



Tort Reform

Prospects Enhanced With New Congress, Sensenbrenner Says

House Judiciary Chairman F. James Sensenbrenner, Jr., (R-Wis.) says chances are greater to pass liability reform legislation when the new 109th Congress convenes in early January.



Sensenbrenner told ACEC: "The next Congress will consist of more Senators that support common sense legal reforms, so prospects are better to pass legislation that reduces lawsuit abuse. It's time for the Senate to join the House in supporting all the reforms the House passed this Congress to protect Americans from extortionist lawsuits and frivolous claims."

While the House passed numerous ACEC-supported legal reform bills (class action reform, medical liability reform, the

Lawsuit Abuse Reduction Act), during its last session, those bills were held up in the closely-divided Senate.

Six of the nine incoming senators previously served as members of the House—Richard Burr (R-NC), Tom Coburn (R-OK), Jim DeMint (R-NC), Johnny Isakson (R-GA), John Thune (R-ND), and David Vitter (R-LA)—and all six have a favorable voting record on tort reform. Another incoming Senator, Mel Martinez (R-FL), made curbing lawsuit abuse a major part of his election platform.

The top tort reform priorities for the new Congress will be class action reform, asbestos litigation and medical liability reform. ACEC and other business groups also will seek a broader reform agenda that includes so-called "good Samaritan" protections, reasonable caps on liability and joint and several liability reforms. ■

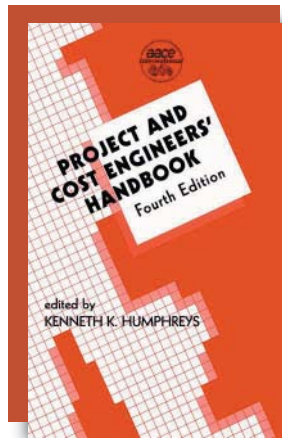
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Suggested Reading

Recommended Practices for Design Professionals and Scientists Engaged as Experts for the Technical Review of Others' Work and Providing Testimony in Public Forums

This publication can be ordered for \$5 from ASFE: Professional Firms Practicing in the Geosciences at www.asfe.org. ■



Neil Armstrong, James Carville, Mary Matalin To Highlight 2005 Annual Convention In D.C.

Washington, D.C. plays host to ACEC's Annual Convention, April 10-13, 2005, featuring Consulting Congress Day, Engineering Excellence Awards, a CASE risk management session and a variety of educational and social activities.

The lineup of speakers includes the first man to walk the moon, astronaut Neil Armstrong, who will receive ACEC's 2005 Distinguished Award of Merit, as well as James Carville and Mary Matalin, who will provide a spirited debate on political issues.

The Grand Hyatt Washington (www.hyatt.com), located in the heart of D.C. will host Convention activities. Call the Hyatt at 202-582-1234 to secure your hotel room. ACEC's discounted room rates expire on February 1.



Up-to-date Convention information also will be available by visiting the ACEC website at www.acec.org. ■

CASE Marketing Information

Special and Extra Services: What's the Difference?

The CASE marketing brochure refers to both of these together as "Additional Services" falling outside of "Basic Services" normally provided. Special services are those that may or may not be foreseen at the beginning of the design phase and not normally included as basic services. Extra services are those which arise as a result of unforeseen circumstances. Examples:

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- Design secondary structural elements
- Provide special inspections
- Design site structures
- Design structure for interior architectural systems
- Design window washing supports
- Design supports for antennae or flagpoles.

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- Services resulting from a change in the scope or magnitude of a project
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GSA and Seismic/Structural Engineering

GSA, in cooperation with private standard setting organizations, code bodies, and professional associations, manages the development of national policies and standards for seismic/structural safety in federal buildings. GSA also:

- Engages consultants to conduct seismic studies and provides IDIQ contracts to federal agencies for access consulting firms;
- Partners with FEMA and ICSSC, and participates in seismic meetings and conferences;
- Manages the Seismic Rapid Response Team including training and supplies;
- Conducts annual meetings with GSA Regional Seismic Advocates for the exchange of project experience, ideas and new information;
- Provides technical assistance to GSA regions to assure seismic safety requirements are met;
- Monitors federally leased facilities for seismic compliance; and
- Manages "hot" and/or emerging seismic issues such as code changes and new technology.

For more information go to www.gsa.gov.

Faced with Signing the AIA C-141 Contract with an Architect? Read the CASE Commentary

CASE Document Six provides assistance to structural engineers when using the aforementioned document. It gives you a commentary on certain conditions of the contract and a sample cover letter to use with it. C-141 is well respected and widely accepted by owners, contractors and design professionals. The CASE commentary does however point out some areas that deserve special attention. One is to include a comprehensive scope of services. A useable matrix of the scope of services is included with the document. Also include is a bibliography if further information is needed. This document is available from the CASE website at www.acec.org/case/publications.

ACEC to Review State DOT Cost Recovery Procedures

ACEC has convened a task force of transportation experts to review a pending U.S. Department of Transportation Inspector General audit on the error/omissions and cost recovery procedures of state DOTs. The audit, which is focused specifically on design engineers, is expected to be released early next year.

The task force is comprised of members from ACEC's Transportation Committee and Risk Management Committee. The task force will spearhead ACEC's response to the IG's audit, and develop a toolkit of model cost recovery procedures for use by the state organizations.



The purpose of the audit is to: review state DOT and Federal Highway Administration (FHWA) procedures for handling and recovering costs from errors and omissions; determine how much funding has been recovered by state DOTs from errors and omissions; and determine how much federal funding has been returned to FHWA. Four state DOTs were audited (Illinois, Virginia, Texas and Florida), and the Inspector General's office will make recommendations to FHWA on improving cost recovery practices.

For more information on this issue, contact T.J. Schulz, ACEC's Director of Transportation Programs, at 202-347-7474. ■

