

WSPE eNews

A monthly publication from the Wisconsin Society of Professional Engineers

November 2012 Edition

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1. President's Message

By Frederick W. Groth, P.E., S.E.

Fall is here. Last week's rain and wind have left the trees nearly bare already. Winter is knocking at the door.

Go Packers!!!! I am sorry if you are not a Packer Fan, but I think you are outnumbered here in Wisconsin.

In my October President's Message, I outlined our brainstorming sessions and recommendations for trying to increase membership. Based on your input, the Executive Board of Directors has adopted the following six recommendations:



*Frederick W. Groth, P.E., S.E.
WSPE President for 2012 – 2013*

1. Concentrate on **broader base**, (i.e., mechanical, civil, electrical, industrial, chemical, manufacturer, IEE). Start with Belke; Send letter to ACEC asking them to; Need to develop the benefits - i.e., WSPE Discovery Conference, continuing education credits; Promote licensure benefits
2. **Combine with other groups** such as ASCE's Younger Member Group to plan activities to get more exposure and to be able to market the value in belonging to more than one organization: professional (e.g., NSPE), general area (e.g., civil), specialty (e.g., transportation).
3. Get access to full **PE and EIT list** for WI so we can contact all engineers about WSPE (the opt-out provision has really hurt us in this regard). Even if we can only get permission for a one-time mailing through DSPS, at least we'll have a chance to get some current information into the **hands of potential members**. Emphasize the 15 free PDH's per year offered through NSPE.
4. Appeal to **younger members**
 1. Continuing Education
 2. Have meetings that are family events
 3. NSPE younger members document – John P to provide
 4. Offer more web seminars so members can go on line to participate during lunch
 5. Give breaks to WSPE members for attending web seminars with other colleges and technical schools
 6. NSPE web seminar – Lunch and learn
5. **Staff the FE/PE exam sites** and hand out information to potential engineers. Emphasize 6-month free at beginning of new membership.
6. Get **speakers into engineering colleges** to talk about professional licensure and membership in professional associations, making a point to emphasize NSPE benefits over other organizations. Getting involved at career fairs or other things where we could have a booth and give away food or goodies would be a draw for younger potential members.

We will be pursuing these top six recommendations effective immediately. We would appreciate your help in volunteering to help make these recommendations a reality. Please call Ed Rodden our Executive Director or me, Fred Groth, to talk about ways you can participate. **We need your help!**

As I mentioned in our last month's President's address, our Discovery Conference will be held in April of 2013, in the Milwaukee area (date and place to be announced shortly). This conference will be either a 1-day, 1½-day or

2-day conference. Please give us your input regarding length of conference and whether you would be interested in attending conference for continuing education credits if we extended conference to 1½ day or 2 day conference and offered more 1-hour sessions. Please contact Ed Rodden (email: Ed Rodden at ExecDir@wspe.org) with your recommendations. Ed Rodden would also appreciate anyone willing to be on the Discovery Conference Planning Committee.

Here are answers to some of the continuing education questions members have asked recently:

Question #1: Do you have to have speakers and/or organizations pre-approved by Professional Engineer Section ?

Answer: No

Courses, providers, and activities do not need to be pre-approved to meet the continuing education requirements. Also, the Professional Engineer Section does not pre-approve any courses, activities, or providers for continuing education. It is up to each licensee to become familiar with the rules and statutory requirements and to determine for themselves whether or not a particular course or activity meets those requirements.

The Professional Engineer Section has final discretion as to whether a course provider or activity meets the criteria.

Question #2: Are there standard forms that can be used for tracking PDH's ?

Answer: Yes

Please note that the standard PDH tracking forms are on the new Department of Safety and Professional Services website, which is the name of the new state department that handles professional licensing. All formerdrl.wi.gov websites are no longer valid and have found a new home at dsps.wi.gov.

[Click here for a link to Safety and Professional Services website.](#)

[Click here to download the spreadsheet that can be used to track PDH's](#)

[Or click here to download the pdf of the form that can be used to track PDH's.](#)

Please help by becoming involved in WSPE so we can become your valued organization again. If you have questions about how you can become involved, please email me at fred.groth@graef-usa.com or give me a call at (608) 335-2978. You can also email our WSPE executive director Ed Rodden at ExecDir@wspe.org

By: Frederick W. Groth, P.E., S.E.
WSPE President for 2012 – 2013

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2. Arbitration of Construction Claims

By Attorney Randall J. Andersen

Arbitration clauses are favored by the court system in Wisconsin. The Wisconsin Arbitration Act, which was enacted in 1931, provides that agreements to arbitrate disputes are enforceable. The agreement to arbitrate must be in writing, and is usually included as part of the original construction contract.

With arbitration, the parties select an independent arbitrator, rather than the court system, to resolve disputes. The theory supporting arbitration is that it allows for a speedier, simplified method for resolving disputes. Because the process is expedited, it can result in cost savings to both parties.

Litigation usually involves a public hearing. Arbitration proceedings are generally not open to the public. With arbitration, there is limited discovery (meaning depositions, interrogatories, etc.). Strict adherence to the rules of evidence is not required in arbitration proceedings. Arbitrators frequently have expertise in the industry, which can be of value in resolving disputes. The decision of the arbitrator is usually final, and an appeal is possible only in very limited circumstances (which may be viewed as an advantage or disadvantage, depending on which side of the table you are on).

The fact that discovery (meaning depositions and interrogatories) is limited in arbitration proceedings may also be viewed as an advantage or a disadvantage, depending on your point of view. Limited discovery means less expense to the parties, but in some cases it could interfere with the ability to prepare your case for hearing.

Some arbitration agreements provide for arbitration proceedings to be presided

over by a panel of more than one arbitrator (frequently three), particularly for larger disputes. Since the parties are responsible for paying the arbitrators (and their own attorneys) this can increase the cost of arbitration significantly. With litigation, on the other hand, the parties are not responsible for paying for the judge's time (other than the payment of a nominal filing fee to start the lawsuit).

The lack of appeal rights means that the parties must be careful to select an arbitrator who is competent and unbiased.

One problem with arbitration that we encounter from time to time is the situation where not all parties have signed a contract agreeing to arbitrate disputes. This can lead to a situation where both arbitration and litigation take place with disputes originating from the same construction project (which usually is not an efficient way to resolve disputes).

Advantages of litigation over arbitration include the fact that there is a large body of law which directs how disputes in litigation are resolved. A judge is assigned to the case by the court system, eliminating the need for the parties to argue over who should serve as arbitrator. If the parties are not satisfied with the decision at the trial court level, they normally have the right to appeal to the Court of Appeals.

With smaller disputes, litigation was sometimes viewed as favorable because it avoids the need to select and pay for the services of an arbitrator. However, in recent years, organizations such as the American Arbitration Association have attempted to streamline the process and reduce the cost of arbitrating smaller disputes.



Attorney Randall J. Andersen represents professional engineers, architects, contractors, materials suppliers and owners of construction projects, and is with the law firm of Kay & Andersen, LLC. Please feel free to contact him at (608) 833-0077 or visit www.kayandandersen.com.

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3. MATHCOUNTS Update

By Norm Arendt, State Co-Coordinator

Mathcounts is right around the corner. Chapters have already started preparing for the competition season and schools are registering.

What does that mean for you?

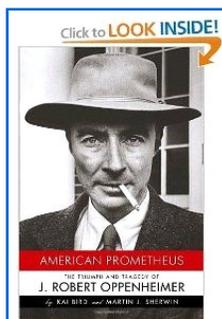
We need **volunteers** for both the Chapter competitions and for the State Competition. Most Chapter competitions are the first Saturday of February and the State competition is the first Saturday of March.

Check with your business for items that we can give to the kids that compete such as pens, note pads, water bottles or any other type of item. If you have items you'd like to donate for our raffle at the State competition, please email me at njarendt@tds.net to let me know what you can donate. Kids like prizes and it makes the kids enjoy the day a lot better if they take something home with them. The "goodie" bags provide that. Any items you can provide or time you can volunteer is much appreciated.

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4. Amazon Book Review: *American Prometheus*

Submitted by Clayton Grow



From the Amazon.com Book Description:

American Prometheus: The Triumph and Tragedy of J. Robert Oppenheimer, by Martin J. Sherwin, is the first full-scale biography of J. Robert Oppenheimer, "father of the atomic bomb," the brilliant, charismatic physicist who led the effort to capture the awesome fire of the sun for his country in time of war. Immediately after Hiroshima, he became the most famous scientist of his generation—one of the iconic figures of the twentieth century, the embodiment of modern man confronting the consequences of scientific progress.

American Prometheus is a rich evocation of America at midcentury, a new and compelling portrait of a brilliant, ambitious, complex and flawed man profoundly

connected to its major events—the Depression, World War II and the Cold War. It is at once biography and history, and essential to our understanding of our recent past—and of our choices for the future.

Two days before the Trinity test, Oppenheimer expressed his hopes and fears in a quotation from the Bhagavad Gita:

*In battle, in the forest, at the precipice in the mountains,
On the dark great sea, in the midst of javelins and arrows,
In sleep, in confusion, in the depths of shame,
The good deeds a man has done before defend him.*

Here's a link to the Amazon.com page where you can buy *American Prometheus*:

http://www.amazon.com/American-Prometheus-Triumph-Tragedy-Oppenheimer/dp/0375412026/ref=sr_1_1?ie=UTF8&qid=1351647224&sr=8-1&keywords=american+prometheus

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We Need Your News!

- Is your chapter hosting an event?
- Did your chapter get some new members?
- Have you started your own business?
- Is your company taking on a really challenging project?

If you said "yes" to any one of these questions, or would like to share anything even remotely newsworthy with the rest of WSPE, please send your articles to Clayton Grow, WSPE eNews Editor, clayton@thewritingengineer.com.

We look forward to including your news in our monthly updates!



Join the discussion at [WSPE's LinkedIn Group](#) or



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Did you...

- ...get a new job?
- ...get promoted?
- ...get a new phone number or email address?
- ...get your PE license?

Tell us about it! Send your new information to Ed Rodden, WSPE Executive Director, at ExecDir@wspe.org or call him at (414) 531-1129 and he'll make sure your information is updated in both the WSPE and NSPE databases. We'd also like to include an article in the next eNews summarizing your recent change or accomplishment to inform your fellow WSPE members.

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