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GRATUITOUS ADVICE

Assuming responsibilities of contractor

On or off the job site, it can be very easy to provide a contractor with advice or information that in effect transfers responsibility from the contractor to the design professional. As noted under '*Dangers of Inappropriate Communication*,' it may go against the grain to know a solution and not be able to express it, but there are many situations on a job site that are not the design professional's business. When communicating with contractors anywhere and any time during a construction project, the design professional should always be conscious of exactly what can and cannot be said.

If the design professional recommends a 'solution' to a non-conforming situation, it is highly likely that the design professional has 'bought' the problem. A contractor following the advice of the design professional can later claim that all the responsibility for that part of the project shifted to the design professional. The contractor is then entitled to additional compensation for following the design professional's advice. If a redesign is intended, it should be authorized by the client and processed as a change to the contract documents.

Assuming liability where there is no contract or payment

Never describe field services as 'supervision' or 'management.' They are 'observations.'

Some design professionals get into trouble by giving advice without being paid, without a contract and possibly, without even knowing that they are, in effect, giving their professional opinion. An extreme example is the design professional who sketches some details on a piece of paper at a neighbor's request, only to wind up in court some years later because the neighbor's foundations have cracked.

No fee does not mean lack of liability. When design professionals give professional opinions, they are fully exposed to liability, regardless of remuneration.