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Selling the Profession

A few months ago, I was deposed by the plaintiff in a suit for which I was serving as expert witness. The peculiar part was that the defendant had hired me, so I had an inkling that this would be an adversarial affair.

At one point in his questioning, the plaintiff's attorney began to ask for specifics about each and every case, one at a time, for which I had ever been hired as a surveying expert, and what the outcome had been. For one particular case I could not provide an answer as to whether or not the case had even gone to court after I had provided my report, which this attorney pounced on as a possible crack in my armor of professionalism. Why not? he asked. The client had not liked my conclusions and so we had parted ways, I replied. This attorney, incidentally, had hired a civil engineer as his client's expert in the current dispute regarding the existence and ownership of an ancient right-of-way, and that engineer had based his entire written opinion on a tax map.

I am sadly sure that there are a few surveyors willing to sell their opinions to the highest bidder or change those opinions to suit a client's needs and desires while maintaining billable time. "Profession for sale" is a lure; whether one gives in to it or not is at the very least a matter of personal ethics and pride in one's work. Working beyond one's expertise is one means of selling one's soul, as I believe the aforementioned engineer had done. Didn't he have a responsibility to tell the attorney that land interests were outside the scope of his profession?

Periodically, medical research of one sort or another comes under fire for the

taint of impropriety related to reliance on dollars from the pharmaceutical industry. Johnson & Johnson (J&J) is currently the focus of a class action suit regarding use of its powerful antidepressant, Risperdal, for children and adolescents. But at the heart of the matter is Dr. Joseph Biederman, Chief of the Clinical and Research Programs in Pediatric Psychopharmacology and Adult ADHD at Massachusetts General Hospital and Professor of Psychiatry at

research results that indicated placebos worked as well as Risperdal.

Dollars from the impartial National Institute of Health are scarce. Can research funded by pharmaceutical firms be independent and objective? While the answer generally is "yes" and a lot of good science comes out of such partnerships, skewed reports are unfortunately not as rare as we would like to think; this is just the most recent incident. Dr. Biederman seems to have called the shots

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the Harvard Medical School. He first came under Congressional investigation in June of 2008 upon the discovery that he had earned about \$1.4 million from his consulting work with drug companies in violation of Harvard's conflict of interest guidelines.

Internal J&J correspondence indicates that Dr. Biederman had pressured J&J into funding the Hospital's Center for Pediatric Psychopathology and played an active role to "generate and disseminate data supporting the use" of Risperdal. Papers filed in court also indicate that J&J ghost-wrote a research report that Dr. Biederman was to present at a medical conference as if it were his own, along with tips on answering questions about "unfavorable"

regarding the dollars that J&J would need to put up for his participation, but he also knew that what the pharmaceutical company wanted was contrary to sound science and betrayed public reliance on his own medical experience and presumed professionalism.

As surveyors, we express opinions every time we evaluate the written and physical evidence of land interests, whether fee, easement, or other. We do not take on this work for free; it is our livelihood. Therefore we are paid for our opinions. But does that payment mean that a client should be able to tell us what to say or have us alter our opinions as a requisite for payment?


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In the case that the deposing attorney had queried me about, my former client had a valid boundary dispute with his neighbor. The problem, however, as I discovered in my own examination of the evidence, was that the extent of land involved was merely a matter of a few feet rather than about forty acres as he claimed. It took a lot of deed reading to discover that the basis for his belief was his lack of understanding and confusion between a “point of beginning” and a “point of commencement”, both of which in this instance happened to be oak trees. If in fact his deed began at the commencement point, yes, he might have color of title to the extra acreage. But after following the commencing courses approximately 1800 feet to the true point of beginning, the discrepancy between his deed and his neighbor’s was considerably smaller. Furious with having to pay for a report that was contrary to his central argument, at first he refused to pay my final bill and then tried to sue to regain the rest of what he had already paid me for completed and


delivered work. Small claims court took care of all that relatively painlessly in my favor. (Good record keeping was a big factor in that outcome.)

So, no, my opinion is not for sale. I have another client now whose new neighbors are making life miserable for her, and while I both agree with my client’s viewpoint and find her neighbors’ actions abhorrent, my role as a professional is to remain uninvolved emotionally and not act as her advocate beyond the presentation of my testimony based on my own objective assessment of the evidence. Here is where protecting the health, safety, and welfare of the public is hardest: some days I wish awful things would happen to the neighbors so their frivolous suit would stop bleeding my client’s bank account.

The current economic climate is dreary for many, and the basic need to keep food on the table and a roof over our heads adds stress to our family lives. But once we sell our souls to satisfy short-term needs, we can never return to our long-term status as true professionals. 

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were a land registration system, *i.e.*, the ownership on the tax rolls, the shape of the parcels on the official maps, etc., are considered the last word on the subject by many county and state officials. (This isn’t true, of course, but the point is that most people in those policy-making meetings assume it to be correct.) Indeed, in most states, tax sales of property amount to new titles from the sovereign, *wiping out all prior claims* (including adverse possession claims and conflicting adjoiner descriptions) on the property. Given that, it is but a small leap from where we are to legislation requiring those tax sale descriptions to conform to the tax map parcel shapes. Thus would begin the inadvertent dismantling of our senior- and junior-rights-based parcel fabric. The advent of the nanny-state, coupled with the meltdown of our financial markets and the resulting no-strings-attached bailout, should make us doubly aware of the threats possible from well-meaning, but out in left field, bureaucrats.

Keep an eye out for similar follies. And show up for the meetings. 

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