

Introduction

*"Those who do not remember the past are condemned to repeat it."
-George Santayana*

ASFE case histories are unique in many respects, but most importantly because of what they represent; the willingness of internationally known and respected practitioners to stand before their peers and competitors to provide valuable information about embarrassing blunders that most professionals would much rather not share.

The case histories are unique, too, because of the important details they relate; details incisive enough to be used as building blocks for the extraordinarily effective programs, services, and materials ASFE has created to help its members prosper through professionalism.

For more than two decades, ASFE was the only entity publishing case histories, and it may still be alone today. That the case histories are anecdotal cannot be denied, but, clearly, they must convey truths: Relying on them both directly and indirectly, ASFE members have overcome liability problems so severe that, by the mid-1960s, geotechnical engineers' claims-against record was worse than all other professionals' (not just design professionals') in the world, and professional liability insurance was unavailable to them. In fact, as the decade of the 1970s loomed, the independent practice of geotechnical engineering stood on the brink of extinction. But then came 1969 and, with it, ASFE.

Established as Associated Soil and Foundation Engineers, ASFE's ten founding firms limited membership solely to geotechnical engineering firms, or the distinct soil and foundation engineering components of multidisciplinary organizations. ASFE's focus was loss prevention, with the loss targeted for prevention being that occasioned by litigation. Time could not be wasted in accomplishment of the group's objectives, and it wasn't. ASFE effected a 180-degree turnabout by the mid-1980s, and today geotechnical engineering practice is flourishing as it never has before. That success is due in large part to ASFE and, more particularly, the many individuals who have volunteered service to it over the years. But more than geotechnical engineers are the beneficiaries.

In the mid-1980s, ASFE Member Firms were among the first to offer services for the mitigation of newly recognized environmental woes. To achieve that end, they expanded their staffs, adding a wide array of "nontraditional" environmental science disciplines. Those new to Member Firms' staffs needed ASFE training, but they were reluctant to use the organization's programs, services, and materials because they assumed that geotechnical engineers comprised ASFE's only target audience. To help eliminate that misperception, what had become the Association of Soil and Foundation Engineers changed its name again, to ASFE. And responding to demand, ASFE also

modified its membership criteria, opening its doors to civil engineering firms and nonengineering geoscience firms. Perhaps the most significant change, however, was ASFE's focus on effective business practices, rather than loss prevention alone.

Arguably, the drift from loss prevention has not been that dramatic. The more case histories ASFE researched, the more it realized that the source of most member problems was not technical error or omission so much as management failures. To prevent losses, one had to communicate more effectively with clients and staff, select and assign personnel more wisely, choose clients and projects with greater care, establish more effective billing and collection procedures, and so on. In short, because almost any management shortfall could result in a claim, litigation, and a loss, ASFE decided to focus on managing more effectively, with the prevention of losses being an important result (among other important results) for those who followed ASFE's teachings.

That ASFE's programs, services, and materials are so effective can be attributed to the case histories contributed by the organization's members over the years. Seventy-six of those cases are covered in this book.

Although all the case histories describe situations that arose in the United States, few have occurred because of unique aspects of the nation's civil justice system. Instead, most have arisen because, for lack of a better explanation, "people are people," subject to lapses in judgment, arrogance, unfounded optimism, and any number of other human frailties, including greed. To the extent that people everywhere share such frailties, lessons taught by the case histories apply.

We hope you find these cases of value.

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