



When (Natural) Disaster Strikes



Many victims of natural disasters—such as hurricanes, floods and earthquakes—turn to design professionals for assistance. Architects and engineers have been asked to provide services under difficult and sometimes dangerous conditions and often for little or no fee. When providing services during or following a disaster, keep these cautions in mind:

- In an emergency, there is often a sense of urgency to the work and little time spent discussing particulars. Determine if there is a true emergency that involves an immediate threat to life or property. If it is truly an emergency situation, human decency dictates that you do what you can at that moment.
- If, on the other hand, you're asked to provide professional services in the aftermath of a disaster (when threats to life and property have diminished), have a discussion with your client regarding his/her needs. It's important to learn all you can about the client's expectations. Are the expectations unreasonable? Is the client asking for services you're unqualified to provide? Don't let your desire to help cloud your judgment regarding your staff's capabilities, your firm's capacity or a realistic schedule. Never promise more than you can deliver.

- After a disaster, there's often a natural tendency to shorten discussions and "just get down to business." Nevertheless, it's essential that at the very least, you and the client agree on what you are going to do. Establish a scope of services and make it as complete as possible given the circumstances. If you can, also indicate what services you will not be providing.
- Remember, when you're helping individuals who have suffered a big loss, they may not even be aware of what they need and don't need. Take the time to help them understand their situation and the services you can provide. Spending a few minutes up front can clarify issues for both of you and help avoid future disputes.
- If you provide services after a disaster, it's important to get some kind of agreement in writing, even if you're not accepting a fee. It does not have to be a lengthy document; on the contrary, a very simple agreement will often suffice. The Design Professional group of the XL Insurance companies has prepared an example of a short-form Emergency Services Agreement for you and your attorney to review and adapt to your firm's practice and philosophy. [Click here for a copy.](#)
- Instruct your staff to keep careful notes (as good as the circumstances will allow) on all their disaster-site visits. Digital pictures and/or video are especially helpful in these situations, too. Field staff should document their observations and recommendations to your client in writing as soon as possible.

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Design professionals are uniquely qualified to provide assistance after a disaster. Remember that if you agree to provide services (whether by written contract or orally), you have the duty to protect the health and safety of the public and to reasonably exercise your professional skill and knowledge under the circumstances. Emergency situations can create unusual circumstances. While you concentrate on what you can do to help, don't neglect to protect yourself and your firm.

For more information on providing emergency services, refer to *The XL Insurance Contract Guide for Design Professionals* or contact your local XL Insurance agent or broker.

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