I am dumbfounded by the professional societies’ statement in their brief that the contractor was “the party best positioned to anticipate and guard against the risks associated with manufacture and installation of the Rain Tank system.” Product selection and incorporation into this specific site were what the owner hired the engineer to do.

Did we all forget how our minds were trained to apply methods and superior knowledge in problem solving? Where was the application of that superior knowledge in this instance? The first sentence on licensure on the National Society of Professional Engineers’ website points out that “P.E. licensure is the engineering profession’s highest standard of competence, a symbol of achievement and assurance of quality.” Is this how we exemplify competence and assure quality to the public, by squirming out of our duty to protect them by hiding behind insurance clauses and legal protections?

Kudos to the State of Virginia for instilling confidence in the public that engineers should be accountable for engineering and that contractors and clients can count on that as well.

SCOTT JENNINGS, P.E., M.ASCE  
President, SJ Construction Consulting,  LLC  
Honolulu  
Chair, Construction Committee,  
ASCE Hawaii Section

ASCE’s rules of policy and procedure state that ASCE’s Executive Committee can authorize participation in an amicus curiae brief when it believes a case involves issues of significant importance to the general practice of civil engineering. While this case invoked strong opinions on both sides among committee members, the majority voted for participation so that the Society could weigh in on the lower court’s apparent suggestion that an engineer can always be held liable for reliance on a manufacturer’s representations, rather than by deciding whether it was reasonable for an engineer to rely on such representations. For additional information on ASCE’s brief, please see www.asce.org/gordonbrief