CHAPTER 10

Professional Standards

Ethics codes all say that “professional standards” must be followed – but what are they? Where do they come from? What do we do if there exist no off-the-shelf “standards” that can help us in reaching decisions where judgment is a material factor?

DEFINITIONS

Professional standards have been developed in some fields:

Law Code of Professional Responsibility, a 170-page book; numerous websites; news services following state-level developments.

Appraisal The Appraisal Institute has substantial standards applying to reports.

Accounting Ethics manual is 150 pages.


Engineering Numerous specialized societies and large literature on professional ethics.

Planning American Planning Association issues supplement to Code to guide members.
PURPOSES OF STANDARDS

1. **To guide professional practice** by setting a floor under duties of diligence and by specifying generally recognized techniques that will ensure proper outcomes.

2. **To protect clients** by ensuring them that such standards exist and are followed . . . for example, a client has no way to know what a civil engineer does to design a wastewater treatment plant. The “Licensed Professional Engineer” stamp provides assurance that technically sound practice is being followed.

3. **To guide the adjudication of disputes.** If the wastewater treatment plant does not work, there will be some basis for auditing the process to see if the design engineers followed standard practice or not.

4. **To support the time and cost requirements of the work**, in the face of client concerns over costs.

DON’T DETAILED STANDARDS ELIMINATE JUDGMENT?

The short answer is No.

Surely in engineering and law, there is ample scope for the application of experience and judgment in solving problems. That is why only experienced and distinguished architects are hired to design skyscrapers and bridges, and why they subcontract out technical work in structural design and other issues to highly experienced specialists.

It is why high-profile, experienced attorneys are always engaged for high-profile cases.

IMPORTANCE OF STANDARDS

The legal profession has perhaps the most highly developed approach to standards of practice.

The reason is that the consequences can be so extreme:

- Corporations survive or go bankrupt.
- Dollar amounts can be immense.
  - tobacco litigation – hundreds of billions
  - Enron, Worldcom, and others – tens of billions
• Accused defendants go to jail or go free.
• “Clients” may not choose their own attorneys.
• Complex cases may involve many attorneys and in litigation there can be multiple appeals.
• Large cases can continue for years, with turnover in personnel. Some basis for continuity in approach is essential.
• Attorneys and courts have a natural orientation to procedure and to documenting things.

The old joke has it that surveyors monument their mistakes, the doctors bury theirs, and the attorneys send theirs to jail.

Substantive Standards for Management Actions
In natural resource management, practitioners not only make procedural choices, they apply science and experience to judgments about actions on the ground:

• silvicultural prescriptions.
• judgments as to compliance with regulations.
• decisions about hunting and fishing regulations to meet biological goals.
• specification of BMP’s to control erosion and sedimentation.
• calculations of allowable cut or harvest levels on large areas or individual properties.
• maintain accountability for resource sales and bookkeeping for revenues and expenses.
• design procedures for logging or other habitat manipulations, contract for the work, and inspect to ensure proper implementation.
• conduct various kinds of sampling to estimate fish or bird populations and reproduction; or conduct inventories of timber or other resources.
• prepare management plans for client guidance or as part of regulatory processes or tax programs.
• participate in the layout, maintenance, or closure of roads, bridges, campsites, and other facilities for vehicle or visitor access.

A substitute for detailed standards of practice has been a minimum education and experience qualification. The assumption is that if a resource professional has a college degree, and some amount of experience, proper professional technique will always be employed.

Hmmm . . . do you think this is valid?

Now in most areas, there may be a generally shared consensus among professionals as to how problems like these ought to be handled – that is, what would be the “professional” approach to each. Yet, at the same time, scientists and professionals often disagree as to the specifics.

Example: here we are logging on a gently rolling site, with deep, sandy soil and no surface water in sight. Maybe we don’t need to put in as many waterbars as the BMP booklet’s guideline suggests. Even BMP manuals, which seem to think of everything and to be highly detailed, leave considerable scope for discretion on some issues.

What is the professional approach?

Example: I am to prepare a management plan to qualify a property for a preferential tax rate. The owner wants to minimize the expense for the plan. How far can I cut corners on expenses before the plan is “unprofessional”?

Question: in these times, is it possible to argue that considerations of a Land Ethic are NOT part of the professional standards of a natural resource management profession?