

**“I Could Have Made That Mistake”  
Pre-Congress Workshop  
May 17, 2006, 1:00pm – 5:00pm  
St. Louis, MO**

Instructors: Ron Hamburger, S.E., Dr. Jacqueline R. Meszaros, Larry Borda, attorney, and John Tawresey, P.E.

### I Could Have Made that Mistake

Managing your exposure to malpractice claims is a professional practice issue more than it is a business practice issue. It is the individual engineer’s behavior that has the biggest impact on claims, since most claims are from professional negligence not breach of contract. Most claims are because someone practiced below the accepted standard of care.

Each day practicing engineers make decisions that expose themselves to professional negligence claims. Understanding the risk and managing your behavior is as basic to practicing engineering as the concept of static equilibrium. Yet, most risk management seminars are designed to educate the principals of the firm instead of the practicing engineer. This seminar is different.

The seminar will begin with an enlightening presentation comparing the structural engineer’s professional risk to other engineering disciplines, and providing data on the frequency, source (contractor, client, owner, etc), and nature of the claims. Several actual claims will be revealed. These will not be frivolous claims, or claims where the engineer was just caught in the judicial system, but examples where most would say, “I could have made that mistake”.

Next, the management of the risk will be discussed within the context of the evolving technology of Performance-Based Design. Performance-Based Design is introducing new technical challenges to our profession, but most importantly Performance-Based Design will radically change the way we practice. According to Prof. Jacqueline R. Meszaros these changes are analogous to changes in the practice of medicine. Doctors have successfully changed their approach. They have changed their approach from paternal to collaborative. Today patients deal with risks and make decisions based on the doctor’s advice and counsel. No longer does the doctor dictate the course of treatment.

Will structural engineers follow the same path and if they do will it change their exposure to claims? Instead of relying on code compliance and avoiding the subject of risk, will structural engineers be able to explain to a client that there is a chance their building will not perform to the level desired? Ron Hamburger will start by defining Performance-Based Design. Then Jacqueline R. Meszaros will discuss how we perceive risk compared to our clients.

Larry Borda will provide some tools for negotiating with clients. The tools are of general use, even as we practice today. But, the skills and techniques presented will be essential to successful implementation of Performance-Based Design.

The session will conclude with a facilitated open discussion involving all presenters and participants.

**Please join us in St. Louis to learn more about Risk Management for the individual engineer!**

Registration is now open at <http://www.asce.org/conferences/structures2006/>