

Editorial

CASE Convocation Merges Theory and Practice

November 2005

By James E. Trant, P.E., S.E., CASE Chairman

In early November 2005, the CASE RMP presented its Second Annual Risk Management Convocation in Dallas, Texas. It was a very successful event that combined theory with practice and included a special appearance by Dick Crowell, former DPIC Senior Vice-President.

As in the past, the program began with recognizing that **"We still have a problem."** Doug Ashcraft of Walter P. Moore & Associates, Jeremy Isenberg of Weidinger Associates, Peter Pruitt of Pruitt Eberly Stone, Inc and Chuck Whitaker of John A. Martin and Associates shared with the attendees case histories from practicing structural engineers concerning real-life liability problems from those who have experienced what no structural engineer wants.

Attendees were then reminded that there is, in fact, contract language which could be considered **"Deal makers & Deal Breakers."** We were cautioned to consider very closely the impact of some clauses on our risk. Dick Crowell, who has been down the road dealing with onerous or unfair terms, led a discussion of various terms and clauses, outlining where they might be considered unfair and suggesting modifications which might mitigate their effect and allow them to be "insured." He even suggested some clauses, because of their language, that should be considered as "walk away" terms. There was certainly a general agreement that we are sometimes faced with poor language, but "walk away?" Dick was his usual self, holding nothing back and expressing a strong sentiment that engineers not assume risk blindly.

Several breakout sessions were presented allowing attendees to select topics of concern to their individual practice. The topics included

Negotiating with the Owner's Counsel and getting them to change by Lawrence Borda of Powell Trachtman;

Phone Call: There has been a disaster on your project? by James A Lastowka of McDermott, Will & Emery;

Turn a Condominium Project into a Profit-Maker through Risk Management by Stephan Andrews of Vandeventer Black;

Professional Liability vs. General Liability: Know the difference by David H. Collings of Ames & Gough;

Lessons learned from an analysis of claims against structural engineers by Greg Bundschuh of Ames & Gough; and

Evaluating Risk – the view from Ernst and Young by John L. Heffron and Mike Whalen of Ernst and Young.

At each of three breakout sessions attendees had the opportunity to choose one of the above presentations. Each presentation lasted approximately 90 minutes and allowed for questions and answers.

At lunch, on the first day, the **10 Foundations of Risk Management** was presented by John Grenier of Grenier Structural Engineering. A 128 mb USB Flash Drive and Wall Placard was given to each attendee. The Flash Drive contained a video and PowerPoint® presentation of the foundations of risk management, including an introduction by Val Ericson of the DiSalvo Ericson Group who is also the CASE RMP Chair. Each CASE member firm and non-member subscribing firm will receive a complimentary flash drive and placard.

At the conclusion of the first day, a Town Hall meeting was held with the **Uncensored news from the Parties.**

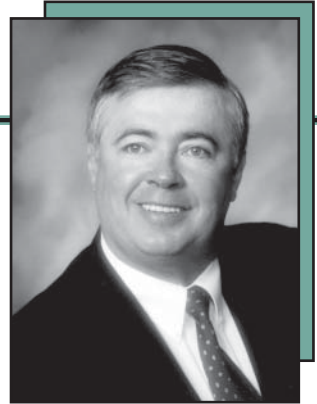
Dick Crowell served as moderator and the panel included Scott Coldwell of Jones, Lang, LaSalle; Grant Simpson of RTKL Architects and James Atkins of HKS Architects. This was an audience participation session discussing Owner's, Architect's and Contractor's take on risk management. The panel experienced some difficulty in getting a contractor to attend. Perhaps next year that will not be the case. This was a lively session, with opinions flying about who gives what to whom, when and for what purpose. Scott, Grant and Jim held up very well and the session had to be ended due to scheduling issues before all the questions were discussed.

Following a Convocation Reception and dinner, a presentation regarding the **Indonesian Tsunami** was made by Steven C. McCutcheon, Ph.D., P.E. of the University of Georgia and Mei Kuen Liu, P.E. of DeSimone Consulting Engineers. They presented a first hand account of the structural damage from the December 2004 Tsunami. We were told what is being done to bring the affected countries back to normalcy, and what can be done structurally to lessen future catastrophes.

On Saturday morning at breakfast, a presentation on **Building a Firm Culture** (the first foundation for Risk Management) was offered by Chris D. Poland of Degenkolb Engineers. Chris discussed the definition of culture, and how to incorporate it into your firm to make it more efficient and productive. This was a very well received session and will be expanded in the spring 2006 ACEC Annual Convention in Washington, DC.

Finally, a presentation was held regarding the Fallout from the **NIST Report: Integration of Structural and Fire Engineering** by Dr. Jim Harris of NIST. The National Institute of Standards and Technology has issued a report about the World Trade Center collapse which contains several recommendations that have raised industry eyebrows regarding future tall building design. The recommendations may also benefit other structures due to their integration with fire protection and assumptions made regarding the impact of materials used for fire protection.

This was a very worthwhile event, planned by dedicated structural engineering professionals. I certainly appreciated their efforts. The 2006 CASE RMP is currently being scheduled and will be held in Los Angeles, California in a similar timeframe. Announcements will be made on the CASE website and in mailings. ■



"...case histories from practicing structural engineers..."



Some PowerPoint® presentations from the Convocation are available for viewing at www.acec.org/case or www.acec.org/rmp.