

THE NOVA SCOTIAN SURVEYOR

Summer 2006

No. 177



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THE NOVA SCOTIAN SURVEYOR

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Cover: Jim Gillis (third from left) training surveyors in Chile on the edge of the Andes Mountains at a place called Rancho El Anil (May 2005). Jim is a Nova Scotia Land Surveyor, Canada Lands Surveyor and Registered Professional Land Surveyor (Texas).

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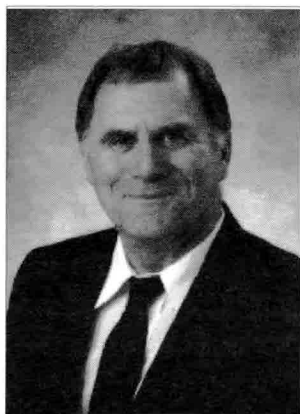
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PRESIDENT'S REPORT

Garry S. Parker, NSLS, CLS, P.Eng.



Summer is here and I trust everyone is occupied with a full work load. In my travels around the country I am told that survey firms everywhere are being worked to capacity and there is a constant cry for skilled people. That cry is now heard in our own province and I have to say I like the sound. Let's hope the economy continues to be kind to our industry.

Since my last report I have traveled to provincial AGM's in Alberta, Newfoundland, and Saskatchewan.

At Alberta's AGM in April, an interesting talk / seminar was given by Mr. Justice Côté of the Federal Court. The thrust of his presentation was the danger to the continued existence of self-regulating professions. He pointed to the decay of self-regulating power of doctors in England and lawyers in the US and elsewhere. Lack of self-discipline in these professions has led to massive criticism and loss of self-regulation.

During their business meeting, problems relating to releasing digital files to the public were discussed. Issues of security, copyright and licensing, and permanency of data led to a motion to create a committee to

investigate the matter and report to the next AGM.

The Newfoundland association now has its first lay member of Council in place. Newfoundland is among a number of associations that decided to do this.

Newfoundland has also begun an interesting private survey registry system where plans are submitted to the system and sold to the public and surveyors. The registry system gives a share of the fees to the surveyor whose plan was sold.

At the Saskatchewan AGM in May a loss control seminar was presented by an Encon representative and an adjuster. It was noted during the seminar that professional liability insurance for past actions is not offered by some insurers and is not required by most, if not all, associations. Anyone considering an alternate insurer should keep this in mind.

Saskatchewan approved an increase in fees to \$1550 per year, which makes them the highest in Canada. They also approved special levies on certain types of surveys to fund projects.

As I write this article, we are in the process of filling the position of Manager of the Survey Review Department following the resignation of Gerry Bourbonniere. It will not be easy to find a replacement with the competence, dedication and caring that Gerry brought to the job. On behalf of our Association, I would like to thank Gerry for his valuable contribution to the SRD and the Association and wish him good fortune in whatever future path he chooses.

SRD is going to be a topic of discussion and debate from now

through the AGM in October and probably beyond. We have varying opinions throughout our membership, some of it very strong, which will inevitably lead to lively exchanges. So, get ready. It will be a topic at the AGM in open forum and it may surface elsewhere in the business meeting. I encourage zones to discuss the matter at their meetings and bring the results to the general membership at the AGM.

The Strategic Planning Committee has been hard at work. I have managed to attend one meeting of the committee in an attempt to get a better understanding of their work on our behalf. I came away impressed at the effort being given by those members and a bit more informed on strategic planning. However, more communication and interaction is needed between the committee and Council, and Council decided at our last meeting on June 9th to invite representatives from the committee to come to the next Council meeting to help accomplish this. In my travels to other AGM's I have made it a point to ask about strategic planning and the responses are very similar across the country. Members and councillors alike have a difficult time in explaining what it is and what it does in plain language. I think we should make a determined effort in our association to define and explain strategic planning in a way that we all understand so that we can provide feedback to the committee and make decisions on their recommendations in an informed way.

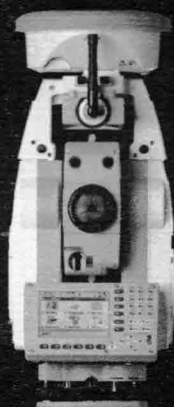
With a little luck the good weather may now be upon us, and so, in closing, let me wish all of us a warm, sunny, and prosperous summer.



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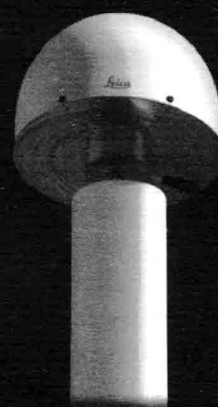
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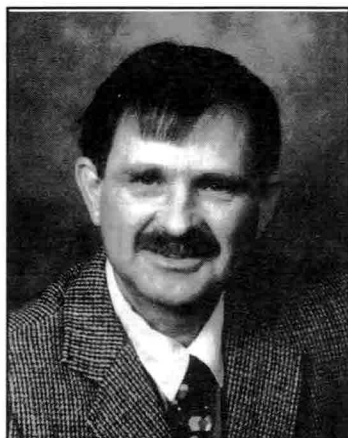


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EXECUTIVE DIRECTOR'S REPORT

F.C. Hutchinson, BA, NSLS, CLS



Summer has finally arrived. Well, at least according to the calendar, but the April showers still seem to continue. Certainly a healthy environment for growing black flies and mosquitoes.

As the Executive Director of the Association and editor of this publication, I have the opportunity to climb upon the proverbial soapbox and offer my opinion on just about anything, including the weather and local bug population. Now, some may find my comments interesting, others may not, while others may not read them at all. This, however, applies to any publication that enters a household.

Trying to produce a meaningful publication is always a challenge since content is the key factor. I would like to ask the land surveyor presently reading this article if they have ever written an article for publication. Have you? If the answer is no, why not? Do you not have anything to say?

I am reminded of a day in class about ten years ago, when the professor asked the class if anyone had ever had an original thought. Well, that's a bit of an insult, I thought as I sat in my seat looking around at the other students, who were mostly half my age. The professor then asked the question again to the bewildered multitude. "I'm serious", he said. "Has anyone in the room ever had an original thought?" I might have expected such a question from a philosophy course, but the course was theoretical geography. The professor then explained that we all learn speech, skills and social conduct from others and that education is merely an exercise in learning from others.

I realized that his comment was not intended as an insult but as an opportunity to reflect on independent thought. My question was and still is, "When do you know when you have had an original thought?" Using seagulls as reflectorless targets on mud flats was mentioned in a recent issue, and $E=MC^2$ is already taken, so what's left? Now I'm not asking for a cure for cancer or a new theory on the origin of the universe, only some help as editor. Original articles do not require original thought but do require a topic that the author has some knowledge of. If you would like to write a "letter to the editor" on my unique insight on the human thought process, I would be pleased to publish that as well.

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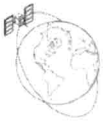
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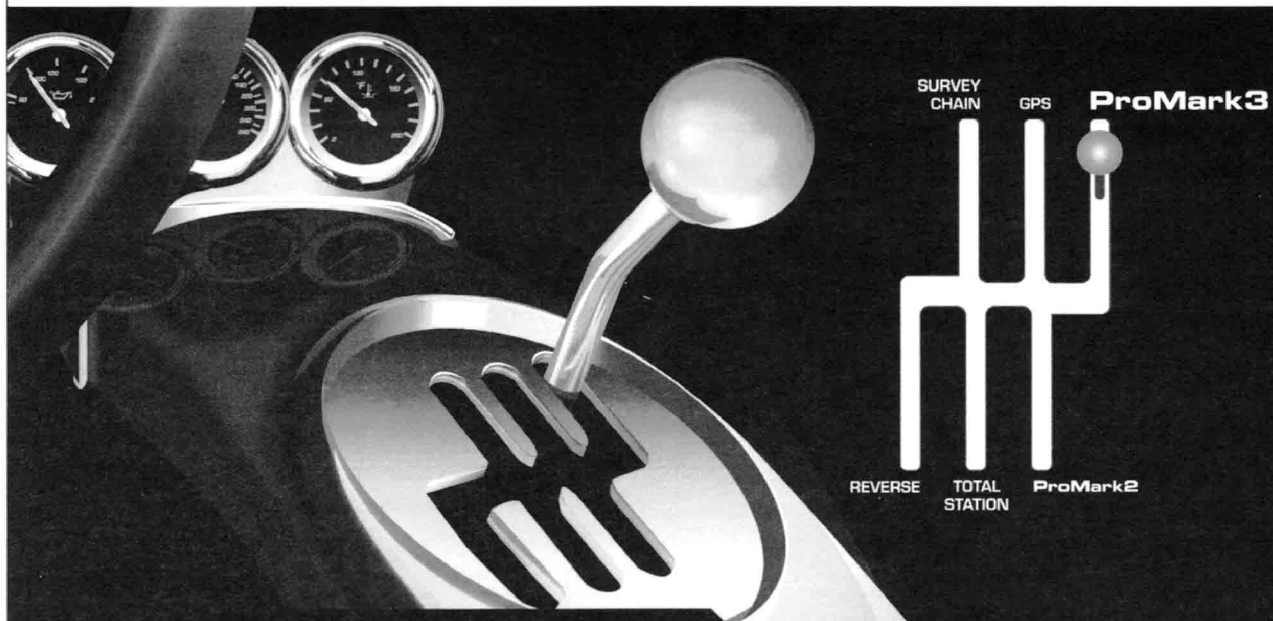
An article on just about any aspect of surveying would be appreciated. Members have written about their exploits in Antarctica as well as surveying the Nile River in Egypt. Not everyone has such opportunities, but then how would I know if no one writes about it? Try it! Just sit there in front of the monitor with fingers poised over the keyboard. Don't worry about a beginning, middle or end as you reflect on lessons learned in English class, just type. You may never end up with an article, but you will learn something about yourself.

For those who do get an article published, the Mandatory Continuing Education Program awards points, so ... how can you lose?



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Increase Revenue at No Cost

by F.C. Hutchinson, BA, NSLS, CLS

Customer Service

People love to shop, but most of all they appreciate customer service and value for the money spent. No matter what a business is selling, the client expects to have to pay for the product. The product might be a new lamp, auto repairs or a professional service.

The price of lamps can vary from a few dollars for a small table lamp to several thousands of dollars for a Tiffany lamp at an estate auction. Auto repairs can also fluctuate based on repairs requested, age of vehicle and suggested preventative maintenance. Surveying services also vary depending on the nature of the job and time required to provide the service.

Now remember, people love to shop and their phone call is the opportunity for the surveyor to get the customer to buy something. The shopper may have visited the survey store before and is well aware of the items for sale or the shopper may be new to the store and just browsing. It is the salesperson's job to be a pleasant "greeter" and ask how they can help the caller. The caller may not know what they want to buy, but they do know that they have to buy something from someone before the end of the week. At least this is what they were told and thus the reason for the call.

Caller: "Hi, I would like to have my property surveyed."

Surveyor: "So ...why do you want a survey?"

Caller: "Well, I am building a fence and I need to know where to build it."

Surveyor: "Is there an existing fence?"

Caller: "Yes, but it is in poor condition and my neighbor says that it is not on the boundary."

Surveyor: "Do you and your neighbor get along?"
(Hoping the answer will be yes.)

This is typical of calls, but how the surveyor or office manager deals with the caller is critical in determining if the client will buy anything. The caller may want time to think about the day's shopping experience and come back the next day to kick a few tires.

Remember that the caller wants service every bit as much as you would if you were shopping for a new car. The product is one thing but how you are treated during and after the sale is what a professional is really selling.

Word-of-mouth can be a very effective promotional tool but it can be both positive and negative in its

results. Without devoted service to your clientele, you will constantly be searching for new clients. Following are a few questions to ask of your business:

- * Do you return messages?
- * Do you greet clients in a pleasant manner?
- * Do you keep appointments?
- * Do you let clients know if you will be late for a meeting?
- * Do you call ahead to confirm a meeting or appointment?
- * Do you advise clients of potential problems or delays?
- * Do you advise a client what you will be charging for your services?
- * Do you use contracts?
- * Do you confirm work orders by email or fax?
- * Do you follow-up on a service or product a few weeks after delivery?
- * Do you ask if the customer is satisfied?
- * Do you handle a customer complaint in a professional manner?

Most people have a high degree of respect for the land surveyor. Some will never consult with a surveyor in their lifetime while others will use the services of a land surveyor on a regular basis. Those shoppers who do call on the services of the land surveyor do so because they have to. They either hope to turn a profit through development, are having boundary problems or a regulation of some kind has forced them to get a survey. I am not aware of too many people who have to flip a coin to decide if they will buy a survey or a wide screen TV. Surveying services are generally considered a need, not a want.

Fees

Once the surveyor has taken on a surveying project, there should be a project file created so that any work done can be properly documented for billing. A retainer is certainly something to ask for if the project is of any length. No sense acting as both banker and land surveyor. If the client is reluctant to provide a retainer then you do not start the project and advise accordingly.

However, if you do accept the job, then you need to make sure that the services and payment method are clearly documented and provided to the client. This can be by contract or a summary of the agreement provided by fax or email. This is good for both parties in that it spells out what will be done, when it will be done, how much it will cost and when

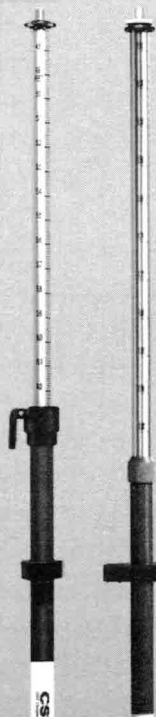
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payment is due.

Most professional businesses have set hourly fees or provide fixed fees for various established services. The other aspect of an invoice deals with disbursements or miscellaneous expenses. To get an idea of what might be considered a miscellaneous expense, you should look at an auto repair bill. Such things as bolts, clamps and washers add up over the run of a year if you give them away. I recently had an occasion to review an invoice for legal services and found the experience enlightening.

When was the last time a surveyor charged an hourly rate for reviewing case law on adverse possession or statute law concerning priority of title? Such activities can be charged to a project. I was surprised that an incoming fax was billed at \$0.25 per page while an outgoing fax was charged at \$0.50 per page. Consulting with client by phone and review of email

was also charged at an hourly rate, while online research was billed as units of time. The invoice that I reviewed also charged for over 2000 photocopies at \$0.25 per page. Such things as wood stakes, survey markers, paint, chainsaw gas and oil add up and should be billed separately from your hourly rate.

Now that you have determined how to apply some cost recovery techniques to your billing practice you need to look for conventions to attend in exotic places with the extra revenue. Who says that you can't mix business with pleasure?

***Fred Hutchinson** is the Executive Director of the Association of Nova Scotia Land Surveyors. He has been a professional land surveyor for 35 years with experience in both the private and public service sector.*



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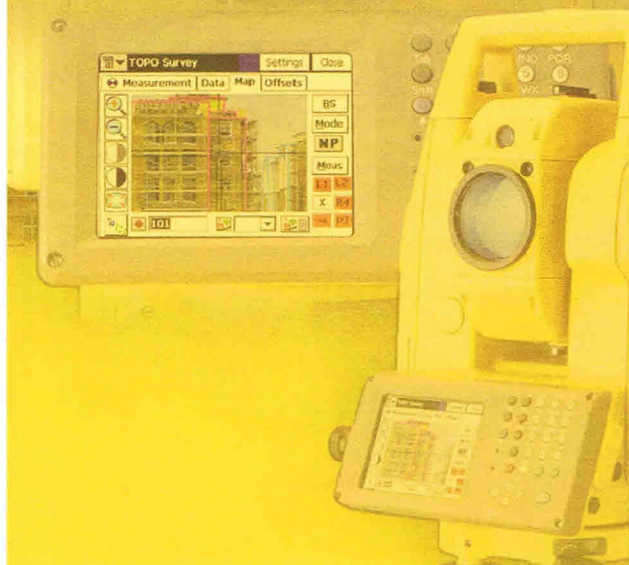
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OBITUARIES

J. Ronald Chisholm, NSLS # 89
May 21, 1921 to November 2, 2005

CHISHOLM, J. Ronald - 84, Antigonish, died November 2, 2005, in R.K. MacDonald Guest Home, Antigonish. He was born in South Side Harbour, Antigonish Co., a son of the late William R. and Jessie MacDonald Chisholm. He attended St. F.X. University and following this spent four and a half years in the RCAF. Following his service, Ronald graduated from the survey course at Nova Scotia Technical College in 1950 and qualified as a Nova Scotia Land Surveyor in that same year following in his father's footsteps. He became a Canada Lands Surveyor in 1981 and, for 35 years, worked with the Nova Scotia Department of Lands and Forests, retiring in 1986 as Assistant Director of Surveys for Nova Scotia. He was president of the Association of Nova Scotia Land Surveyors (ANSLS) in 1962-63 and was made a life member of the ANSLS in 1986. It has been mentioned that in the 1950's Ron had to practically drag members off the street so that there would be enough for a quorum for the Association of Nova Scotia Land Surveyors' annual meeting. This dedication to his chosen vocation and community activities is the mark of a true professional. He was also a life member of the Canadian Institute of Geomatics. Ronald served several terms on the Antigonish Town Council, was chairman of the building committee for the Dr. John Hugh Gillis School. He served on the Board of Directors for the Bergengren Credit Union, was a member of the St. Ninian's Cemetery Care Committee, and a 30 year member of the Knights of Columbus. Ronald is survived by his wife of 49 years, Marie (McGarry) Chisholm; children, Bill, Antigonish; Camilla Mahoney (David), Ronald (Joanne), Truro; Cathy Brennan (Leigh), Bath, N.B.; Michael (Jina), Vancouver, B.C.; David, Dartmouth; Maria MacDonald (Tom), Arisaig, and 19 grandchildren. He was predeceased by his brother, Gordon, and sister, Hazel.

Mathias "Matt" McMullin, NSLS # 155
December 15, 1918 to November 1, 2005

McMULLIN, Mathias "Matt" - 86, Mahone Bay, passed away on November 1, 2005, in Fishermen's Memorial Hospital, Lunenburg, with family members at his side. He was a member of St. Joseph's Roman Catholic Parish, Bridgewater, and attended mass at St. Norbert's, Lunenburg. Born in Sydney on December 15, 1918, he was a son of the late Mathias and Mary (MacLean) McMullin. He is survived by sons, Skip (Shannon), Blair, Ian (Tammy); daughter, Beth; sister, Jeanette Brownless; grandchildren, Carrie, Natalie, Michelle, Matthew and Andrew, as well as numerous nephews and nieces. He was predeceased by his wife, Anne (Manley); youngest son, Bill; brothers, Donnie (Nora), Kenzie, Bonnie (Theresa), and his sister, Patsy (Alf) Tutty. Matt served his apprenticeship in the Cape Breton area qualified as a Nova Scotia Land Surveyor in 1939 after having graduated from the first survey course held at Nova Scotia Technical College earlier that year. Matt was a veteran of the Second World War, serving as a lieutenant in the Royal Canadian Engineering Corps, where he was active in the construction of the Gander, NL, airport. Following the end of hostilities, he was transferred to Europe where his duties included the design and construction of several Canadian Military cemeteries in Holland and Belgium. Upon leaving the forces in 1948, he rejoined the Nova Scotia Department of Highways in Cape Breton, where he became actively involved in the post-war construction boom, building many projects including the Cabot Trail. Transferred to Lunenburg County in 1954, he assisted in the design and construction of numerous highways and bridges, chief among them major portions of Highway 103, Martin's River Bypass, Bear River Bridge, and miles and miles of highways, roads, bridges and culverts. Following his retirement, he resigned his commission in 1987. His passions were travel (Australia, South Seas, Eastern Europe, Italy,



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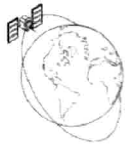
Southern United States), short wave radio, and last but certainly not least, his family. He was a long-time member of Branch No. 49, Royal Canadian Legion, Mahone Bay; Kiwanis and the Lions. He loved music of all kinds, especially Big Band, Cape Breton and CBC Radio.

William Ernest "Bill" Chambers, NSLS # 128
October 13, 1935 to February 17, 2006

CHAMBERS, William Ernest "Bill" - 70, Bridgetown, formerly of Lawrencetown, Annapolis Co., passed away February 17, 2006, in the New Halifax Infirmary, QEII. Born in Windsor, Ont., he was the son of the late George and Kaye (MacLean) Chambers. Bill was a graduate of the Nova Scotia Land Survey School. In early years, he worked as a land surveyor in Elliot Lake, Ont., and throughout Nova Scotia. In 1967 he became a survey instructor at COGS in Lawrencetown where he worked until his retirement in 1995. Bill maintained his relationship with the Association since 1996 as a retired member. He will be missed by all who knew him and by the students whom he instructed for nearly 30 years. Upon retirement he was able to devote his time to his passion for airplanes and flying. He especially enjoyed participating in the EAA's Young Eagles program, introducing over 100 young people to the thrill of flying. Many hours were spent in the pleasure of being around airplanes and the people who repair them at Peck Aero in Bear River. Surviving besides his wife, the former Pearle Dodsworth, are daughter, Kathleen Chambers, Red Deer, Alta.; sons, Robert (Marie Ouimet), Hillsburgh, Ont.; and Gregory (Karen Brock), Guelph, Ont.; grandchildren, Kaitlin, Frederic, Gabriel, Pierre-Marc, and Emily. He was predeceased by his sister, Joan Thompson.

William S. Crooker, NSLS # 235
September 7, 1934 to November 9, 2005

CROOKER, William S. "Bill" - Passed away on November 9, 2005, in the New Halifax Infirmary, QEII. Born in Musquodoboit Harbour on September 7, 1934, he was the son of the late William S. and Edna (Usher) Crooker. In 1958 Bill qualified as a Nova Scotia Land Surveyors and graduated with a Diploma in Engineering from Dalhousie University. He was known as Bill Jr. to distinguish him from his father, Bill Sr. NSLS # 37. In 1961, Bill received a Bachelor of Engineering from the Nova Scotia Technical College (now TUNS) and became a member of the Association of Professional Engineers of Nova Scotia in 1963. He was President of the Association of Nova Scotia Land Surveyors 1973-74 and was granted a life membership in 1999. Bill was in private practice for most of his career and was also a business partner of the editor under the name of Crooker, Hutchinson & Associates Limited. Bill's passion was steel guitar playing and he was also an accomplished Dobro player, having recorded a CD of his own music. He recently received a tribute of appreciation from the Hank Snow Society. Bill loved the ocean and, in 1964, joined the Armdale Yacht Club. He enjoyed cruising around Mahone Bay, first on the "*Scotia Lass*" and later on the "*Four Wynds*", always with family and friends. Bill became a member of the Halifax Radio Control Club and was pursuing the craft of flying remote control airplanes. He enjoyed painting seascapes and had a degree of success in selling a number of his paintings. He was the author of many books, the most notable being "*Oak Island Gold*", "*Tracking Treasure*", and his most recent being "*Pirates of the North Atlantic*". He and Joan, enjoyed loading up their trailer and going on musical excursions throughout Nova Scotia. Surviving Bill are his loving wife of 45 years, Joan (Matthews); sons, Mark (Nadiya), Burlington, Ont; Scott, Hamilton, Ont.; daughter, Shelley (Chris Webb); loving grandchildren, Melanie, James and Elizabeth; sisters; Margaret Corkum and Joanne Fraser. He was predeceased by sister, Emily MacLeod.



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John Robert "Bob" Cameron, NSLS # 486
January 28, 1918 to May 9, 2004

CAMERON, John Robert "Bob" - Passed away peacefully at his home in Milford Station on May 9, 2004 after a long struggle with cancer. Born in Bridgewater, he was the son of the late Henry Alexander and Eva Eldora (Creaser) Cameron. After high school he worked and qualified as a drugstore apprentice but quickly moved on to train as a mine sampler and mineral assayer. He was overseas in World War Two, serving with the 22nd Field Ambulance as a non-commissioned officer and with the 3rd Anti-tank Division with the rank of Captain. After the war he renewed his interest in geology and obtained a Bachelor of Science Degree from Acadia and an Engineering Degree in Mining from the Nova Scotia Technical College in 1950. In November of 1949 he qualified as a Provincial Land Surveyor and served on the Provincial Board of Examiners from 1958-62. Bob joined the Association in 1977 and resigned his land survey membership in 1993 at the age of 75 after a 44 year career.

He worked for Victoria Gypsum in Little Narrows, surveyed the Canso causeway roadbed for CNR and, in 1952, joined National Gypsum of Canada at Dutch Settlement and upon his retirement in 1985, was mine manager and vice-president of Canadian operations. He was a member of the Royal Canadian Legion, life member and past-president of the Association of Professional Engineers of Nova Scotia, a member of the Mining Society of Nova Scotia, a board member of the Oakfield Golf and Country Club, a trustee for the Milford School, an elder for the United Church in Milford and member of the building committee, a member of the Oakhill Cemetery Committee and a member of the Volunteer Economic Planning Board of Nova Scotia. He was an avid outdoors man, sailor, golfer, hunter and fisherman, writer and enjoyed a good debate about politics.

He is survived by his wife of over 60 years, Marie (MacMaster); daughters, Heather Dunn (Rex), Cathy Owens (Michael), Jill Cameron (Corby Stanley), Shelley Lane (Brian), seven grandchildren, two great-grandchildren. He is also survived by two brothers and one sister.

Editor's note: My apologies to Bob's family and friends for not having printed this notice in the Winter 2005 issue of the "Surveyor".

2006 COGS Award Winners

This year's recipients of the prizes awarded annually by ANSLS to deserving students at COGS are:

G.T. BATES SCHOLARSHIP

For attaining highest standing
in the
Survey Technician Program
was awarded to
Steven Brian Morin

J.E.R. MARCH PRIZE

For best kept field book
in the
Survey Technician Program
was awarded to
Kelly Lynn Morin

J.A.H. CHURCH PRIZE

For showing the most
progress in the
Survey Technician Program
was awarded to
Dylan Morris Mossman

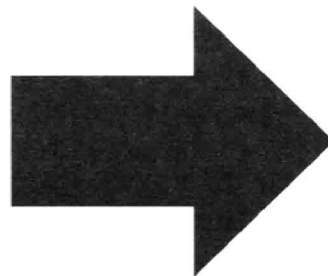
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Working with Attorneys

by Knud E. Hermansen, PLS, PE, Ph.D., Esq.

As a surveyor, engineer, and attorney, I often find myself working with attorneys on engineering and surveying legal problems. Without doubt there are some members of the Bar that I have clearly enjoyed working with. Bright, intelligent, knowledgeable, good listeners, eloquent, logical, and capable are among a few of the attributes that these attorneys share. However, not all interaction with attorneys has been enjoyable. For those engineers and surveyors who have not worked with attorneys or within the legal system, I would like to share some frustrations and advice about working with certain attorneys and the legal system.

What's Good for the Goose is Good for the Gander – One time I had the pleasure to listen to a justice of a state supreme court speak. During the course of his speech, he remarked that he was recently involved as a party in a lawsuit. He made a very appropriate remark by saying that every attorney should be sued at the beginning of her or his career in order that they may approach the practice of law with humility and some common sense. Unfortunately, few attorneys have been sued and many opt for the shotgun approach to litigation. In other words, sue everyone that was ever involved with the project and let the legal system sort out the negligent parties. I have always been very frustrated with the shotgun approach to litigation that some lawyers adopt and employ. I've heard one lawyer justify the process by saying the approach is necessary to bring all relevant persons before the judge and let the judge decide who is at fault. I would opine that those attorneys that employ this tactic have never been a party in a lawsuit and undergone the agony, apprehension, and emotional trauma involved with litigation, not to mention the expense, time, and resources required to defend against a frivolous complaint. Furthermore, for those trying to operate a consulting firm, there is the stain on the reputation of the firm every time a lawsuit involves the firm. As a consequence, I believe it would be in the best interest of surveying and engineering firms if a system was adopted that requires the loser pay the

legal expenses of the winner. This system would reduce litigation faced by engineers and surveyors. I know a few victims would go uncompensated under this policy. However, under the present policy a lot of innocent firms become victims of frivolous lawsuits.

Procrastination and Negligence – Without doubt, we have all procrastinated from time to time. However, when we procrastinate to the point that our client's position or project is jeopardized, we are negligent. Procrastination to the level of negligence seems to happen so frequently in legal practice that I am appalled by its common occurrence. For example, I will get a call the day or night before trial asking if I would be an expert witness. (Let me make it clear that a week before trial is no less negligent in my opinion.) I am bothered by this behavior for three reasons.

First, there is the inference that the engineering or surveying testimony that I will be presenting is so simple that it does not require any preparation time.

Second, there is the attitude from the attorney that their client should immediately take priority over my existing clients.

Third, there is the unquestionable inference that I will give testimony that helps the attorney's client. In other words, as an engineer or surveyor, I am a hired gun and can be expected to provide only favorable testimony without knowing or analyzing the facts and the situation.

If engineering and surveying firms were to operate in a similar manner on behalf of their client, I have little doubt attorneys would find it very easy to convince the court the engineer or surveyor is liable for negligence. I would advise engineers and surveyors to avoid situations where an appearance in court will occur without adequate and thorough familiarity with the facts and probable questions that will be asked.

Learning Curve – Before attending law school,

experience taught me that there are three types of attorneys. First, there are attorneys who simply do not want to listen or learn. These attorneys are easily identified because they prefer to argue some unrelated legal concept or go to great lengths to settle rather than litigate the question (but settle only after great expense to their client). This attorney tends to be arrogant or subject to unreasonable procrastination.

Second, there are some attorneys that, try as they might to learn, will not be able to understand because they lack the fundamentals required to understand the problem. Let me explain this category by way of selected experiences. I went to law school in the era when the HP-41 was just making its appearance so, as most readers know, calculators had been around for some time. (So much so that I had long since gotten rid of my log tables and slide rule.) Nevertheless, when the instructor announced that everyone would need a calculator for tax class, I was shocked to learn that many of my classmates had never owned a calculator. The instructor, seeing the students' consternation at the suggestion of using a calculator for the first time, tried to reassure the class by stating that only rudimentary calculations were going to be performed, such as addition, subtraction, multiplication, division, and percentages. Again, I was shocked to hear many of my fellow law students start asking me if I could show them how to do a "percentage". I was incredulous that any person could have earned an undergraduate degree without owning a calculator or knowing how to do a percentage – yet these people exist and many are now attorneys practicing law. Now, the purpose for this discourse is not to make light of all the attorneys with BA's in political science, art history, English, social work, etc., who don't understand simple math yet practice law. No doubt, they are familiar with many seemingly simple subjects that I am unfamiliar with. My point for recounting the experience in tax class is to convey some idea of the frustration I often face when explaining to certain attorneys an engineering or surveying problem requiring far more mathematics than simple percentages. To present the problem in other terms, it takes at least 30 credit

hours of course work to bring engineering students with SAT scores of 1400 or better to some level of understanding – surely not every attorney is up to the task after only an eight hour session.

This brings me to the last category of attorneys. In this category fall those attorneys who take the time to learn, listen to you when you explain, and do learn what it takes to understand and present the surveying or engineering problem in an intelligent and accurate manner. Unfortunately, when I have the pleasure to work with these attorneys, more times than not this attorney has to argue before a judge who falls in one of the first two categories.

The bottom line is that because of the learning curve among some members of the Bar, there really is no logical defense engineers and surveyors can use to counter frivolous litigation or prevent illogical verdicts from occurring. As a result, it is not enough that an engineer and surveyor know they are correct in their analysis and opinion when it comes to litigation. The engineer or surveyor that becomes involved in litigation must meet four criteria to stand a chance of success: (1) the practitioner must be thoroughly familiar with the facts and engineering or surveying principles relevant to the problem; (2) the practitioner must have the skill, resources, and time to adequately educate the attorney and judge on the relevant engineering or surveying principles; (3) the client's attorney has to have the ability and be willing to devote the time to learn; and (4) the judge must have the ability and be willing to devote time to learn. Seldom are all four criteria present. My advice is to encourage alternate dispute resolution to resolve engineering and surveying problems whenever possible. Encourage your client to compromise rather than litigate.

Speedy Justice or Litigation – Flowing from the last category of frustration is my latest frustration with certain members of the Bar. I have been a zealous proponent of alternate dispute resolution, also known as ADR, for solving engineering or surveying problems. Frankly, I have had little success in convincing other attorneys that ADR is an acceptable alternative to litigation. I will accept some of the blame because I am usually pushing for engineers and

surveyors to be arbitrators and mediators rather than attorneys – not a smart political move when many attorneys can't find work or enough billable hours as it is. In my defense, I feel if there has to be some ignorance in the system, justice is better served when the arbitrator or mediator understands the problem rather than the law. For my efforts, I hear comments from attorneys such as "without the rules of evidence my client won't stand a chance", "I need the time to beat my client on the head with his wallet", "I won't put my kids through college that way", etc. As a consequence of this disdain for ADR, I see people win judgements of \$100,000 and have a \$120,000 legal bill after spending five years in litigation. Of course, it has been pointed out to

me by several engineers and surveyors that even ADR falls prey to the ills surrounding litigation if enough attorneys get involved.

In spite of the few frustrations I have been allowed to vent, I find practicing law in conjunction with engineering and surveying a very rewarding experience. A good deal of credit goes to the many exemplary attorneys, engineers, and surveyors I encounter and work with in my practice. To these individuals I offer a heartfelt "thank you". There is always an outstanding offer to work with you as a team in order to remove these frustrations from your practice and mine. ☒

Mandatory Continuing Education - Two years down, one to go.

F.C. Hutchinson, BA, NSLS, CLS

At the start of 2004, there were 195 members and six life members subject to the MCE program. By the end of the year, six members had resigned and four moved to retired membership leaving 191 subject to the program.

At the end of 2005, the 191 figure was further reduced by four members resigning and six moving to retired membership. Two new commissions were granted in 2004 creating a total of 183 subject to the three-year requirements.

During the calendar year of 2006 there has been an additional three resignations and three have moved to retired membership. We have granted two new commissions but they are not subject to this year's program and have been excluded from the count. This leaves a total of 177 individuals who are currently considered to be in the 2004-2006 three-year program.

Only one member has failed to submit a report for 2005. There are a few, however, who have had some problems acquiring points during the first two years. All members have been advised by mail of their point total for the first two years. It is noted that 80% of the members in the program have 70 points or more and 38% have more than 100 points. The program and forms can be found on our web site at www.ansls.ca or by contacting the office. ☒

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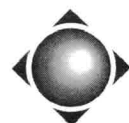
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