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CLIENT EVALUATION

- ✓ Is this a regular client? A first-time client? Is this client likely to need special attention?
- ✓ Does the client have experience with this type of project?
- ✓ Does the client have a reputation for litigation?
- ✓ Does the client have enough money?
- ✓ Is the client realistic about time and budget constraints?
- ✓ Does the client understand the professional nature of your services?
- ✓ Are there any special issues to be addressed in the professional services agreement?
- ✓ Does the client understand the difference between project budgeting and construction budgeting?
- ✓ Does the client link payments for services to events beyond your control?

Warning signals that the client may file a claim

- ✓ Refuses advice about scope of services or level of effort.
- ✓ Refuses to negotiate fair terms and compensation.
- ✓ Insists on unrealistic performance standards like 'highest' and 'most economical.'
- ✓ Insists on being indemnified, but will not indemnify the design professional.
- ✓ Insists on services being performed to an unreasonable schedule.
- ✓ Refuses to (conscientiously) consider advice about contractor.
- ✓ Refuses to pay, especially when services are complete.

What a client should understand

- ✓ The design professional provides design services and helps the client get a project from the contractor that generally conforms to the design professional's design and specifications.
- ✓ The contractor is responsible for building the project, not the design professional. The design professional does not design or manufacture specified equipment and cannot guarantee equipment.
- ✓ The design professional must provide an appropriate level of field services to determine—for the client's benefit—that the contractor is building the project in general conformity with the design professional's design and specifications.
- ✓ The design professional and design professional's employees cannot detect every minor deficiency in a project nor are they compensated to do so.
- ✓ If a client uses its own personnel in the field rather than a design professional's field services, the contract must reflect this accurately and relieve the design professional of liability for evaluation and changes made on the site.
- ✓ There is no substitute for a complete geotechnical engineering contract.
- ✓ Design professionals can only be expected to provide estimates, based on their knowledge and information then available, rather than exact costs, because of factors beyond their control.