

# Construction Law in North Carolina

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## Top 3 Take-Away Lessons for Engineers from the Sewage case (law note)

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As we discussed yesterday, [CH2M was held liable](#) in negligence for the accidental death and other injuries sustained by workers at the Spokane wastewater treatment facility. Today, a few take-away lessons for design professionals, regardless of where you work:

1. **Never assume that you cannot be sued.** The engineers at CH2M thought they had a slam-dunk case, because there was actual language giving them immunity in the law.  
However, even then that immunity language did not stop the lawsuit and liability. You can always be sued, even with the best language in the law or your contract.
2. **Even limited work can give you significant liability.** One of CH2M's arguments was related to the fact that they were providing limited work on an "on call" service contract. As the Court noted, just because you have not actually put pencil to paper (or made the CAD drawings), doesn't mean that you are not "designing" in the eyes of a court of law.
3. **You must assume the negligence of others.** Okay, the case doesn't specifically say this, but it does note that CH2M could not escape liability because the City had made modifications to the plant over the years. The Court held that "a reasonably prudent engineer in the position of CH2M could reasonably have anticipated" that the plant might have been modified over the years, and that a prudent engineer would have conducted an engineering analysis to make that determination.

**Comments, thoughts, or questions? Drop me a line! I want to hear from you.**

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