



# **Promotional Letter Emphasizing Negative Attributes of Other Firms (adapted from NSPE Case No. 76-7)**

## **Year**

1999

## **Description**

This is an open-ended scenario for discussion based on a case from the NSPE Board of Ethical Review. It raises questions about what information is appropriate to include in a promotional letter.

## **Body**

Vesna, an engineer, sent the following letter to various state and local public agencies relevant to her area of practice:

It has come to my attention that your agency has been using the services of engineers who do not carry professional liability (errors and omission) insurance. Such a practice, although not necessarily a violation of policy, is certainly not in the public interest. No one plans on having mistakes, but if a costly error does occur, it is not likely that you can recover losses from the personal or corporate resources of an uninsured consultant.

There are only two reasons a consultant is not covered by professional liability insurance: either that consultant does not care to accept the expense of such coverage, or the consultant is uninsurable because of previous difficulties.

For those in the first category, the premium amounts are three to five percent of gross income. Either these persons are receiving excess profits, or they are billing at lower rates than those of us who carry insurance.

There are several qualified consulting firms in this area who carry adequate liability insurance. My solo practice is covered by \$500,000 in general liability and \$500,000 in professional liability insurance. In over four years of operation, I have not had a failure or a claim filed against me -- in spite of the fact that much of my work is in high-risk areas.

Doesn't it make sense to go with a winner?

Is Vesna's letter self-promotion or a negative attack on other firms? Why?

How, if at all, does the letter engage in unfair competition? Is there any part of this letter that would be of concern to a professional society?

[NSPE Code of Ethics](#) An earlier version may have been used in this case.

## **Notes**

See the original NSPE case at: [Promotional Letter - Emphasis on Non-Insurance of Other Firms - Case No. 76-7.](#)

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