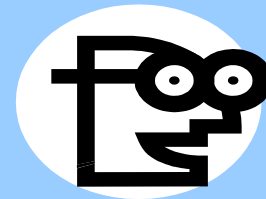
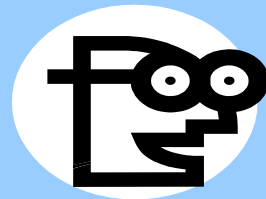
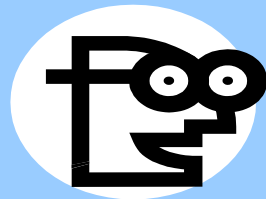




CE 401 CE Seminar General Questions:



It's QUESTION TIME !!



CE 401 Civil Engineering Seminar

TrueSteel Affair

Timely Initial Posts: 100.0%			Last Update 12-Feb-26 11:07 PM				
Section 1			Week 5 Discussion Question Activity Report				
Question	Group	Leader	1	2	3	4	5
1	B	Blevins	Blevins	Elam	O'bryan		
1	D						
1	F						
2	A	Eaton	Ballinger	Eaton	Lee	Strong	
2	C	Riffe	Caldbeck	Gough	Riffe	Tyler	
2	E						
3	B	O'bryan	Blevins	Elam	O'bryan		
3	D						
3	E						
4	A	Lee	Ballinger	Eaton	Lee	Strong	
4	C	Caldbeck	Caldbeck	Gough	Riffe	Tyler	
4	F						
5	B	Elam	Blevins	Elam	O'bryan		
5	C	Gough	Caldbeck	Gough	Riffe	Tyler	
5	E						
6	A	Ballinger	Ballinger	Eaton	Lee	Strong	
6	D						
6	F						

Font Legend

non-bold	No post made, time for posting remains	non-bold	Late Post before consensus, 20% loss
Bold / Bold	Post made within Time	Bold	Post is made after consensus, 60% loss
Non-Bold Leader-	No Consensus Posted, -5 Points	<i>Ital. non-bold</i>	No Post Made, 100% loss



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TrueSteel Affair

QUIZ 4 RESULTS

Quiz 4

30 Range: 6-10; Average 8.8

W/ Text Historic 4-10; Average 6

0.567 (17 of 30) Perfect Scores on Quiz 4



CE 401 Civil Engineering Seminar
Dilemma and Moral Imperatives

The IDI Creed

Whatever I want, I need

Whatever I need, I deserve

**Whatever I deserve, I have a right to have,
and**

**I WILL DO ANYTHING IT TAKES
TO GET IT!!!**



CE 401 Civil Engineering Seminar Dilemma and Moral Imperatives

**If you
are not
willing
to lose**

**You have
to be
willing
to do
anything
it takes
to win.**

— Michael Josephson

© Josephson Institute 1992, 1993 IFYOU (A&L)



CE 401 Civil Engineering Seminar Dilemma and Moral Imperatives

Tonya Harding is the IDI
Poster Child – See the
Sign in the Background:

“DO WHATEVER IT TAKES”

**She Elevated Her
Personal Goal
To A Moral Imperative**





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Dilemma and Moral Imperatives

Do Moral Imperatives really occur?



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Dilemma and Moral Imperatives

Do Moral Imperatives really occur?

- **Yes, Moral Imperative do occur, and properly so.**
- **De George's Moral Duty To Blow The Whistle IS A MORAL IMPERATIVE, *unless Bouville is right.***

The key issues here include:



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Dilemma and Moral Imperatives

Do Moral Imperatives really occur?

- **Yes, Moral Imperative do occur, and properly so.**
- **De George's Moral Duty To Blow The Whistle IS A MORAL IMPERATIVE, unless Bouville is right.**

The key issues here include:

- **Is self imposing a MORAL IMPERATIVE the same as an objectively imposed MORAL IMPERATIVE that the DECISION MAKER must satisfy.**
- **The justification for imposing a MORAL IMPERATIVE ON OTHERS, and**
- **The ease or difficulty of satisfying the JUSTIFICATION**



CE 401 Civil Engineering Seminar

Ethics Theories and False Theories

- Moral Philosophers Have Debated Right and Wrong for thousands of years, and four Theories of Ethics have withstood scrutiny and test of time
 - Duty Ethics-Based on meeting a duty, not outcomes
 - Rights Ethics-Based on honoring rights, not outcomes
 - Virtue Ethics-Based on conduct that advances social good
 - Utilitarianism-Based solely on Outcomes
- Each Starts from different definition of proper conduct, but for most cases, each yield similar results



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Ethics Theories and False Theories

- **FALSE THEORIES OF ETHICS** do not withstand scrutiny

- **Ethical Egoism**: The sole duty of each person is to maximize his own good with no self restraint. **(Ethics requires limits on pursuit of self-interest?)**

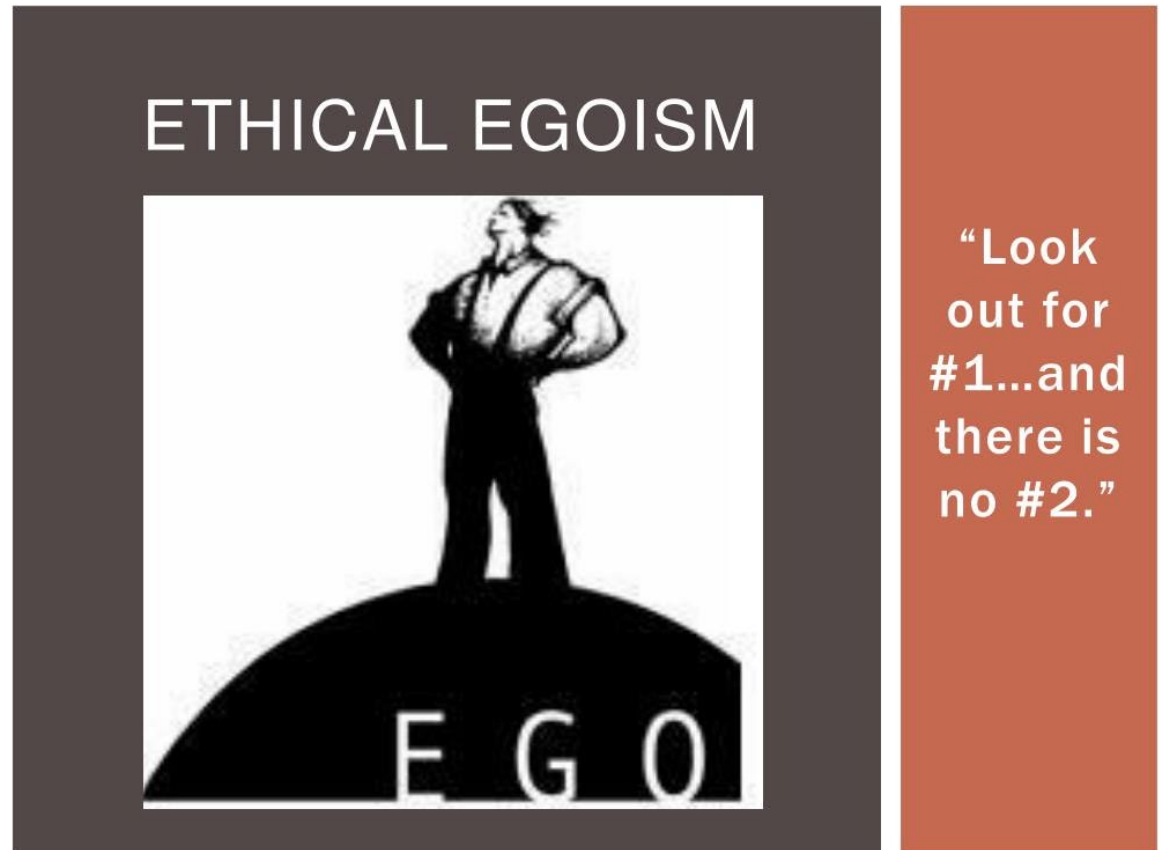


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- **Ethical Conventionalism**: Ethics reduces to the law and customs of a society or culture **(How do we reconcile Apartheid and other unjust laws?)**



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Ethics Theories and False Theories

- **FALSE THEORIES OF ETHICS do not withstand scrutiny**

**From Notes made by
Dr. Martin Luther King, Jr.
from the Birmingham jail
in 1963**

Just vs. Unjust Laws

- An unjust law is one “out of harmony with the moral law.”
- “Any law that uplifts human personality is just. Any law that degrades human personality is unjust.”
- King then applies this distinction to segregation: a law is unjust if a minority group forced to obey but didn’t help enact, or if the majority doesn’t have to follow it, or if it is unfairly applied in practice.

How do we reconcile the ethical duty of law abidedness with unjust laws that produced Apartheid, Slavery, and the holocaust, & many other unjust laws and customs?



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Ethics Theories and False Theories

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- **Ethical Conventionalism**: Ethics reduces to the law and customs of a society or culture **(How do we reconcile Apartheid and other unjust laws and customs?)**

- **Divine Command Ethics**: What God commands as right is ethical and what God forbids is unethical **(How do we reconcile Son of Sam, Jim Jones, and similar situations?)**



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Ethics Theories and False Theories

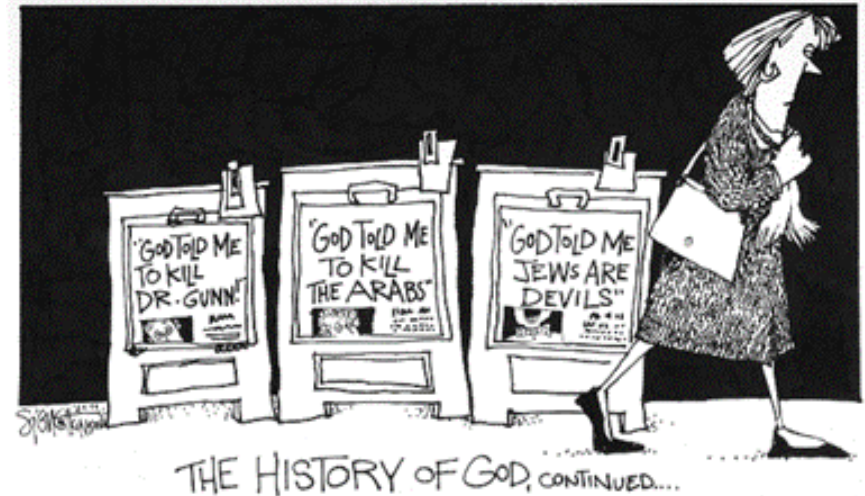
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- **Divine Command Ethics:**

<https://www.history.com/this-day-in-history/dr-david-gunn-is-murdered-by-anti-abortion-activist>

Dr. David Gunn is shot and killed during an anti-abortion protest at the Pensacola Women's Medical Services clinic. Griffin had attended a prayer service and protest organization meeting three days earlier and was apparently waiting for Dr. Gunn. The group issued a statement in defense of the killing that said in part,

“We, the undersigned, declare the justice of taking all godly action necessary to defend innocent human life including the use of force.”





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Ethics Theories and False Theories

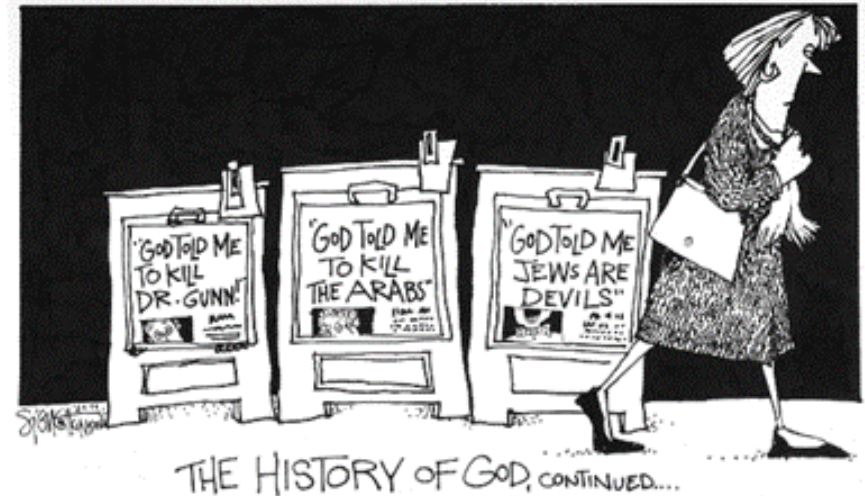
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CE 401 Civil Engineering Seminar Ethics Theories and False Theories



It's QUESTION TIME!!



CE 401 Civil Engineering Seminar

Dilemma vs Ethical Dilemma

Discussion Question #1

Michael Josephson's second and third GKC criteria for ethical decisions address how a person should respond to situations when ethical duties conflict with either non-ethical values or other ethical duties. These two criteria acknowledge that while making ethical decisions an ethical person may face situations that require the decision-maker to uphold an ethical duty despite conflicting self-interests or personal preferences and may face situations that require the violation of one ethical duty to uphold another ethical duty.

For example, an engineer may face a situation that requires a choice between the ethical duty of honesty (truthfulness, candor, non-deception) that would conflict with the decision maker's self-interest of avoiding a personal loss by withholding the truth.

Furthermore, an engineer may face a situation that requires a choice between:

- a) An Engineer's ethical duty of confidentiality (withholding client information that the client wants withheld from a report) or
- b) An Engineer's ethical duty for complete reporting (providing confidential client information without the client's permission in a report).

- **Define DILEMMA and ETHICAL DILEMMA**
- **In 2 or 3 sentences, explain the difference between a DILEMMA and an ETHICAL DILEMMA.**
- **In 2 or 3 sentences, explain whether GKC Criterion #2 addresses a DILEMMA or an ETHICAL DILEMMA.**
- **In 2 or 3 sentences, explain whether GKC Criterion #3 addresses a DILEMMA or an ETHICAL DILEMMA.**

B

Blevins

D

F



CE 401 Civil Engineering Seminar

Dilemma vs Ethical Dilemma

Discussion Question #1

2 Ethical Value vs Non-ethical value

Not a dilemma.

3 Ethical Value vs Ethical Value

Ethical Dilemma

Dilemma is a choice between equally undesirable options

Condition 2 is a choice between doing the right thing or the wrong thing.

What is undesirable about choosing to advance a non-ethical value?



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Gift Giving

Discussion Question #2

Almeder defines a bribe as offering something of value to a person for the purpose of "securing privileged and favorable consideration (or purchase) of one's product or corporate project." Based on his analysis, he concludes that "the wisest policy" is a complete "prohibition of any gift-giving between companies (and their representatives) and persons with whom companies do (or wish to do) business either directly or indirectly." Part of Almeder's reasoning stems from the likelihood that innocent gift-giving may appear improper to others who are aware of the gift giving.

a) Define a gift and a bribe, and then:

Explain whether the giver and the recipient always have the same perception, e.g. a gift is always a gift, and a bribe is always a bribe, and

Explain whether others observing the gift-giving always have the same perception as the giver and recipient of the gift.

b) In 3 or 4 sentences, explain whether the intent of the gift giver or the mindset of the gift recipient is more important in determining whether the item offered and accepted is a bribe from the perspective of the giver, recipient, and uninvolved third party observer.

c) In 3 to 4 sentences, discuss whether gifts exchanged between friends who also do business together are proper if the gift-giving creates the appearance of impropriety with clients, owners, other engineers, or members of the public.

d) Does conduct that gives the appearance of impropriety harm the profession? Based on your answer to this question, should the engineering profession follow the lead of lawyers and prohibit conduct that creates the appearance of impropriety?

A	Eaton
C	Riffe
E	



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Gifts vs Bribes

Bribes come with strings attached, gifts are freely given with no strings attached



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Gifts vs Bribes

Bribes come with strings attached, gifts are freely given with no strings attached

Bribes are illegal, gifts are not.



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Gifts vs Bribes

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Example, Georgia Law:

Bribery: Giving someone a benefit, reward, or consideration that they are not entitled to influence his or her performance of any act related to functions of his or her office or employment.



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Gifts vs Bribes

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Bribery: Giving someone a benefit, reward, or consideration that they are not entitled to influence his or her performance of any act related to functions of his or her office or employment.

What about the recipient?



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Appearance of Impropriety

Is the “appearance of impropriety” an important consideration of ethics?



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Appearance of Impropriety

Is the “appearance of impropriety” an important consideration of ethics?

How is the profession affected when a member’s actions create an appearance of impropriety?



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Appearance of Impropriety

<https://www.paho.org/hq/dmdocuments/2014/Ethics-ConflictOfInterestBrochure.pdf>

A conflict of interest can arise in many situations and can impact your ability to make fair and impartial decisions ... Because conflicts of interest can adversely impact the reputation and integrity of ... [the organization,] it is important ... **to avoid even the appearance of a conflict of interest.**

https://www.indianacountycommissioners.com/assets/Conference/2016Conference/2016_ethics_for_county_officials-c.pdf

Ethical Conduct and **Avoiding the Appearance of Impropriety**

https://www.michigan.gov/documents/mde/Code_of_Ethics_653130_7.pdf

Avoiding the use of one's position for personal gain and **avoiding the appearance of impropriety;**

https://www.uscourts.gov/sites/default/files/vol02a-ch02_0.pdf

Canon 2: **A Judge Should** Avoid Impropriety and **the Appearance of Impropriety in All Activities**

Commentary on Canon 2. **An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.** Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges. **A judge must avoid all impropriety and appearance of impropriety. This prohibition applies to both professional and personal conduct.**

Should the NSPE or ASCE codes prohibit behavior that creates the Appearance of Impropriety?



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Ethical Decision-Making

ETHICAL DECISION-MAKING

- **The materials presented in weeks 2 through 4 establish a foundation for Ethical Decision-Making.**
- **Ethical Decision-Making is FACT SENSITIVE! Alter the facts and the conclusion of the analysis may change significantly!**
- **The analyses of these cases are FACT SENSITIVE, and it is essential to:**
 - **Marshall and understand the facts,**
 - **Distinguish relevant from irrelevant facts**
 - **Apply the relevant facts to the ethical criteria.**
- **First Up, The Trueteel Affair!**



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Ethical Decision-Making

ETHICAL DECISION-MAKING

- **First Up, The Trueteel Affair!**
 - You have watched the video, and
 - You have read my statement of relevant facts and events.
- **My written summary is my understanding of the facts and circumstances relevant to the decision Robert Williams faced and made.**



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Ethical Decision-Making

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- **Given how fact sensitive the analysis is, what differences did you find between my summary of the case and your viewing of the video?**



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Ethical Decision-Making

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- **First Up, The Trueteel Affair!**
 - You have watched the video, and
 - You have read my statement of relevant facts and events.
- **My written summary is my understanding of the facts and circumstances relevant to the decision Robert Williams faced and made.**
- **Given how fact sensitive the analysis is, what differences did you find between my summary of the case and your viewing of the video?**
- **It will be helpful as we move forward with these cases, if you find differences between your viewing of the video and my summary statement, let's see if we can clarify and hopefully resolve the difference quickly.**



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS

- **Would you say Robert KNOWS, BELIEVES, OR SUSPECTS that the trusses are unsafe?**



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS

- Would you say Robert KNOWS, BELIEVES, OR SUSPECTS that the trusses are unsafe? **Robert knows the trusses are unsafe as fabricated based on his analysis.**
- When Robert Faces Mr. Carter about fixing the trusses, Carter says, “Cut the hysterics Robert. All I want to know is will you get in my way?” What decision must Robert make?



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS

- **Would you say Robert KNOWS, BELIEVES, OR SUSPECTS that the trusses are unsafe? Robert knows the trusses are unsafe as fabricated based on his analysis.**
- **When Robert Faces Mr. Carter about fixing the trusses, Carter says, “Cut the hysterics Robert. All I want to know is will you get in my way?” What decision must Robert make? Robert must decide whether to get in Carter’s way.**



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS-Hawkins

- **Does Robert face an ethical dilemma?**



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS-Hawkins

- Does Robert face an ethical dilemma? **Yes. He must decide whether he should honor his duties of confidentiality and loyalty to Mr. Carter/Truesteel or honor his duty to protect the public's health, safety and welfare. He cannot satisfy both in this case.**
- **Who Are the Stakeholders?**



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS

- **Does Robert face an ethical dilemma?** Yes. He must decide whether he should honor his duties of confidentiality and loyalty to Mr. Carter/Truesteel or honor his duty to protect the public's health, safety and welfare. He cannot satisfy both in this case.
- **Who Are the Stakeholders?** Robert and his family, Carter/Truesteel, Dixon/client/developer/investors, the public (workers and shoppers in the shopping center), and the Profession.



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS

- **What Options Did Robert Have?**



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS

- **What Options Did Robert Have?**
 - **Do whatever it takes to make field repairs, even if Robert must pay for the repairs out of his pocket if he cannot change Carter's mind.**
 - **Go along with Carter**
 - **Resign and move on to another job without speaking about the defective trusses**
 - **Blow the whistle on Carter/Truesteel**
- **What Rationalizations Appeared in the Video?**



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TrueSteel Affair

ETHICAL DECISION-MAKING ANALYSIS

- **What Options Did Robert Have?**
 - Do whatever it takes to make field repairs, even if Robert must pay for the repairs out of his pocket if he cannot change Carter's mind.
 - Go along with Carter
 - Resign and move on to another job without speaking about the defective trusses
 - Blow the whistle on Carter/Truesteel
- **What Rationalizations Appeared in the Video? It's necessary, I did it for others**



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TrueSteel Affair

Discussion Question #3

In "The Truesteel Affair," Truesteel's non-engineer owner, Mr. Carter, ordered delivery of defective trusses to the project over the objections of his engineer, Robert Williams.

1. Based on the De George criteria for whistleblowing and citing specific facts in the case, explain in 1 to 2 sentences for each of the five criteria why the facts in the case either satisfy or fail to satisfy each of the five De George criteria.

2. Based on your analysis of the five (5) De George criteria, which of the following statements is true about Robert Williams' and whistle blowing on Mr. Carter:

- A. Robert Williams has NO MORAL AUTHORITY at all to blow the whistle on Mr. Carter; or**
- B. Robert Williams has a MORAL DUTY to blow the whistle on Mr. Carter; or**
- C. Robert Williams has MORAL PERMISSION but no MORAL DUTY to blow the whistle on Mr. Carter.**

B	O'bryan
D	
E	



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TrueSteel Affair

Discussion Question #3

Williams' De George Conclusion

No Moral Authority	1
Moral Permission	1
Moral Duty	10
Confused Reply	1

Problem is not with the truss design, but the truss fabrication

It would be helpful if you address each of the criteria in order and conclude on each one.



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TrueSteel Affair

Discussion Question #3

Criterion 1: The company, through its product or policy, will do serious and considerable harm to the public, whether in the person of the user of its product, an innocent bystander, or the public.



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TrueSteel Affair

Discussion Question #3

Criterion 1: The company, through its product or policy, will do serious and considerable harm to the public, whether in the person of the user of its product, an innocent bystander, or the public. **Satisfied, Robert knew trusses will do harm**

Criterion 2: The employee should report it to the immediate superior and make the concern known .



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TrueSteel Affair

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Criterion 2: The employee should report it to the immediate superior and make the concern known. **Satisfied-Robert talked to Carter**

Criterion 3: The employee should exhaust internal procedures and possibilities within the company by taking the matter up the managerial ladder, and if necessary, to the board of directors.



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TrueSteel Affair

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Criterion 4: The employee must have documented evidence that would convince a reasonable, impartial observer that the employee's view of the situation is correct that the company's product or practice does pose a serious and likely danger to the public, to innocent bystanders, or to the user of the product,



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TrueSteel Affair

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Criterion 5: The employee must have good reason to believe that by going public, the necessary changes will occur to eliminate the risk.



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TrueSteel Affair

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Criterion 5: The employee must have good reason to believe that by going public, the necessary changes will occur to eliminate the risk. **Satisfied, is it arguable**



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TrueSteel Affair

Discussion Question #4

In Truesteel, Robert Williams decided to "not get in Carter's way" this time. Question 3 addressed Robert's whistleblowing option. However, Robert had other options available to him at his point of decision-making in this case.

Discuss in 3 to 4 sentences whether it would be ethically viable for Robert to quietly resign from Truesteel and move to another city to continue his career elsewhere.

Please note that for the purposes of this question, you must isolate this "resign and quietly move on" option from the other options. Therefore, you must not consider the option of "blowing the whistle on Carter," as addressed in question 3, or the option of "going along with Carter" that Robert selected in the video.

A

Lee

C

Caldbeck

F



CE 401 Civil Engineering Seminar

TrueSteel Affair

Discussion Question #4

Williams' Resignation Option

Can Ethically Resign	2
----------------------	---

Cannot Ethically	
------------------	--

Resign	15
--------	----

Confused Reply	1
----------------	---



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TrueSteel Affair

Discussion Question #4

If Robert Leaves town, is he escaping responsibility for the trusses after they fail?



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TrueSteel Affair

Discussion Question #4

If Robert Leaves town, is he escaping responsibility for the trusses after they fail? Of course NOT! In fact, he probably suffers more serious consequences for his actions than he got in the case because leaving without resolving the public hazard probably moves him into Gross Negligence rather than Negligence.



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TrueSteel Affair

Discussion Question #4

How many engineers work for TrueSteel/Carter?



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TrueSteel Affair

Discussion Question #4

How many engineers work for TrueSteel/Carter? **One, Robert Williams.**

If Robert Williams is removed from the scene without his sharing his knowledge about the defective trusses, who else can identify the issue and get them fixed?



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TrueSteel Affair

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How many engineers work for TrueSteel/Carter? **One, Robert Williams.**

If Robert Williams is removed from the scene without his sharing his knowledge about the defective trusses, who else can identify the issue and get them fixed? **No one else would be left behind. Mr. Carter won't, Mr. Dixon cannot do this, and no one else who remains at TrueSteel has the expertise required.**

Is Robert essential to eliminate the public hazard by fixing the trusses?



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TrueSteel Affair

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Is Robert essential to eliminate the public hazard by fixing the trusses? **Due to his De George Duty, he either fixes them or blows the whistle to fix them.**



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TrueSteel Affair

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Is Robert essential to eliminate the public hazard by fixing the trusses? **Yes. Due to his De George Duty, he either fixes them or blows the whistle to fix them.**

THEREFORE, IT IS UNETHICAL FOR HIM TO DISAPPEAR BECAUSE HE IS ESSENTIAL TO PREVENT THE PUBLIC HARM.



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TrueSteel Affair

Discussion Question #4

THEREFORE, IT IS UNETHICAL FOR HIM TO DISAPPEAR BECAUSE HE IS ESSENTIAL TO PREVENT THE PUBLIC HARM BY FINDING A WAY TO FIX THE DEFECTIVE TRUSSES.

- **De George Analysis Concludes Robert Has a Moral Duty to Blow the Whistle, BUT**
- **If Robert Can Eliminate the Public Risk by Fixing the Trusses without Whistle Blowing, Wouldn't That Solution CANCEL THE DUTY TO BLOW THE WHISTLE by Eliminating the Public Risk**
- **This is why "Fixing The Trusses" is an important option**



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Discussion Question #5

In Truesteel, Robert Williams decided to "not get in Carter's way" this time. Question 3 addressed Robert's whistleblowing option. Question 4 addressed Robert's option to quietly resign and move on with his career elsewhere. However, Robert had other options available to him at his point of decision-making in this case.

Discuss in 3 to 4 sentences how Robert could pursue an option that would result in the field modification/repair of the defective trusses. In this regard, be sure your reply at a minimum addresses the following issues:

Would this solution require Mr. Carter's agreement, and why?

How can Robert secure Mr. Carter's agreement to make the field repairs to the trusses?

Since Robert cannot tell anyone outside Truesteel (whistleblowing) about the deficient trusses and absent Mr. Carter's agreement to make the field repairs, who would pay for the labor and material necessary to complete the field repairs?

Please note that for the purposes of this question, you must isolate this "field repair" option from the other options. Therefore, you must not consider the option of "blowing the whistle on Carter," as addressed in question 3, the option of quietly resigning as addressed in question 4, or the option of "going along with Carter" that Robert selected in the video.

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Discussion Question #5

How can Truesteel or TrueSteel's quality control division bear the cost for the field repair without Mr. Carter's approval?



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Discussion Question #5

How can Trueteel or TrueSteel's quality control division bear the cost for the field repair without Mr. Carter's approval? **It can't.**

Why would Trueteel's insurer pay to repair the defective trusses?



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Discussion Question #5

How can Truesteel or TrueSteel's quality control division bear the cost for the field repair without Mr. Carter's approval? **It can't.**

Why would Truesteel's insurer pay to repair the defective trusses? **There is no insurance for defective work product.**

Why would the contractor/developer pay anything to correct TrueSteel's mistake?



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Discussion Question #5

How can Trueteel or TrueSteel's quality control division bear the cost for the field repair without Mr. Carter's approval? **It can't.**

Why would Trueteel's insurer pay to repair the defective trusses? **There is no insurance for defective work product.**

Why would the contractor/developer pay anything to correct TrueSteel's mistake? **If the project is delayed due to this issue, the contractor/developer will seek delay damages from Trueteel.**

So, absent Mr. Carter's approval, who will pay for the field repairs?



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Discussion Question #6

In Truesteel, Robert Williams talks to Jimmy Chan, who is an engineer and a colleague, about the defective truss situation. Chan stops Robert's explanation mid-sentence and says, **“Look, Robert, you do the wrong thing, and I know about it ...”**

a) in 1 to 3 sentences, explain whether you believe that Chan suspects, has a reasonable belief, or has actual knowledge that Robert has done the wrong thing.

b) In 3 to 4 sentences, explain why it is significant that Chan may suspect, reasonably believe, or know that Robert has done the wrong thing. In this regard, discuss the significance of Chan's state of knowledge addressed in part a) with respect to Chan's ethical obligations as a Professional Engineer.

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Discussion Question #6

Does Chan know that Robert did the wrong thing?



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Discussion Question #6

Does Chan know that Robert did the wrong thing?

If Chan knows that Robert did the wrong thing, did Chan report this to the Board?



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Discussion Question #6

Does Chan know that Robert did the wrong thing?

If Chan knows that Robert did the wrong thing, did Chan report this to the Board?

Why did Chan stop Robert's explanation midsentence like he did?



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Discussion Question #6

Does Chan know that Robert did the wrong thing?

If Chan knows that Robert did the wrong thing, did Chan report this to the Board?

Why did Chan stop Robert's explanation midsentence like he did?

Is it possible that he stopped Robert mid-sentence so he could deny having knowledge of the wrongdoing?



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Discussion Question #6

Does Chan know that Robert did the wrong thing?

If Chan knows that Robert did the wrong thing, did Chan report this to the Board?

Why did Chan stop Robert's explanation midsentence like he did?

Is it possible that he stopped Robert mid-sentence so he could deny having knowledge of the wrongdoing?

If Chan does notify the Board, who is Chan blowing the Whistle on?



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Questions To Ponder About The Truesteel Case **As you consider the Gilbane Gold Case**

- Did Robert do the right thing or the wrong thing?
- Why would Robert, a structural engineer, agree to go along with Carter, a non-engineer, when Robert knew the defective trusses were unsafe?
- After this failure, Truesteel went under, and all employees lost their jobs. Is this Robert's fault as Carter said it would be?
- What are Carter's losses?



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Questions To Ponder About The Truesteel Case

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- What are Carter's losses? **Business losses in aftermath of the truss failure? Damages caused by the truss failure?**



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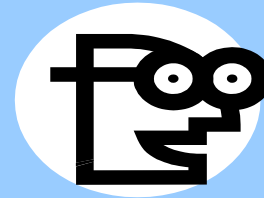
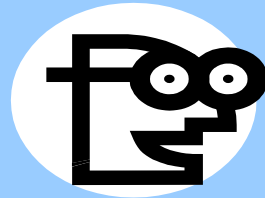
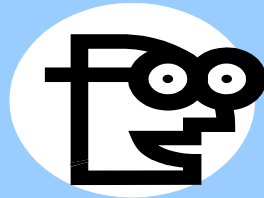
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Issues To Weigh As You Analyze Gilbane Gold as Compared To the Truesteel Case

- **Be careful as you move into the Gilbane Gold Case because the analysis of these cases are fact dependent.**
- **These cases have distinct and unique fact patterns.**
- **Be prepared to compare and contrast:**
 - **The facts in these two cases**
 - **Robert's and David's relative certainty regarding their concerns.**
 - **The viability of Robert's and David's options.**



CE 401 CE Seminar General Questions:



It's QUESTION TIME !!



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Carter v Williams – Some Legal Issues with the Case

- **“... Mr. Carter considered suing Robert Williams for negligence to recover some of Truesteel’s losses ...” How would such a lawsuit work out for Robert? Carter?**
 - Does Robert have legal responsibility for the losses that Carter has sustained?



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- “... Mr. Carter considered suing Robert Williams for negligence to recover some of Truesteel’s losses ...” How would such a lawsuit work out for Robert? Carter?
 - Does Robert have legal responsibility for the losses that Carter has sustained? **Possibly, if Carter can prove Robert’s negligence caused Carter’s losses.**
 - Does anyone believe that Robert Williams has no responsibility for Carter’s losses? Show of hands
 - Does Mr. Carter have legal responsibility for the losses that he has sustained?



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 - Does Robert have legal responsibility for the losses that Carter has sustained? **Possibly, if Carter can prove Robert’s negligence caused Carter’s losses.**
 - Does anyone believe that Robert Williams has no responsibility for Carter’s losses? Show of hands
 - Does Mr. Carter have legal responsibility for the losses that he has sustained? **Probably, because the business was already in trouble without the failure, and Carter ignored Robert’s advice to repair the trusses if Carter wants to argue his business losses are due to the failure.**
 - Does anyone believe Mr. Carter has no responsibility for this failure? Show of hands



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How would such a lawsuit work out for Robert? Carter?
 - How many believe Carter’s losses are all Carter’s fault? **Show of hands**



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 - How many believe Carter’s losses are all Robert’s fault? **Show of hands**
 - How many believe Robert and Carter share responsibility for Carter’s losses? **Show of hands**



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 - **Equally shared Fault? Show of hands**



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 - **Equally shared Fault? Show of hands**
 - **Robert more at fault than Carter? Show of hands**



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 - **Equally shared Fault? Show of hands**
 - **Robert more at fault than Carter? Show of hands**
 - **Carter more at fault than Robert? Show of hands**



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Carter v Williams – Some Legal Issues with the Case

- Assuming Robert Williams and Mr. Carter each have some legal responsibility, what percentage would you give to each, totaling 100% between them? For each, is the share greater than, less than or exactly 50%?

Liability Distribution	Number
All Williams' Fault	Can Sue and Win in 50 States
Williams>Carter	Can Sue and Win in 46 States
50% Fault for Each	Can Sue and Win in 34 States
Carter>Williams	Can Sue and Win in 13 States
All Carter's Fault	Can Sue but Can't Win. Why Would he Sue?

- Should Mr. Carter sue Robert Williams, their comparative negligence will determine how much Robert Williams might owe Mr. Carter for his losses depending upon the state in which this occurs.



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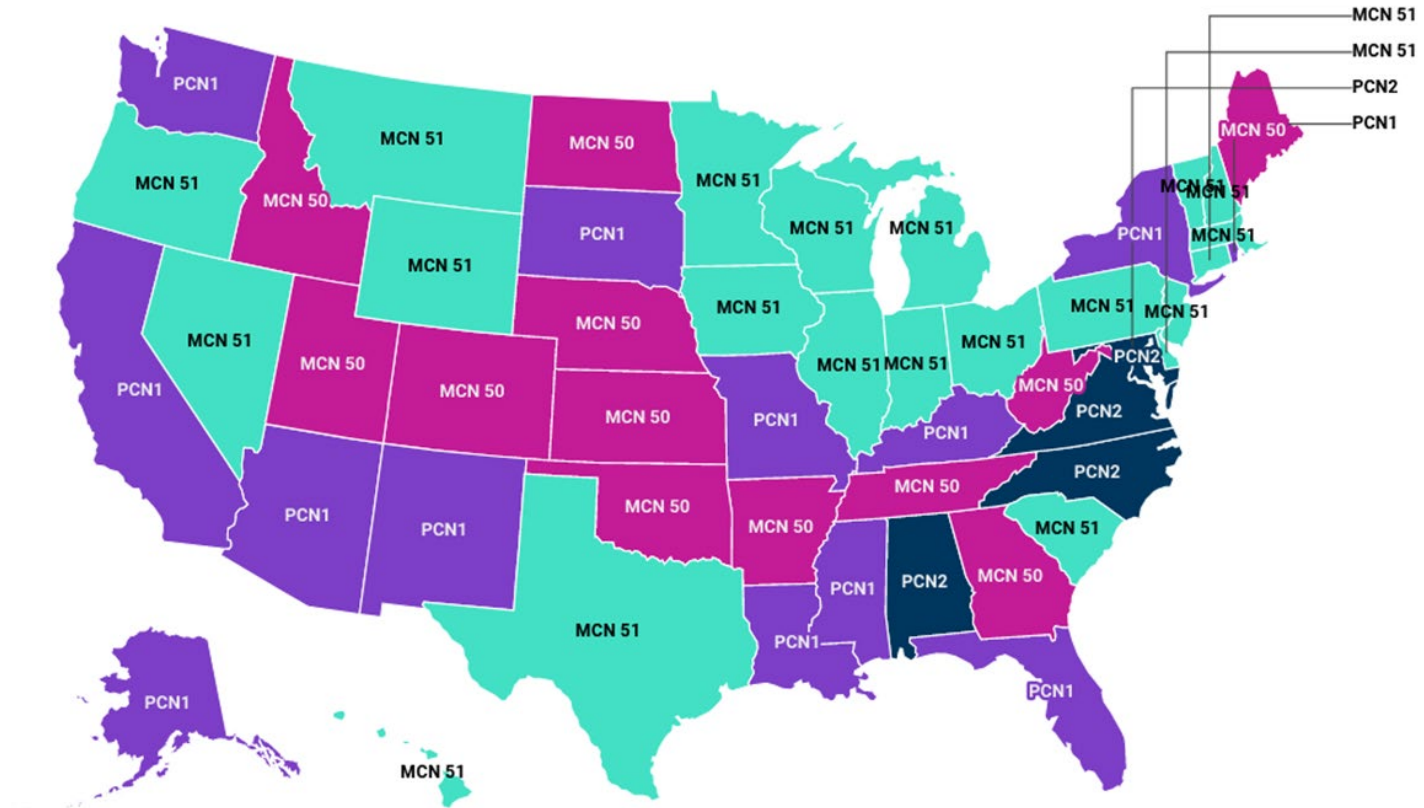
How Would a Carter v Williams Negligence Case Work Out?

- **Pure Contributory Negligence: 4 States;** *Alabama, North Carolina, Virginia, and Maryland*
A defense to a negligence claim that bars plaintiffs from any recovery if they contribute to their own injury through their own negligence.
- **Pure Comparative Negligence: 13 States;** *Kentucky, Mississippi, Louisiana, Missouri, Florida, New York, Rhode Island, South Dakota, New Mexico, Arizona, California, Washington, and Alaska*
Damages are totaled and then reduced based on the percentage of contribution
- **Modified Comparative Negligence: 33 States**
 - a) **50%: 12 States;** *Tennessee, West Virginia, Arkansas, Georgia, Maine, Oklahoma, Kansas, Nebraska, North Dakota, Colorado, Utah, and Idaho*
An injured party cannot recover any compensation if they are found to be 50% at fault or more
 - b) **51%: 21 States;** *Ohio, Indiana, Illinois, Michigan, South Carolina, New Jersey, Pennsylvania, Connecticut, Massachusetts, Vermont, New Hampshire, Texas, Wyoming, Montana, Nevada, Oregon, and Hawaii.*
An injured party cannot recover any compensation if they are found to be 51% at fault or more



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- PURE COMPARATIVE NEGLIGENCE
 - PURE CONTRIBUTORY NEGLIGENCE
 - MODIFIED COMPARATIVE NEGLIGENCE - 50%
 - MODIFIED COMPARATIVE NEGLIGENCE - 51%
- Shown as BLACK on Map