

# Schinnerer's Risk Management Resources

## Curriculum Development Guide



Disputes and claims cost time and money. Proper risk management is essential for a firm to minimize disputes and run a profitable practice.

The Schinnerer and CNA program provides tools to facilitate enhanced practice and expanded revenue sources. It does so through broad coverage and an extensive risk management program. We are often asked, "How should we set up an internal risk management curriculum?" There are an infinite number of ways that one can be developed, but there are three basic steps that will help a firm establish what is appropriate.

### STEP 1 Benchmark Your Firm Through Upfront, Basic Training

# 1

The first step in establishing an in-house curriculum is to establish your firm's knowledge base and what areas need improvement. This can be accomplished in a variety of ways, but many firms use Schinnerer's Voluntary Education Program (VEP), *Understanding and Managing Risk*, as the starting point. Firms that have used the VEP as a *diagnostic* tool implemented policies that required all applicable staff to participate in the VEP. Once initial participation was complete, firms reviewed the results of each test. This gives firms a sense of what areas the staff grasped and what areas required more in-depth training.

### STEP 2 Establish a Curriculum Based on Your Firm's Needs Using a Variety of Delivery Methods

# 2

Once a firm has established training needs, the next step is to develop an individualized curriculum, using a variety of delivery methods to address those needs. Following is an example how one firm approached Step 2.

*Based on the VEP test scores of the staff, firm managers decided that the staff needed additional training in basic legal concepts, professional services contracts, and construction phase services. The firm arranged for one staff member to teach basic legal concepts from the VEP and used a CD-ROM of Schinnerer's webinar, "Critical Issues in Construction Contract Administration." The firm also sent several key staff members to Schinnerer's regional seminar, "Negotiate for Success: Suggestions for Your Client's Commando Clauses." At the same time, firm management arranged for a two-hour version of the in-house seminar, "Navigating Successful Project Delivery," for current and up-and-coming members of staff that will soon be responsible for project management. Based upon information obtained from the VEP, seminars, and Schinnerer's online library of Management Advisories, the firm developed a set of guidelines for contract negotiation, project management, and contract administration services.*

**STEP**

**3**

**Develop a Plan for Continuous Training**

An important component of any internal training curriculum is a plan for continuous training. This is important for new staff, interns, and any new senior staff members to help them understand the firm’s risk management procedures and approach to design. It is equally important for current staff as a refresher on traditional risks and to help them understand and manage emerging risks.

Firms have implemented continuous training in a number of ways. Often, the human resources department is used. One firm’s HR department established procedures that requires all new staff to complete applicable sections of the VEP. Another firm used in-house teaching as a way to train staff. It is their position that learning occurs through teaching. Staff, often interns, are assigned a module from the VEP or an article from *Guidelines for Improving Practice* and then have to facilitate a training session on that topic, often a “lunch and learn” session.

The following is a list of risk management resources available from Schinnerer that can be used to develop a risk management curriculum for your firm. These resources can help you remain profitable by educating current and new staff, promoting consistency in firm practices, and meeting professional development and educational requirements.

At the core of any risk management curriculum is Schinnerer’s self-study course, VEP. This information can be augmented by Schinnerer’s practice guides, which provide in-depth information on selected topics. Additional resources, such as claims and case studies, benchmarking information, *Management Advisories*, and web-based publications. For a comprehensive list of our risk management resources, please see our publication *Risk Management Resources*. This publication, and all other resources, can be found at [www.PlanetRiskManagement.com](http://www.PlanetRiskManagement.com).

In addition, Schinnerer offers our regional seminar series, in-house seminars for Large Firm policyholders, webinars, broker-sponsored seminars, and our presentations at professional society meetings.

Self-Study Courses	Topics	Description	Audience	Development Hours
VEP Level 1 - <i>Introduction to Risk Management</i>	Basic Risk Management Concepts	A web-based continuing education program that teaches design professionals how to identify, respond to, and control various sources of risks. Available at no charge to policyholders.	<ul style="list-style-type: none"> <li>Firm, Project, and Financial Managers</li> <li>Project Professionals</li> <li>Interns and Administrative Assistants</li> <li>Human Resources Staff</li> </ul>	Dependent on self-registration
VEP Level 1	Written Module	Test & Answer Key	Sample PowerPoint	Online Recorded Webinar
1-1 Concepts in Risk Management	✓	✓	✓	✓
1-2 Legal Liability for Design Professionals	✓	✓	✓	✓
1-3 Developing the Capacity to Manage Risk	✓	✓	✓	✓
1-4 Evaluation of Projects and Clients	✓	✓	✓	✓
1-5 Planning Phase and Design Phase Risk Management	✓	✓	✓	✓
1-6 Bidding or Negotiation Phase Risk Management	✓	✓	✓	✓
1-7 Construction Phase Risk Management	✓	✓	✓	✓

Self-Study Courses	Topics	Description	Audience	Development Hours
VEP Level 2 - <i>Selected Topics in Risk Management</i>	<ul style="list-style-type: none"> <li>Contracts</li> <li>Project Delivery</li> <li>Dispute Management</li> <li>Insurance</li> </ul>	A continuation of Level 1, this level covers selected topics including contracts, dispute management, project delivery, and insurance. Available at no charge to policyholders.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>	Dependent on self-registration

VEP Level 2	Written Module	Test & Answer Key	Sample PowerPoint	Webinar
2-1 Contracts for Professional Services	✓	✓	✓	February 8, 2012
2-2 Alternative Methods for Project Delivery	✓	✓	✓	March 7, 2012
2-3 Insurance for Design Professionals	✓	✓	✓	April 11, 2012
2-4 Dispute Prevention for Non-Adjudicative Resolution	✓	✓	✓	May 2, 2012
2-5 Adjudicative Dispute Resolution Litigation	✓	✓	✓	June 6, 2012
2-6 Planning for Success in the International Project Arena	✓	✓	✓	Not available
2-7 Strategic Planning for Design Professionals	✓	✓	✓	Not available
2-8 Specialized Risks: Designing for Sustainability and Condo Projects	✓	✓	✓	September 12, 2012
2-9 Emerging Practice: Building Information Modeling and Integrated Project Delivery	✓	✓	✓	October 10, 2012

Format: Web-based, accessible at [www.PlanetRiskManagement.com](http://www.PlanetRiskManagement.com).

Introductory Seminars	Topics	Description	Audience	Development Hours*
<i>Concepts in Risk Management</i>	Basic Risk Management Concepts	Learn the basics of risk management, including how to perform risk analysis for your projects, clients, and other facets of your practice.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Risky Business: What Causes Claims and How to Avoid Them</i>	<ul style="list-style-type: none"> <li>Basic Risk Management Concepts</li> <li>Claims Analysis</li> <li>Case Studies</li> </ul>	Identifies and analyzes risk using examples from actual claims histories.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Benchmarking and Claims Studies as Risk Management Tools</i>	<ul style="list-style-type: none"> <li>Risk Assessment</li> <li>Benchmarking Information</li> <li>Claims/Case Studies</li> </ul>	Using Schinnerer's publication, <i>From Risk to Profit: Benchmarking and Claims Studies</i> , policyholders can identify potential risks through statistical information on clients, project types, and other risk categories.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>2 hours</li> </ul>
<i>Key Risk Management Processes in Project Delivery</i>	<ul style="list-style-type: none"> <li>Risk Assessment</li> <li>Project Planning</li> <li>Contract Administration</li> </ul>	Provides the tools you need to understand and manage the demands and expectations of your clients and the other participants in the project delivery process.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>3.5 hours</li> </ul>

Advanced Seminars	Topics	Description	Audience	Development Hours*
<i>Integrated Project Delivery: Legal &amp; Insurance Issues of Collaborative Design and Construction</i>	<ul style="list-style-type: none"> <li>Building Information Modeling</li> <li>Integrated Project Delivery</li> <li>Standard Contracts</li> </ul>	This program examines the risks and explores the benefits of collaborative practice .	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>

Advanced Seminars	Topics	Description	Audience	Development Hours*
<i>Contracts 2.0</i>	<ul style="list-style-type: none"> <li>Risk-intensive Provisions</li> <li>Professional Liability</li> <li>Negotiation Techniques</li> </ul>	his seminar will provide alternative provisions that appropriately allocate risk as well as tips on how to negotiate them.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Critical Issues in Construction Contract Administration</i>	Contract Administration	Addresses the sources of duty and risk design professionals face while administering contracts for construction.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Don't Let Green Design Cause Red Ink</i>	<ul style="list-style-type: none"> <li>Green Design Warranties</li> <li>Unfulfillable Expectations</li> </ul>	Gives a realistic appraisal of the emerging risks that accompany the emphasis on sustainability in design and construction.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>2 hours</li> </ul>
<i>Best Practices for Design Liability Risk Mitigation</i>	Risk Mitigation Techniques	Focuses on ways to mitigate risks to help reduce claims, including peer and constructability reviews and contract language.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Negotiate for Success: Suggestions for Your Client's Commando Clauses</i>	Contract Language Negotiation Techniques	Covers contract clauses that are frequently problematic for design professionals and also includes negotiation techniques.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>	<ul style="list-style-type: none"> <li>2 hours</li> </ul>
<i>Seven Steps to Negotiation Success</i>	Negotiation Techniques	Teaches design professionals to negotiate with confidence using concepts of principled negotiations.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Why Risk It? Don't Put Your Practice in Jeopardy!</i>	Basic Risk Management Concepts	Addresses words to avoid and clauses that provide protection in professional services agreements in an interactive program.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>2 hours</li> </ul>
<i>Navigating Successful Project Delivery</i>	Project Delivery	Provides the tools to understand and manage the expectations of clients and other participants in the project delivery process.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Learning from Design-Build</i>	Design-Build	Learn the crucial issues that distinguish design-build from design-bid-build and other delivery methods and how to manage the risks.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Managing the Risk of Employment Practices</i>	Employment Practices	Discusses issues and circumstances that may lead to employment practices claims and how to manage the risks.	<ul style="list-style-type: none"> <li>Firm, Project, and Financial Managers</li> <li>Human Resources Staff</li> </ul>	<ul style="list-style-type: none"> <li>3 hours</li> <li>2 hours</li> </ul>
<i>Managing Risk in the Delivery of Environmental Services</i>	Environmental Risks	Helps environmental practitioners understand the unique sources of risk inherent in environmental practice and describes recommended business, contracting, and professional practices for managing these sources of risk.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Interns</li> </ul>	<ul style="list-style-type: none"> <li>2 hours</li> </ul>
<i>Webinars</i>	Conducted on various industry topics	A web conference series conducted on topics selected by the firm.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>Others depending on particular topic</li> </ul>	<ul style="list-style-type: none"> <li>1.5 hours</li> <li>1 hour</li> </ul>
<p><b>Format:</b> Delivered in person as an in-house presentation for policyholders with annual billings of \$15 million and above, or as a web-based seminar for firms with annual billings above \$5 million.</p> <p>*Under the AIA/CES program, all seminars are accredited for Learning Unit Hours, which are reported directly to the AIA. The continuing professional competency credit for engineers and other professionals is subject to state regulations. For in-house presentations, provide your AIA number to us and your participation will be reported directly. If you are seeking credits through state systems, a certificate can be issued. Submit the certificate as evidence of your participation. <i>Participants should inquire with their applicable state regulatory authority.</i></p>				

Serial Publications	Topics	Description	Audience
<i>Guidelines for Improving Practice</i>	Varies each issue	A bimonthly newsletter highlighting public policy issues and risk management tools to help manage your practice. Each issue is mailed to policyholders and archived on the web.	<ul style="list-style-type: none"> <li>Firm, Project, and Financial Managers</li> <li>Project Professionals</li> <li>Interns and Administrative Assistants</li> <li>Human Resources Staff</li> </ul>
<i>Constructive Comments</i>	Varies each issue	Published four times a year, this newsletter provides risk management guidance for our contractor policyholders. Each issue is mailed to policyholders and archived on the web.	<ul style="list-style-type: none"> <li>Firm, Project, and Financial Managers</li> <li>Project Professionals</li> <li>Interns and Administrative Assistants</li> <li>Human Resources Staff</li> </ul>
<i>Proceedings of the Annual Meeting of Invited Attorneys</i>	Varies by year	A compilation of papers written by speakers at this annual meeting, which focuses on timely issues in the design and construction industry. This is a web-only resource.	<ul style="list-style-type: none"> <li>Managers with office or firm-wide responsibilities for contracts or risk management</li> <li>Attorneys in Design Field</li> <li>General Counsel</li> </ul>

**Format:** Unless otherwise noted, the above publications are mailed to policyholders upon printing and archived on our website for later access at [www.PlanetRiskManagement.com](http://www.PlanetRiskManagement.com). All of the above resources are password-protected for policyholder use only.

Practice Guides	Topics	Description	Audience
<i>From Risk to Profit: Benchmarking and Claims Studies</i>	<ul style="list-style-type: none"> <li>Benchmarking</li> <li>Claims/Case Studies</li> </ul>	A comprehensive look at more than 45 years of CNA claims history. Claims are analyzed for general industry trends, and then broken down into categories such as client, project type, consultants, and contractors, among others.	<ul style="list-style-type: none"> <li>Firm, Project, and Financial Managers</li> <li>Project Professionals</li> </ul>
<i>Guide to the Schinnerer and CNA Risk Mitigation Credit</i>	Professional Liability Insuring Agreement	The 2005 CNA A/E insuring agreement features a new risk mitigation credit for firms that use a “baseline criterion” and six “best practices” criteria to enhance firm practices and help avoid claims. This guide explains these criteria in detail.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>
<i>Managing Risk Through Contract Language</i>	Sample Contractual Language	A contract guide that educates policyholders and their clients about the legal and practice management concerns of contracts.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>
<i>Schinnerer’s Expanded Contract Guide for Complex Projects</i>	<ul style="list-style-type: none"> <li>Large Firm Risks</li> <li>Sample Contractual Language</li> </ul>	Addresses the unique needs of complex projects. With <i>Managing Risk Through Contract Language</i> as a starting point, we expanded the content and added sections that address specific risks of larger design firms and the more complex projects they often encounter.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> <li>General Counsel</li> </ul>
<i>The Surveyor’s Contracts and Risk Management Manual</i>	Sample Contractual Language: Surveyors	A guide produced in conjunction with the Associated Congress on Surveying and Mapping to help surveyors negotiate equitable contracts.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>
<i>From Risk to Profit: Benchmarking and Claims Studies for Surveyors</i>	<ul style="list-style-type: none"> <li>Benchmarking</li> <li>Claims/Case Studies</li> </ul>	A comprehensive look at more than 45 years of CNA claims history involving land surveyor policyholders. Claims are analyzed for general industry trends, and then broken down into categories such as client, project type, consultants, and contractors, among others.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>
<i>Guide to the Schinnerer and CNA Risk Mitigation Credit for Surveyors</i>	<ul style="list-style-type: none"> <li>Professional Liability Insuring Agreement</li> <li>Surveyor-specific Practices</li> </ul>	The 2005 CNA A/E insuring agreement features a new risk mitigation credit, available by endorsement, for surveyor firms that use a “baseline criterion” and five “best practices” criteria to enhance firm practices and help avoid claims. This guide explains these criteria in detail.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>
<i>Managing Risk in the Delivery of Environmental Services</i>	Environmental Risks	Provides discussion and a checklist of recommended practices for environmental consultants.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>
<i>Managing Risk Through Contract Language: Interior Designers</i>	Sample Contractual Language: Interior Designers	Deals specifically with risks unique to the practice of interior design and decoration.	<ul style="list-style-type: none"> <li>Firm and Project Managers</li> <li>Project Professionals</li> </ul>

Practice Guides	Topics	Description	Audience
<i>Understanding the Claims Process</i>	<ul style="list-style-type: none"> <li>• Claims Handling</li> <li>• Claims Submission</li> </ul>	By familiarizing yourself with the sequence of events in a typical claim, you can reduce the common feeling of being caught in a confusing process. This resource is a general guide to the typical CNA claims handling process.	<ul style="list-style-type: none"> <li>• Firm, Project, and Financial Managers</li> <li>• Project Professionals</li> </ul>
<i>Concepts in Risk Management</i>	Basic Risk Management Concepts	A booklet that addresses ways to manage and avoid risks encountered throughout the life of a project. Includes our Risk Management Matrix.	<ul style="list-style-type: none"> <li>• Firm and Project Managers</li> <li>• Project Professionals</li> </ul>
<i>Emerging Issues in Practice</i>	<ul style="list-style-type: none"> <li>• Integrated Project Delivery</li> <li>• Green Design</li> <li>• Interprofessional Liability</li> </ul>	While not a comprehensive study of the changes facing design professionals, this publication discusses some of the issues that will affect the design and construction professions, practices, and preferred futures.	<ul style="list-style-type: none"> <li>• Firm and Project Managers</li> <li>• Project Professionals</li> </ul>
<i>Contractors Design Liability Contract Guide</i>	Sample Contractual Language: <ul style="list-style-type: none"> <li>• Contractors</li> <li>• Design/Builders</li> </ul>	Provides information for contractors and design/build practitioners on direct and vicarious design liability exposures and suggests contractual methods to appropriately allocate risk for delegated design responsibilities.	<ul style="list-style-type: none"> <li>• Firm and Project Managers</li> <li>• Project Professionals</li> </ul>
<i>Risk Management Primer for the CM Professional</i>	Agency Construction Management Services	Offers an overview of risk management practices for those CM professionals providing construction management services as a representative or agent of the client.	<ul style="list-style-type: none"> <li>• Firm and Project Managers</li> <li>• Project Professionals</li> </ul>
<i>Design Liability in Design-Build</i>	Design Risks in Design-Build	Addresses the design liability risks faced by all parties with varying participation on a design-build project.	<ul style="list-style-type: none"> <li>• Firm and Project Managers</li> <li>• Project Professionals</li> </ul>
<i>Understanding Your DesignOne Coverage: Commercial General Liability Insurance</i>	Basics of Commercial General Liability (CGL) Insurance	Addresses the basics of CGL insurance coverage, including covered losses and claims scenarios for further illustration.	<ul style="list-style-type: none"> <li>• Firm and Project Managers</li> <li>• Financial Managers</li> <li>• General Counsel</li> </ul>
<i>Understanding Your DesignOne Coverage: Property Insurance</i>	Basics of Property Insurance	Addresses the basics of property insurance coverage, including covered losses and claims scenarios for further illustration.	<ul style="list-style-type: none"> <li>• Firm and Project Managers</li> <li>• Financial Managers</li> <li>• General Counsel</li> </ul>
<i>Managing the Risks of Employment Practices</i>	Employment Practices	Covers a wide range of employment practice scenarios and how to approach them as an employer.	<ul style="list-style-type: none"> <li>• Firm, Project, and Financial Managers</li> <li>• Human Resources Staff</li> </ul>
<i>White Paper Series</i>	<ul style="list-style-type: none"> <li>• Integrated Project Delivery</li> <li>• Green Design</li> <li>• International Risks</li> </ul>	Provide an in-depth analysis of complicated issues affecting the design and construction industry, including green design, international practice, integrated project delivery, brownfields projects, and insuring technology risks.	<ul style="list-style-type: none"> <li>• Firm and Project Managers</li> <li>• Financial Managers</li> </ul>

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To learn more about these resources, please visit our website at [www.PlanetRiskManagement.com](http://www.PlanetRiskManagement.com). There you can study with VEP, and download electronic copies of our resources. You can also call your independent agent or broker for more information.

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