

# Ask The DPA

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*Director of Professional Affairs*



Q.

**If an engineer or geoscientist appears in a court case, does the Association automatically investigate the case?**

A.

In today's business environment, it is not unusual for an individual engineer (or geoscientist) and/or their firm to be drawn into a civil court case. It may be that the engineer's firm provided significant design services to the case in question, or that as part of a consortium, the firm has accepted 'joint and several' liability. Or, the APEGNB member may appear as an expert witness for either the prosecution or the defense.

Cases might develop when a client feels he or she has not received the services contracted for or that the end result was not satisfactory. Or, it may be the APEGNB member who seeks to recover costs on a project that was delivered but not paid for by the project owner for one reason or another.

Our professions' Code of Ethics gives engineers and geoscientists some guidelines when dealing with clients and the public. A few relevant sections include:

Engineers and geoscientists should:

3.3 when giving testimony before a court, commission or

other tribunal, express opinions only when they are founded on adequate knowledge and honest conviction;

4.2 act with fairness and justice between the client or employer and the contractor when dealing with contracts;

4.4 ensure that the extent of their responsibility is fully understood by each client before accepting a commission;

The Engineering and Geoscience Professions Act, as it discusses discipline, does refer to the case where a member, licensee or holder of a Certificate of Authorization has been convicted of a criminal or quasi-criminal offence in Canada or elsewhere. Under these circumstances, if a complaint is received by the Association from a valid source, and the member has been convicted, the complaint will be referred to the Professional Conduct Committee.

Being drawn into court proceedings doesn't automatically trigger an investigation, but, there are cases where a conviction might lead to a complaint being filed that does get investigated by the Professional Conduct Committee.

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**If you have a regulatory question about discipline or enforcement,  
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