ASFE
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"Golly, you know, this is the first time I have known what those guys are up against."

The person talking was an architect from one of Los Angeles' major architectural firms. He made that remark on January 15 at the ASFE-CCAIA seminar. If the feedback coming from the architects can be used as a measure of the impact of this meeting upon them, it has to be considered outstanding. It seems to have opened new avenues of communications that will be mutually beneficial to both architect and soil and foundation engineer.

Dick Woodward, Woodward-Clyde & Associates; Doug Brown, Moore & Tabor; and Leopold Hirschfeldt, LeRoy Crandall & Associates did excellent jobs in presenting "The Technical Aspects of Foundation Engineering," "The Foundation Engineer's Role During Construction," and "Liability Aspects of Foundation Engineering" to the assemblage. While the questions were reserved during the morning sessions, things livened up during the afternoon as the architects warmed to the subject. An attorney, Ernest Sevier, sobered everyone with the report that he felt the professional liability climate against both soil and foundation engineers and architects was going to worsen.

Dr. Harry Solberg of the New Management Center made a presentation on "The Human Element and its Impact on Professional Liability Problems of Architects and Soil and Foundation Engineers." Dr. Solberg pointed out how our current social problems are interwoven with our behavior in such a way so as to trigger responses that lead us into acts born of frustration--i.e., suing people. Dr. Solberg felt that a continuing awareness of social problems on the part of both soil and foundation engineer and architect was important if they did not wish to become entangled in professional liability litigation.

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On the whole, the meeting seems to have struck a responsive chord with the architects. Many of them felt that the meeting was one of the most valuable that they had attended on interprofessional matters. Several expressed a desire to have similar meetings in their particular geographical areas. One or two were observed requesting cards from the members of ASFE who were present. The reason? Jobs.

Lloyds of London, January 8, 1971. The lead underwriter who provides Professional Liability insurance coverage for engineers and architects reports that they are going to "harden their attitude" as respects soil and foundation engineers for the year 1971. This means that if you think it was difficult purchasing Excess Professional Liability insurance last year, just wait. While it might be reasoned that this has been the result of deteriorating claims experience, this may not be the answer. The insurance industry seems to be becoming more restrictive in their underwritings overall. Undoubtedly, some of this conservatism is having its effect on speculative lines of coverage. One thing is certain: traditional insurance methods do not seem to offer a solution to the soil and foundation engineer's current problems; nor is there any reason to believe that there will be a short range change in underwriters' attitudes that will ease the problem.

There is a New Twist to an Old Problem. This is in the form of an attitude on the part of certain clients concerning the role of the soil and foundation engineer in the performance of his work. Historically, the owner has hired the soil and foundation engineer for the purpose of developing the criteria from which the architect and structural engineer would do their design work. Because of the paucity of Professional Liability insurance for soil and foundation engineers, many canny owners are seeking to avoid potential liability by placing the prime design professional in the chain of liability by requiring that he hire the soil and foundation engineer. This very practice became a hot point of contention at the ASFE-CCAIA meeting when the architectural staff of a large California institution voiced their opinion that, "This is the way it should be." Needless to say, there were countervailing attitudes.

If this does become a trend a whole new generation of professional liability problems will emerge. Its potential impact upon the prime design professional is probably greater than any detriment that could come to the soil and foundation engineer. Nonetheless, it would belay the arms-length dealing arrangement currently prevalent between architect and soil and foundation engineer: a situation which is looked upon as being advantageous by many since it enables the soil and foundation

engineer to insist upon a level of quality rather than having it dictated to him. Risk Analysis & Research Corporation has commenced study of this problem with an eye toward developing professional liability loss prevention measures that can be used in contemplation of its eventual emergence.

To Test or Not to Test. With Cassette Programs 3 and 4, explanatory material was sent out with one; a test was sent out to be used in connection with the other. You were asked to voice opinion as to whether you thought the tests were useful or a waste of time. We have received responses from only two firms, both affirmatively inclined toward testing. Since it is your money that we use to produce those tests, please let us have your thoughts. They are expensive to produce. If you think they accomplish the job of reinforcing the educational material contained on the tapes, let us know.

Professional Liability Survey Dragging. In December all members of ASFE received a questionnaire aimed at developing current professional liability information about soil and foundation engineers. This is an attempt to develop a fund of information which will have great relevance for many purposes. It can be used in connection with insurance; its value for contract negotiations is limitless; as a basis for developing professional liability loss prevention information it will be invaluable. If you have not returned this questionnaire, please do so at your earliest convenience.

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