

PRESIDENT'S MESSAGE

Opening New Doors for the FAPG

by Jonathan D. Arthur, PG, PhD

It is my privilege to share with you what may be the most exciting news the FAPG has experienced in years! I'll give you two hints: the Southeastern Geological Society (SEGS) and the American Institute of Professional Geologists (AIPG). Your association's leadership has been actively pursuing ways to improve solidarity within the Florida PG community. Among our activities was adoption of a memorandum of understanding (MOU) with the Southeastern Geological Society (SEGS) to open doors for collaborative and more effective geology education opportunities for PGs, the public and elected officials. This MOU was adopted by the SEGS and the FAPG leadership on July 15, 2006, and can be reviewed at www.fapg.org (see "Cooperative Agreements" on the main page). It is my hope that we fill this webpage with effective, proactive agreements that mutually benefit all organizations in the state that serve Florida geologists.

But that's not all ...

The national leadership of the American

Institute of Professional Geologists (AIPG) has taken note of the activities and success of the FAPG. The AIPG approached the FAPG with a proposal for our organization to merge with the Florida Section of AIPG while retaining the FAPG name. Your FAPG Executive Committee met with national leaders of the AIPG, including Executive Director William J. Siok, President Larry C. Weber and past President Rick Powers (Florida Section and National). Strong synergy exists between the AIPG and the FAPG's missions and objectives. After the June meeting, Powers met with the current officers of the AIPG Florida Section to discuss the potential merger, and all were positive concerning the possible merger and the benefits that could be realized for the members of both groups. While the AIPG views this as an opportunity to revitalize and strengthen its presence in Florida, the FAPG views this as an opportunity to provide increased member services, participate in PG issues at a national level and most importantly, provide a common direction within the PG community. Over the last few months your officers have assessed issues of fi-

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So You Want to Testify as an Expert Witness

by Jeff Brown, Esq. - Oertel, Fernandez, Cole & Bryant, P.A.

Before I even began law school, I received some important advice from an experienced lawyer: "There are three rules. 1. Get paid up front. 2. The lawyer does not go to jail. 3. Get paid up front."

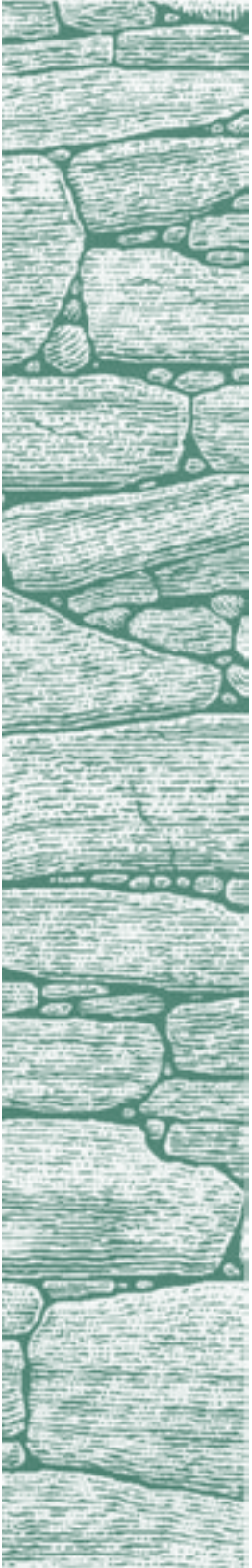
As a learned professional retained as a potential expert witness, you can follow some similar rules to protect your reputation and your pocketbook.

Note the phrase "potential expert witness." In any given situation, you will be asked to consider information and render an opinion, which may or may not be helpful to the client. If your opinion is not helpful, you will not be called as an expert witness for the purpose of that case. Do not expect to be

an expert witness if you cannot stand by your opinion as a scientist when your opinion is not helpful to the client. Stick to this rule, and your long-term interests will be better served.

Presumably, you wish to be paid. Once you know the market rate for your services, determine the total price the client should reasonably expect to pay for the time you spend in formulating your opinion and, assuming the opinion is helpful, participating in discovery and testifying at trial or final hearing. There are three simple ways to increase your chances of receiving fair payment. The simplest way, albeit not a common one, is to collect an advance retainer or deposit for your fee. The second way, assuming

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2006
www.fapg.org

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nance, member service, governance, administration and other relevant topics regarding the possible merger.

On Thursday, Sept. 7, 2006, the FAPG Executive Committee (EC) unanimously approved the following motion:

The FAPG agrees to join the AIPG as the newly reconstituted AIPG Florida Section contingent upon acceptance of a memorandum of understanding (MOU) by the FAPG leadership and AIPG national leadership, recognizing: 1) the MOU will contain details of the four-year transition period; 2) the FAPG name will be re-

tained; and 3) all current AIPG Florida Section members are welcomed and encouraged to continue their AIPG-Florida memberships and pursue leadership roles within the FAPG.

As a result of this vote, the FAPG EC has asked the regional coordinators (see contact information on page 3) to schedule meetings in several Florida cities to disseminate information on the merger. Information on these meetings can be found on our website at www.fapg.org.

For questions and answers about the merger, please see page 3.

In the meantime, I hope you

IN MEMORIAM

James L. Eades Gainesville, Florida

Dr. James L. Eades, 84, died Jan. 21, 2006, at Harbor Chase Assisted Living Facility in Gainesville, Fla. He was born in Charlottesville, Va. He married his high school sweetheart, Ellen Birkhead, who preceded him in death in 1996. He is survived by Lynette Ramer of Gainesville, Fla., and Lynda Chandler of Temple Terrace, Fla., four grandchildren and one great-grandchild. He was research assistant for the National Lime Association from 1958-1962 and received his doctorate in geology from the University of Illinois-Urbana in 1962. He was internationally known for his work on lime stabilization of soils and served on many engineering society committees.

Vernon James Hurst Athens, Georgia

Vernon James Hurst, 83, professor emeritus of the University of Georgia and longtime resident of Athens, died on July 28, 2006. Dr. Hurst was born in Glenmore, Ga. During World War II, he served in the European Theatre and in the Pacific Theatre. He received his B.S. degree from the University of Georgia, M.S. from Emory University and Ph.D.

from Johns Hopkins University, all in geology. He was founder of the geology department at UGA, serving in various capacities for 34 years. Dr. Hurst is survived by his wife, Neil Hurst; son Marc V. Hurst, his wife, Anne, and their daughter, Sarah, now of Davenport, Fla.; daughter, Karen H. Sharpe, her husband, Paul, and their daughter, Jennifer, and son, Alexander, now of Kennesaw, Ga.; sister Reba Hurst Smith of Carrollton, Ga.; and a number of nieces and nephews.

Thomas R. Pratt Tallahassee, Florida

Thomas R. Pratt, 51, chief of the Bureau of Groundwater, Northwest Florida Water Management District, died Aug. 7, 2006. He is survived by his wife, Lorin Pratt.

Mr. Pratt was raised in Prattville, Ala. He had resided in Tallahassee for more than 26 years. A professional geologist and hydrologist, he earned a master's degree in civil engineering from Auburn University and a bachelor's degree in geology from the University of Alabama. In 1979, he began work at the NFWMD and had held the position of chief of the Bureau of Groundwater since 1991.

Other survivors include his parents, Thomas and Mary Pratt of Prattville; a son, Maxwell

Q&A: AIPG & FAPG Merger

Q. Why merge with the AIPG?

A. The functions and membership of the AIPG and the FAPG overlap. It makes no sense to maintain two different organizations doing similar things. Only a small percentage of FAPG members are AIPG members and vice versa. There is strength in unity. This also provides the FAPG a national voice we have not previously had.

Q. How does this merger work? Will we still be called the FAPG, or are we going to have to become members of the AIPG?

A. The name Florida Association of Professional Geologists will be retained and expanded to include: " – the Florida Section of AIPG."

Q. Will joining the AIPG be mandatory prior to or concurrent with FAPG membership?

A. FAPG members will automatically become AIPG members. Also, AIPG Florida members will also become members of the FAPG. This will allow FAPG and AIPG Florida members to enjoy all privileges of membership in both organizations.

Q. What are the annual dues for the AIPG?

A. The AIPG has national dues and section dues. There will be a three-year transition period regarding finances. FAPG dues will not change for the immediate future and are not expected to change over the next three years. There will likely be an adjustment for those individuals who are already members of both AIPG-Florida and the FAPG. Existing Florida AIPG non-CPG members will see an increase over the current FAPG membership rate, while existing Florida AIPG CPG members could see a decrease in their dues. The FAPG-AIPG Florida Section will honor dues set for AIPG student and retiree membership levels.

Q. Where will the dues go?

A. Dues will be collected by the AIPG. A portion of those dues will be retained by the national office to provide services such as membership

database management, dues collection, mailings, phone support, newsletters, website hosting and other clerical and organizational costs.

Q. How will revenues flow between the AIPG and the FAPG-AIPG Florida Section?

A. The share of dues belonging to the FAPG-AIPG Florida Section will be returned to us to be used as we see fit.

Q. Will Florida-specific issues get lost in the larger national issues championed by the AIPG?

A. No! The FAPG-AIPG Florida Section will retain its own identity and leadership. However this means that FAPG-AIPG Florida Section members need to continue to support Florida initiatives just as before. Your time, legislative contributions and sponsorships are still needed, and the amount varies according to the level of legislative activity in any given year.

Q. Does the AIPG have an agenda to take over licensing of our profession through its CPG program?

A. No. The AIPG's agenda is to support the decisions of the FAPG-AIPG Florida Section membership.

Q. Is the AIPG committed to continuing education of its members, and will it be willing to help the FAPG with any future legislative efforts to add CEU requirements to Chapter 492?

A. The AIPG national leadership has indicated it supports continuing education for geologists.

Q. How will this merger impact future FAPG-AIPG Florida Section activity?

A. Just like before, the section is only as effective as its members' financial support allows, combined with members' involvement and strong leadership. Note, however, that FAPG-AIPG Florida Section members will have the opportunity to become

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involved in the national leadership of AIPG.

Q. Where can I find out more about this merger?

A. The FAPG will hold open meetings around the state to inform our membership about this merger. Meetings are planned for Orlando, Tampa, Gainesville, Miami and other locations during October and November. You may call your regional coordi-

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ADDRESS SERVICE REQUESTED

**Subscribe to the FAPG
email listserv!**

*The email communication forum
for the Florida geologist profession*
Simply send an email message to:
fla_geologists-subscribe@yahoogroups.com



Mark Your Calendar

October 8-14, 2006

Earth Science Week
(Nationwide)

October 11-12, 2006

Phosphate Conference
SME-AICHE - AIPG - AFPC - FIPR
Lakeland, FL

October 16-17, 2006

Aquifer Storage Recovery & AGWT
Orlando, FL

November 17, 2006

Florida Section Meeting
AWRA
Ft. Myers, FL

November 14-15

Florida Remediation Conference
Kissimmee, FL

November 15

Everglades Geological Society
www.evergladesgeologicalsociety.org

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the attorney is reputable, is to sign a written agreement with the attorney, making the attorney explicitly responsible for payment. Attorneys who stiff experts will find it difficult to continue working with experts. Finally, if the attorney is unwilling to contract directly with you, determine whether the client is creditworthy, solvent and reasonable; if so, insist that the client sign a written agreement for your services, explicitly setting out the amount and manner of payment for your services, as well as your proposed scope of services. If you have the resources, an attorney can assist you in drafting a simple letter agreement that will protect your interests. If you do not follow any of these three paths, you are at risk of working for free. In addition, you should make it clear that the

services for which you expect payment are not only for rendering an opinion in court or at a hearing, but also for reaching an opinion (that the client may choose to exclude from the case). Again, when hired, you are a potential expert witness. You are not obligated to discard the scientific method or your years of education as an implied obligation to your client.

There are a countless number of hazards you may face as a potential expert witness, and you can avoid many of them by following a basic principle: know the limits of what you can know or opine upon. These points are driven by the limits of your scientific expertise and by the available information. A geologist generally cannot, without independent expertise, render a detailed opinion on the mutagenic properties of a

compound that may be present in groundwater. Likewise, a geologist cannot express a useful opinion on groundwater flow from a satellite photo. The data or information must be of a type reasonably relied upon by the expert to support the opinions expressed. Your interests will be served if you keep these general standards in mind and work with the handling attorney to assure you stay within those boundaries.

From a broader perspective, expert witnesses are able to consider information that may not be admissible in evidence and express an opinion, based on past training or education, that will not be shared by the judge or jury. From the point of view of the judge or jury, experts literally expand what can be known—or, at least surmised “with a reasonable degree of