

Survival Skills for New Engineers &
Transportation Professionals, **Part 2:**
***Tort Liability Awareness
and Risk Management***

Presented by Mike Fitch, P.E.
TE-3/Program Manager, ODOT/LTAP

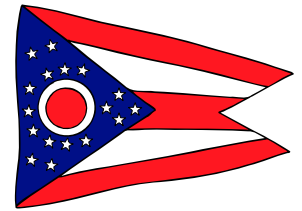
Ohio Transportation
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Student Session - October 23, 2007

Today's Session

- What is “Tort Liability”?
- A few examples: safety hazards and potential for liability
- Mock Trial exercise
 - Based on a roadway case from Pennsylvania
 - You will serve as ‘jurors’ to render a verdict

My Background

- Currently employed with Ohio DOT (LTAP).
- Previous employment with:
 - Maryland DOT
 - An engineering consulting firm in Ohio
 - Civil engineering departments at two universities (Virginia Tech and Ohio State University)
- Educational background:
 - B.S.C.E. & M.S.C.E., Virginia Tech



Disclaimers

- I'm not an attorney; I'm not a lawyer.
- Today's session is just for general awareness, and is not intended to provide specific legal advice or recommendations for specific situations.
- Did I mention that I'm not a lawyer?

If you have future questions about liability issues on the job, consult with an experienced engineer or manager, or with your employer's legal representative.

A Challenging Reality ...

“Nowadays, anybody can try to sue anyone for just about anything.”

– *Risk Manager from a mid-size city in Ohio*

What is 'Tort Liability'?

Generally, it is legal liability due to:

- an **act**;
- or, **an omission** (failure to act);

which caused **harm** (damage or injury) to someone by:

- violating a **right** under the law;
- or, violating a **duty** under the law.

Types of Torts

- **Intentional Tort**

- Basically, an Act with Intent that causes harm.

- **Negligence** – *the elements are:*

- There was a Duty to use reasonable care

- There was a breach of that Duty

- There was Proximate Cause (or Legal Causation)

- the breach of Duty caused harm

- The harm resulted in Actual Damages (may include physical, emotional, ‘pain and suffering’, financial, medical costs, lost earnings, impaired future earnings, property damage ...)

Mock Trial Exercise

- Your jury group includes the people in your row.
- Please watch each video segment of the mock trial, and take notes as needed.
- We will discuss each segment briefly.

Mock Trial Exercise

*View and Discuss
Video Segments*

Jury Verdicts

Who did you think was liable, and to what extent?

_____ Driver _____ % liability

_____ Municipality _____ % liability

_____ Contractor _____ % liability

Risk Management

There are probably several approaches, but the basic elements are:

- Anticipate potential problems – “What could go wrong?”
- Identify specific risks. *Is data available?*
- Take action to reduce or eliminate risks before *something bad happens!*

Risk Management Strategies

- When in doubt: *Ask Questions*
- Know your limits – Don't approve, authorize, or 'sign off' on work that is beyond your knowledge or expertise!
- Establish management processes that are designed to minimize risk
- Use a system of 'Checks and Balances' to identify and correct errors
- Check your work, and get others to check your work!

Closing Thoughts

- Customer service
- Public service

End of Presentation

***Final Questions
& Discussion***