

September 29, 2003



When Emma Chore "Steals" a Client from Dr. Hardly Cleer, ASLA . . . Whatcha Gonna Do?

Indy Dark, ASLA, a principal at the firm of Unaware, Inc., and adjunct professor at the local university, recently hired one of his outstanding students, Emma Chore, to intern with the firm. Chore returned from a visit to her hometown to inform Dark that a friend, Dash A. Head, wanted to hire the firm to prepare a master plan for a large site he owned there. Dark met with Head, negotiated a contract, and began working on the project with a very excited Chore as his assistant.

Within two weeks, Dark received an irate phone call from Dr. Hardly Cleer, ASLA, chair of the department of landscape architecture at the university and the man who hired Dark to teach. Dr. Cleer informed Dark that **HE** had been doing design work for Head for some time now and in fact was still involved with the master plan project! Dr. Cleer demanded an apology from Dark for "stealing" a client from him.

After discussing the situation with Chore, Dark discovered that Dr. Cleer had indeed done work for Head; however, Head felt that Cleer's phase of the work was complete. In light of that, Chore convinced Head to hire her new employer for the remainder of the work. A subsequent phone call to Cleer revealed that the professor didn't think the contract was completed yet. In effect, he was still working for Head.

In a conversation with Head, Dark was told that there was no contract because Cleer had said, "he didn't believe in contracts!"

It appeared Dark may have been in violation of R1.111 of the **ASLA Code of Professional Ethics**, which states:

Members shall not seek to void awarded contracts for a specific scope of service held by another Member or professional.

To resolve the issue, Dark met with Cleer and Chore to apologize on behalf of his firm and explain his ignorance of Dr. Cleer's relationship to the client. At the meeting, Dark made sure Chore understood the serious ethical ramifications of the situation. Dark advised Chore that the appropriate actions could have included contacting Dr. Cleer at the outset to let him know that the client had asked them to do additional work. That course of action would have given Cleer a chance to speak with the client prior to signing a contract with Unaware, Inc., Dark also asked Dash A. Head to write a formal letter to Dr. Cleer indicating that the contract had been satisfactorily completed, that all payments had been made to Cleer, and that Head intended to hire Unaware, Inc. to execute the additional work.

This situation points out the need for

- Written contracts clearly outlining the scope of work and what is required for both parties to satisfactorily complete the contract.
- Courtesy toward fellow professionals in procuring work from their former clients.
- Education of students and interns about the importance of professional courtesy.

Editor's note: One of the objectives of the ASLA Ethics Committee is to educate members about the ASLA Code and Guidelines for Professional Conduct. The code contains important principles relating to duties to clients and to members of the Society. Contact the Ethics Committee by emailing ethics@asla.org or by writing:

Ethics Committee, c/o ASLA
636 Eye St., NW
Washington, DC 20001-3736