

PROFESSIONAL LIABILITY RISK ASSESSMENT SURVEY

ARE YOUR OFFICE PRACTICES PUTTING YOU AT RISK FOR A PROFESSIONAL LIABILITY LAWSUIT?

While it's impossible to completely eliminate the risk of a professional liability lawsuit, it is possible to greatly diminish your chances by implementing proactive measures.

Take this 20-point quiz to determine where you are most vulnerable, and whether you and your practice have a high, medium, or low risk of being involved in a lawsuit.

Does your firm use written contracts or agreements, signed by both parties, for every project?	<input type="radio"/> YES <input type="radio"/> NO
Does your firm use the Engineers Joint Contract Documents Committee (EJCDC) contract documents, identifying your client by name, whenever possible?	<input type="radio"/> YES <input type="radio"/> NO
Are client-generated contracts or revised contract provisions reviewed by a third party?	<input type="radio"/> YES <input type="radio"/> NO
Does your firm document in writing every project communication, including phone calls, text messages, meetings, etc. through a formalized process?	<input type="radio"/> YES <input type="radio"/> NO
Do you avoid providing informal advice, and do you avoid accepting assignments outside your area of expertise and/or geographic region?	<input type="radio"/> YES <input type="radio"/> NO
When your firm provides construction observation services, do you incorporate contract language stating you are not guaranteeing the contractor's performance and are not responsible for the means and methods of construction or worksite safety?	<input type="radio"/> YES <input type="radio"/> NO
Does your firm have a formalized training program for new hires and current employees that includes a risk management plan or guide?	<input type="radio"/> YES <input type="radio"/> NO
Are training sessions conducted at least twice per year, and do they include business practices, quality control procedures, and risk management topics?	<input type="radio"/> YES <input type="radio"/> NO
Do you verify that each project team member is bonded, licensed, insured, and has capabilities that align with the project requirements before they are hired? (e.g., project-specific experience, claim activity, reputation, etc.)	<input type="radio"/> YES <input type="radio"/> NO
Do you stay current with the newest technology and educate your employees and clients on using this technology?	<input type="radio"/> YES <input type="radio"/> NO
Do you ensure compliance with the Personal Information Protection and Electronic Documents Act (PIPEDA) by securing transmission, receipt, and storage of data related to any consumer, non-public personal information?	<input type="radio"/> YES <input type="radio"/> NO
Do you watch for warning signs of potential problems, including clients who undergo management changes or are reluctant to provide information, as well as missed deadlines, complaints, or errors?	<input type="radio"/> YES <input type="radio"/> NO
Does your firm have a formalized "Go/No-Go" process for evaluating prospective clients and projects? (e.g., financial capability, project experience, project success, claim history, etc.)	<input type="radio"/> YES <input type="radio"/> NO
Does your firm have a standardized quality assurance/quality control process for the development and review of design documents?	<input type="radio"/> YES <input type="radio"/> NO
Does a senior member of the firm conduct a peer review of plans prior to delivery to the client?	<input type="radio"/> YES <input type="radio"/> NO
Does your firm require the client or client representative to review and approve plans at each project phase?	<input type="radio"/> YES <input type="radio"/> NO
Does your communication and documentation program include methods for developing progress reports to clients? (e.g., errors, conflicts, changes in site conditions, changes in scope, changes in schedule, etc.)	<input type="radio"/> YES <input type="radio"/> NO
Does your firm have a formalized process for handling change orders and requests for information (RFI)?	<input type="radio"/> YES <input type="radio"/> NO
Does your firm have a formalized project close-out process including a client evaluation of services upon completion?	<input type="radio"/> YES <input type="radio"/> NO
Does your firm have a standard process for handling licensing board inquiries or investigations that involve reporting to your insurance carrier?	<input type="radio"/> YES <input type="radio"/> NO

TOTAL OF "YES" AND "NO" RESPONSES

NUMBER OF "YES" ANSWERS	YOUR PROFESSIONAL LIABILITY LAWSUIT RISK
1-6	High Risk – You're presently at high risk of professional exposure leading to a lawsuit against you and your professional services. This aspect of your professional services warrants your immediate attention and action.
7-13	Medium Risk – You should consider making some process improvements to manage your risk exposure and lower the potential for a liability lawsuit.
14-20	Lower Risk – You're doing an excellent job of managing your services, and on this aspect, your risk is relatively low. However, keep in mind that running a tight ship will not prevent a lawsuit from an unhappy client or other involved party.

For more information about the ASCE Professional Liability Program, contact an insurance specialist at

800.650.ASCE (2723) or visit [ASCEplans.com/PLE](https://www.asceplans.com/PLE)