Inn, Huntsville. Other Group news: John Bradbury has sold his practice in Parry Sound and moved to Barrie. Don Macdonnell has sold his practice in North Bay and is now employed by the Federal Government in Toronto. P. A. Blackburn has left the Ministry of Transportation and Communications and purchased Don's practice in North Bay. Bob Meisner has left private practice in Cochrane and now is Assistant Examiner of Surveys in Sudbury. R. C. Stewart has left private practice in Gravenhurst and now is Assistant Examiner of Surveys in Bracebridge.



TOO MUCH FOR THE TYPESETTER

In the April-May issue of The Ontario Land Surveyor, the typesetter must have had a "thing" about snakes because on page 8, under the heading "Hard to Identify", the lines were transposed to such a degree that it certainly would be hard to identify. It should have read: . . . One snake that you may have great difficulty in identifying is the melanistic or all black (except for a white chin) garter snake, found chiefly in the Western Lake Erie region, but strange as it seems, it is the same species as the common eastern garter snake. Another rare snake is the dark olive queen snake, which also has a striped appearance. The above photo shows a melanistic garter snake with its white chin.

— Editor.