

Michael Campbell
I2M Associates, LLC
Houston, TX

A Review of Liability and Loss Prevention in the Geological Consulting Business

Mr. Campbell has served as a member of senior management for a number of international engineering and environmental consulting firms such as Law Engineering and ERM; for industry, such as DuPont and the Institute of Environmental Technology; and as a consultant to management. He has been responsible for training programs designed to protect the professional and the company for whom he or she works from legal liability and loss derived by actions of the professional, particularly the consulting geologist. In this presentation, Mr. Campbell will discuss the factors that may lead to litigation and actions that will allow the professional to avoid litigation. He will speak in terms of risk avoidance through client assessment; and how to maintain project quality creation through process execution, management communications, management of client expectations, and appropriate reporting. The goal is to balance professional standards and standards of care.

In private practice, there are two types of liability that must be considered, tort liability and contractual liability. These involve the consultant's duties by contract, warranty, and safety, errors and omissions, and related issues such as professional liability insurance. In reducing liability, the consultant must evaluate and maintain client communications, preserve the project records via a document retention policy, and manage QC/QA issues related to scope of work, plans and reports and word selection and usage. Management issues also involve the status of the report, whether owned or product, and interdisciplinary relations involving non-geologists, and the vagaries of the Courts.

It should be noted that Mr. Campbell does not, and cannot, speak to matters of law involved in any issue discussed in his presentation and only presents his opinions on such matters as a lay-person based on his many years as a consultant. He reserves the right to change his views as new information becomes available, and they

may not necessarily reflect the views of the I2M Associates, LLC, for which he is an employee. ■

Biographical Sketch

MR. CAMPBELL holds a Bachelor's Degree in geology and hydrogeology from The Ohio State University (1966) and a Master's Degree from Rice University in geology and geophysics (1976) via the Mills Bennett Fellowship. He has worked in the United States and overseas in Australia, Southeast Asia, and Africa working for American companies on natural resource development and environmental projects. In the United States, he has been involved in a range of mining and associated environmental projects that



have included uranium exploration and mining, and precious metal exploration and mining projects.

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Over the past 40 years, he also produced a number of EPA-sponsored guidance documents and associated reports that involve groundwater resource development and associated contamination assessment and abatement. He has produced three technical books, many papers and reports, and has served on a number of editorial boards of the major technical journals in his field. He is a Fellow in the Geological Society of America, a Fellow in the Society of Economic Geologists and has been a member of other societies such as HGS and

EMD-AAPG for more than 40 years. He is a licensed professional geologist/geoscientist in Texas, Washington, Wyoming, Mississippi, and Alaska, and serves as Chairman of the Uranium Committee of the Energy Minerals Division of the AAPG. He also has served the legal community over the years as an Expert Witness or Consulting Expert on more than 40 cases.