



Geo-Strata

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Foolproof Writing

2 + 4 = 7 is an error. 2 + = 6 is also an error. The former is an error of commission, the latter of omission, because someone forgot the 4 between the + and =.

As such, the term errors and omissions (E&O) insurance is patently wrong, given that the omissions covered by professional-liability insurance are errors. I'm pointing this out because geo-professionals need to be sticklers for precise, accurate, complete, correct – i.e., foolproof – writing. After all, almost all instruments of geo-professional service are in writing, giving inaccuracies or ambiguities potentially lethal effect.

Consider, for example, the specification requiring an earthworks contractor to contact a paleontologist were it to discover any bones, and to recover them. The contractor did just that when its work revealed the ossified remains of a mother zebra and child. The paleontologist, quickly on the scene, was delighted. She told the contractor's representative she would return the following day, then left. But when the paleontologist returned with her equipment 15 hours later, filling was under way; the discovery had been destroyed. "I did just what the spec called for," the contractor's representative testified. "I recovered what we uncovered."

How about a phrase like "I observed the excavation." That's what a construction-materials engineering and testing (CoMET) representative wrote in his daily field report. According to the testimony of a contractor's representative, "The CoMET guy watched us doing the excavation – it says so right there in his daily field

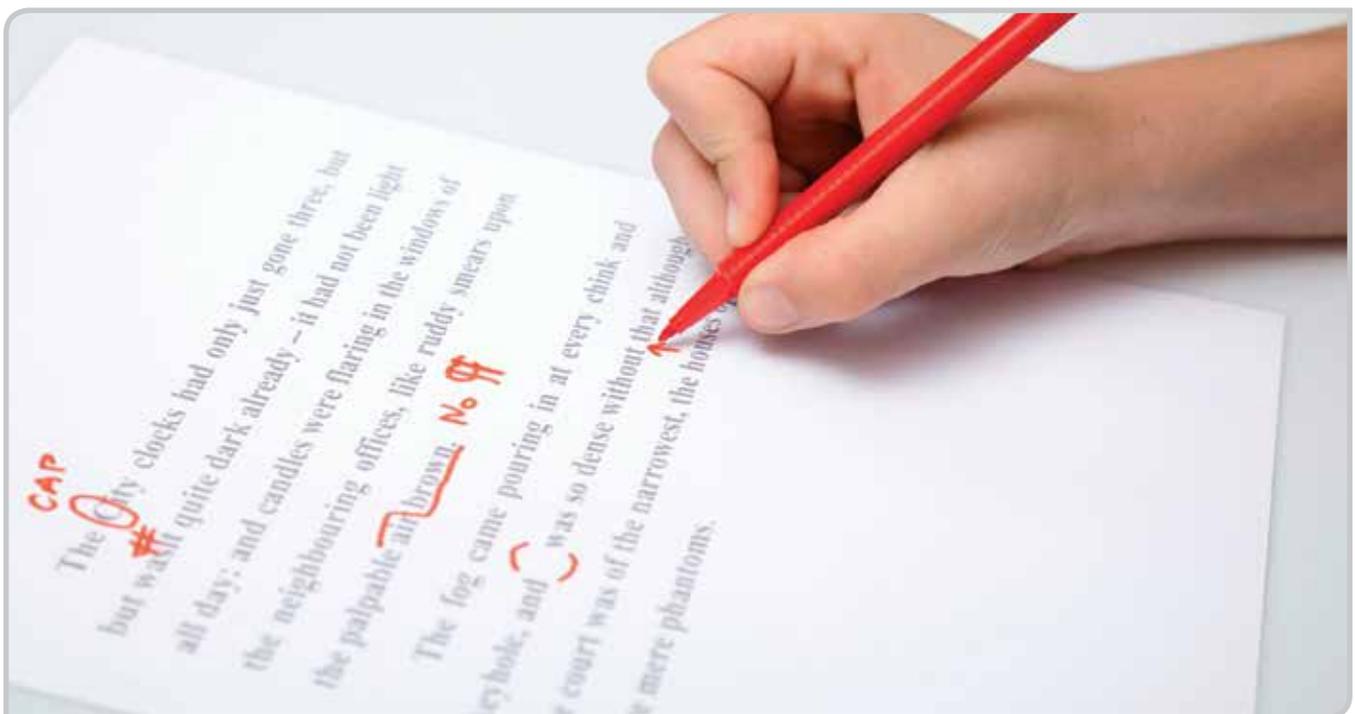
report. He should have told us we were doing it wrong. His firm needs to contribute to the correction." According to the field representative's testimony, "I looked at the hole after the contractor dug it. That's what 'I observed the excavation' means. I had no way of knowing the contractor did it wrong."

Consider, too, the phrase "In general compliance with..." Does the client know it actually means "We did not comply with..." whatever specification or standard may be involved? And does the client know what will and will not be done?

Five issues make foolproof writing more important than ever before.

First, geoprofessional organizations have become flatter than ever. Whereas just about anything anyone has written used to be subject to review by senior technical professionals above, and concerned, capable clerical personnel below, today's reviews commonly are performed only by senior technical personnel (some of whom lack good writing skills) and only for proposals, contracts, and final reports. Writing via electronic media – e-mails, texts, and such – often goes unchecked, even though it often is written hastily by less-experienced personnel and lasts forever.

Second, based solely on my own exposure to it, "awful" is how I would describe the quality of English-composition instruction given in today's schools. And when one chooses a technical career, higher education involves no English-composition instruction at all, or it focuses on "technical writing," a



euphemism for bad writing mired in the passive voice.

Third, litigation has become little more than a commonly used business tool, nonchalantly applied to enhance profit or effect "contribution."

Fourth, in the event of a dispute, the best evidence is what's in writing. If a proposal, report, memorialization, e-mail, text, correspondence, or other written instrument is less than foolproof, it could be used to allege it caused or contributed to the problem behind the dispute. At best, it will fail to provide the unequivocal support needed to discourage or defend a claim.

Fifth, geo-professionals are too often treated like project-team pariahs, engaged only on the periphery. This marginalization denies them an opportunity to explain or expand upon their writing's intent, to catch a mole-hillish misinterpretation before it achieves mountainous proportions. As such, what geoprofessionals write has to be foolproof the first time. (If it were, geoprofessional issues would not remain the principal source of construction-industry claims and disputes.) Without the support of foolproof writing, it's the geoprofessional's word against the other guy's (or the word of the geoprofessional's expert witness vs. the other guy's), leaving interpretation to the trier of fact, more often than not a jury of individuals selected for their complete ignorance of matters geoprofessional.

I used to say, given the price they have to pay for second-rate writing, geoprofessionals arguably need to be the best writers of all. Today, I believe, there's no argument about it at all.

AUTHOR

John P. Bachner is the executive vice president of ASFE/The Geoprofessional Business Association, a not-for-profit association of geoprofessional firms; i.e., firms that provide geotechnical, geologic, environmental, construction materials engineering and testing (CoMET), and related professional services (en.wikipedia.org/wiki/Geoprosessions). ASFE develops programs, services, and materials that its members apply to achieve excellence in their business and professional practices. Contact john@asfe.org

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