

*ASFE (www.asfe.org) originated as Associated Soil and Foundation Engineers in 1969. A trade association, ASFE's mission is to help its Member Firms prosper through professionalism. Much has changed since ASFE's inception, including a significant broadening of membership that led the organization to adopt ASFE as its full name, to honor the geotechnical engineers who founded it, without excluding the environmental scientists and civil engineers who are so important to ASFE today.*

*ASFE has earned an enviable reputation for programs, services, and materials that help its Member Firms manage their risks. At the time of the organization's founding, professional liability insurance (PLI) for geotechnical engineers was unavailable, because geotechnical engineers had become the most claims-prone professionals of all. ASFE was created specifically to help its members change that situation, and it achieved its mission. By 1985, an independent study revealed, ASFE members were not only able to obtain PLI from a number of sources, but they paid rates that were lower than all other design professionals', even architects'. Part of the reason for that turnaround was Terra Insurance Company, founded by the same people who started ASFE. Terra today is the highest-rated risk retention group in the nation, providing to its owner/insureds incredibly low net rates for PLI (almost 30 percent of Terra's insureds have paid nothing for their PLI over the past dozen years).*

*What ASFE learned, and continues to learn, will be related through this column, by ASFE's risk management consultant, John Bachner, president of Bachner Communications.*

Were I to give all civil engineers the most important risk management advice I could, based on 32 years of ASFE success, I'd say, "Look in the mirror. Whom do you see? Do you see a member of the world's most important profession? You should, because that's who you are. But if you don't, you would do well to change your outlook, the same way ASFE members did."

Consider this: If mankind still prospers on this planet 300 years from now, the credit would have to go to civil engineers. Then, as now, they would save infinitely more lives than all the physicians in all the hospitals and laboratories of the world, by creating the systems that keep our air and water clean. Then, as now, they would design what we need to transport ourselves and our goods by land, air, and sea; to generate, distribute, and deliver energy; and to create the facilities where we would work, live, and play. Then, as now, they would subscribe to the credo of sustainability, by meeting the needs of the present generation without compromising the ability of future generations to meet their own needs. No other professionals could or can make such awesome claims. How ironic, then, that so many civil engineers, who have more to be proud of than any other professionals, are humble to a fault; so humble they accept risks that other professionals would find offensive, and dismiss with an incredulous, "What are you thinking?"

Civil engineers who look into a mirror and see "just an engineer" do not possess the self-esteem that is merited by their profession's accomplishments. And because their self-esteem is so much lower than it should be, those civil engineers often take whatever they're given, evidently under the assumption that "I have no choice. I'm just an engineer." What other explanation could there be? True, some civil engineers may be naïve when it comes to risk management. They may not know all they should about the various risks they're all too commonly asked to accept, the many means available for identifying and assessing them, and the myriad techniques for bringing those risks under control. But we know many civil engineers who do understand risk management, but who nonetheless accept: scopes of service that are not adequate to deal with the issues that their experience says are likely to arise; terms and conditions that are onerous enough to make them use their firms as collateral against *their client's* negligence; schedules that are so abbreviated they cannot achieve the quality demanded by the needs of the project; their clients' dismissive refusal to pay for merited extras simply because an *i* was not properly dotted; and their clients' expressions of utter dismay when they request for an experienced principal's time an amount slightly less than the hourly rate charged by a residential air-conditioning mechanic. In other words, because civil engineers do not have the self-esteem they need to just say "no" to risks they should not accept, they accept them with a "what-else-can-I-do" shrug, and that can lead to serious trouble.

ASFE members have been taught to demonstrate the courage of their professional convictions; to say, when appropriate, "We're sorry, but we cannot accept this commission. It's not structured such that we can achieve the quality of service needed for us to perform as we believe professionals should. We need more scope and we need to involve some of our most qualified people. And to do that, we need more time and more fee. And while we stand fully ready to accept the consequences of our own actions or inactions, we must insist that, by contract, you do the same. We're professional engineers, not an insurance company." But how many civil engineers are unwilling to adopt such attitudes, for fear that another firm will obtain the commission, no matter how undesirable it might be?

Make no mistake: We're not suggesting that civil engineers should become haughty. But it sure wouldn't hurt for more of them to say to themselves, "I'm a professional civil engineer. I owe it to myself and to my profession to not stoop that low." With the diplomacy that is the hallmark of professionals, civil engineers could explain to their erstwhile clients the whys and wherefores of their outlooks. And if those erstwhile clients were still bound and determined to insist on bad contracts, or that their civil engineers accept ridiculous risks or compensation that is not adequate for the expertise required, they would find any number of firms willing to do their bidding. Some would be just plain foolish or desperate. Others would be shrewd enough to have made themselves judgement-proof, hiding their assets and offering professional liability insurance of dubious value. And the erstwhile clients would learn and ultimately return to the firms that at first turned them down. They would come to understand more about the value of genuinely professional outlooks. They would be far more willing to accept reasonable terms and conditions, schedules, fees, and risks in order to deal with people who

epitomize professionalism and are committed to performing their commissions with traditional integrity.

So, whom do you see in the mirror? When you see a representative of the world's most important profession; someone with huge responsibilities for public health, safety, and welfare; someone people worldwide depend on to do the right thing, perhaps you'll feel good enough about yourself to reject risks that professionals should not even be asked to consider. When that happens, others will see in you what you see in yourself. Of course, people usually see in us what we see in ourselves, which is why we have so many problems when the mirror reflects "just an engineer."