

MINDING YOUR BUSINESS

DPIC's Top 10

WAYS FOR PROFESSIONAL SURVEYORS TO MANAGE RISK AND PREVENT LOSSES

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ELIMINATE LIABILITY ILLITERACY

Make sure all employees learn how everyday business and technical practices affect your exposure to risk. Institute procedures in your firm that support your commitment to quality and thereby minimize risks.

SELECT PROJECTS AND CLIENTS CAREFULLY

Certain projects (such as condominiums) and certain clients are higher risks than others. Check into the client's track record and finances before accepting any assignment. Request a retainer if necessary. Don't accept projects that do not provide adequate fees for your services, that restrict your scope of services to an unacceptable level, or that are outside of your firm's area of expertise.

SET REALISTIC EXPECTATIONS

Anticipate that your client may not understand what you do. Discuss the scope of your work including any limitations, potential project problem areas and changes that may be needed.

USE A WRITTEN CONTRACT

A fair, well-defined professional services agreement or work order that precisely states the intent of both parties helps prevent misunderstandings and makes provisions easily understood by a mediator, judge or jury. This alone may discourage a plaintiff on an otherwise marginal claim.

IMPLEMENT ADR

PROVISIONS IN CONTRACTS

Make every effort to avoid litigation. Commit to a program of early problem identification and resolution. Agree that conflicts be resolved fairly, quickly and inexpensively through mediation and other alternative dispute resolution techniques.

REFUSE TO ACCEPT UNLIMITED LIABILITY FOR YOUR SERVICES

Work for a limitation of liability (LoL)

clause in your contracts that makes the amount of liability you assume proportionate to your ability to control risk.

CERTIFICATIONS - A SURVEYOR'S NIGHTMARE

This document surveyors are typically asked to sign can create big problems. Read certifications carefully. Don't agree to be responsible for items / areas you did not observe or that weren't a part of your contract. Certain wording in certifications could void your professional liability insurance.

USE DISCLAIMERS ON THE MAPS YOU PRODUCE

Maps may be copyrighted and use disclaimers including a note about underground / buried utilities that could exist on the property.

IDENTIFY "DEAL BREAKERS"

Some risks are so significant that you cannot possibly accept them. Let clients know that they must retain the liability for such risks (through indemnities) if you are to provide services.

QUALITY CONTROL IS KEY

Errors that occur in misreading information or mathematical calculations cause the greatest number of claims. Establish procedures to double check work in your firm.

Editor's Note: DPIC, Security Insurance Company of Hartford, is a professional liability insurance provider



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