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Review of: Richard O. Gamble II, How to Reduce Professional Liability for Engineers and Architects

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Richard O. Gamble II, How to Reduce Professional Liability for Engineers and Architects (Noyes Data Corporation 1987) Foreword, references, index, table of cases. LC: 87-12256; ISBN: 0-8155-1128-0. [102 pp. Cloth \$36.00. Mill Road, Park Ridge NJ 07656.]

The attitude towards “design professionals,” i.e. both architects and engineers,¹ has changed greatly in recent years. No longer are design professionals seen as infallible or beyond reproach.² Those who perform design services now face an increased threat of liability for their work. As courts repeatedly enforce trade-adopted standards, more opportunities for lawsuits are emerging.³ While ethical codes have not traditionally been legally binding, court adherence to these codes is on the rise, and they are becoming the definitive yardstick against which designers’ actions are measured. Also, designers may now shoulder more responsibility for the actions of other project participants. Such developments require adoption of enhanced litigation avoidance strategies, and professionals interested in practical solutions, as well as justification, will find this book invaluable.

Gamble’s discussion is written for the non-legal audience and begins by overviewing types of litigation most relevant to design professionals, including design ethics (governed by various trade-adopted codes), contract-based obligations and general public safety requirements. According to Gamble, when faced with expanding liability, the best way to avoid trouble is simply to improve the quality of one’s work,⁴ and he briefly treats the legal concept of negligence as related to designers.

However, his book is generally organized around three key phases of the design process — contract negotiation, product design and construction. He explores the risks associated with each phase, providing specific recommendations where appropriate. This arrangement is incredibly easy to follow.

¹ As defined by Gamble.

² At 1.

³ *Id.*

⁴ At 101.

As indicated by a title promising to reduce, *not eliminate*, liability, Gamble shows awareness that careful planning cannot eliminate a threat of liability, much less litigation. Thus, the last third of his book addresses various forms of dispute resolution and compares and contrasts traditional litigation, arbitration and mediation. Here, Gamble identifies relative advantages and disadvantages without using legal jargon. Always grounded in reality, he also examines professional liability insurance as a means for surviving disputes that are resolved unfavorably.

Gamble's book packs a large amount of useful information into a small package. Aimed at design professionals (not lawyers), it is appropriately devoid of legalese. Most included suggestions are proactive, i.e., designed to reduce the threat of litigation. Further (and maybe most importantly), it provides simple, practical and honest approaches that does not feature the exploitation of such legal loopholes as may exist.

How to Reduce Professional Liability... ends with a summary that not only provides closure but also a helpful review. While not exhaustive, Gamble's book certainly lays a foundation for design professionals to identify (and minimize) potential litigation risks. It is highly recommended.

While a small thing, it warrants noting that readers for whom appearance and quality are inextricably linked may struggle with the way the book has been produced. Aside from a high-quality cover, the book is an inexpensive reproduction of a typed manuscript. Readers who can ignore this distraction will learn much of value.

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