

# *Ethics for the Environmental Professional*



National  
Association of  
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# About the Presenter:

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Attorneys at Law

# Reasons for a Code of Ethics?

- ▶ To serve as a collective recognition by members of a professional organization of their responsibilities.
- ▶ To help create an environment in which ethical behavior is the norm.
- ▶ To serve as an educational tool.
- ▶ To serve as a guide or reminder in specific situations.
- ▶ To set a standard for work.
- ▶ To indicate to others that the profession is seriously concerned with responsible, professional conduct.

# Code of Ethics

## Common Themes

- ▶ Attorney, Engineer and NAEP's Codes of Ethics all promote:
  - ▶ Integrity and Avoiding Conflicts of Interest
  - ▶ Competence
  - ▶ Confidentiality and Candor
  - ▶ Acting as a counselor to clients and exercising independent professional judgment

# Attorney's Creed of Professionalism

I revere the law, the judicial system, and the legal profession and will at all times in my professional and private lives uphold the dignity and esteem of each. I will further my profession's devotion to public service and to the public good. I will strictly adhere to the spirit as well as the letter of my profession's code of ethics, to the extent that the law permits and will at all times be guided by a fundamental sense of honor, integrity, and fair play. I will not knowingly misstate, distort, or improperly exaggerate any fact or opinion and will not improperly permit my silence or inaction to mislead anyone. I will conduct myself to assure the just, speedy and inexpensive determination of every action and resolution of every controversy. I will abstain from all rude, disruptive, disrespectful, and abusive behavior and will at all times act with dignity, decency, and courtesy. I will respect the time and commitments of others. I will be diligent and punctual in communicating with others and in fulfilling commitments. I will exercise independent judgment and will not be governed by a client's ill will or deceit. My word is my bond.

*Florida Bar Creed of Professionalism*

# Engineers' Creed

As a Professional Engineer, I dedicate my professional knowledge and skill to the advancement and betterment of human welfare. I pledge: To give the utmost of performance; To participate in none but honest enterprise; To live and work according to the laws of man and the highest standards of professional conduct; To place service before profit, the honor and standing of the profession before personal advantage, and the public welfare above all other considerations. In humility and with need for Divine Guidance, I make this pledge.

*Adopted by National Society of Professional Engineers,  
June 1954*

# NAEP CREED

The objectives of an Environmental Professional are:

1. To recognize and attempt to reconcile societal and individual human needs with responsibility for physical, natural, and cultural systems.
2. To promote and develop policies, plans, activities and projects that achieve complementary and mutual support between natural and man-made, and present and future components of the physical, natural and cultural environment.

# Conflict of Interest - Attorneys

## ABA Model Rule 1.7

- ▶ A concurrent conflict of interest exists if:
- ▶ (1) the representation of one client will be directly adverse to another client; or
- ▶ (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.



# Conflict of Interest - Engineers

## NSPE Code of Ethics for Engineers

### Rule 4

4. Engineers shall act for each employer or client as faithful agents or trustees.

a. Engineers shall disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services.

# Conflict of Interest

## NAEP Code of Ethics

As an Environmental Professional I will:

4. Examine all of my relationships or actions, which could be legitimately interpreted as a conflict of interest by clients, officials, the public or peers. In any instance where I have financial or personal interest in the activities with which they are directly or indirectly involved, I will make a full disclosure of that interest to my employer, client, or other affected parties.

# Competence - Attorneys

## ABA Model Code of Ethics

### Rule 1.1

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

# Competence - Engineers

## NSPE Code of Ethics for Engineers

### Rule 2

2. Engineers shall perform services only in the areas of their competence.
  - a. Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved.
  - b. Engineers shall not affix their signatures to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared under their direction and control.
  - c. Engineers may accept assignments and assume responsibility for coordination of an entire project and sign and seal the engineering documents for the entire project, provided that each technical segment is signed and sealed only by the qualified engineers who prepared the segment.

# Competence - NAEP Code of Ethics

## Guidance for Practice as an Environmental Professional

As an Environmental Professional I will:

4. Conduct my analysis, planning, design and review my activities primarily in subject areas for which I am qualified, and shall encourage and recognize that participation of other professionals in subject areas where I am less experienced. I shall utilize and participate in interdisciplinary teams wherever practical to determine impacts, define and evaluate all reasonable alternatives to proposed actions, and assess short-term versus long-term productivity with and without the project or action

# Confidentiality and Candor - Attorneys

## ABA Model Rule 1.6

- ▶ a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).
- ▶ (b) A lawyer may reveal information . . .
- ▶ (1) to prevent reasonably certain death or substantial bodily harm;
- ▶ (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
- ▶ (3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;

# Confidentiality and Candor - Attorneys

## ABA Model Rule 3.3 - Candor

- ▶ (a) A lawyer shall not knowingly:
  - ▶ (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
  - ▶ (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
  - ▶ (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.

# Confidentiality and Candor - Engineers

## NSPE Code of Ethics for Engineers

### III. Professional Obligations

4. Engineers shall not disclose, without consent, confidential information concerning the business affairs or technical processes of any present or former client or employer, or public body on which they serve.



# Confidentiality and Candor - Engineers

## NSPE Code of Ethics for Engineers

### II. Rules of Practice

3. Engineers shall issue public statements only in an objective and truthful manner.

a. Engineers shall be objective and truthful in professional reports, statements, or testimony. They shall include all relevant and pertinent information in such reports, statements, or testimony, which should bear the date indicating when it was current.

### III. Professional Obligations

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.

a. Engineers shall acknowledge their errors and shall not distort or alter the facts.

3. Engineers shall avoid all conduct or practice that deceives the public.

a. Engineers shall avoid the use of statements containing a material misrepresentation of fact or omitting a material fact.<sup>17</sup>

# Confidentiality and Candor - NAEP Code of Ethics

## Ethics

As an Environmental Professional I will:

3. not condone misrepresentation of work I have performed or that was performed under my direction.

6. Not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation or discrimination

# Counselor - Attorneys

## ABA Model Rule 2.1

In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client's situation.

# Counselor - Engineer

## *NSPE Code of Ethics for Engineers*

1. Engineers shall be guided in all their relations by the highest standards of honesty and integrity.
  - b. Engineers shall advise their clients or employers when they believe a project will not be successful
2. Engineers shall at all times strive to serve the public interest.
  - b. Engineers shall not complete, sign, or seal plans and/or specifications that are not in conformity with applicable engineering standards. If the client or employer insists on such unprofessional conduct, they shall notify the proper authorities and withdraw from further service on the project.

# Counselor - NAEP Code of Ethics

## **Ethics**

As an Environmental Professional I will:

5. Not accept fees wholly or partially contingent on the client's desired result where that desired result conflicts with my professional judgment

# Counselor - NAEP Code of Ethics

## Guidance for Practice as an Environmental Professional

As an Environmental Professional I will:

1. Encourage environmental planning to begin in the earliest stages of project conceptualization.
2. Recognize that total environmental management involves the consideration of all environmental factors including: technical, economical, ecological, and sociopolitical and their relationships.
8. Conduct my professional activities in a manner that ensures consideration of technically and economically feasible alternatives.

# QUESTIONS?