

TEXAS ETHICS NEWSLETTER

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MURDOUGH CENTER FOR ENGINEERING PROFESSIONALISM

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Dorchester Elected President-Elect of the National Institute for Engineering Ethics

Texas Board of Professional Engineers member E.D. "Dave" Dorchester, P.E. has been elected President-Elect of the National Institute for Engineering Ethics (NIEE). Dave's term as president of NIEE will start in November 1999.

Other officers elected were Phil Ulmer as president and two new members of the Board of Directors: Walter Elden, and Michael Loui. Robert Nichols became immediate past president. Other past presidents in order of service are: Herb Koogle, Margarette Maxey, Paul Munger, and Jimmy Smith.

The mission of NIEE is to provide opportunities for ethics education and to promote the understanding and application of ethical processes within the engineering profession and with the public.

The principal thrusts of NIEE are: Communication, Program Development, Education, and Practice Applications in the area of engineering ethics.

NIEE developed and distributed a highly successful engineering ethics video, "Gilbane Gold," which has been used at most engineering colleges in the nation as well as in industry and society presentations. The newsletter *Engineering Ethics Update*, published by NIEE, keeps members informed about national ethics activities. Also, an Ethics Resource Guide has been developed and is on the NIEE Home Page.

Readers may access a vast amount of additional information about engineering ethics on the NIEE world wide web Home Page at: www.niee.org. Individuals, companies, and professional societies may become members of NIEE by completing an application obtained from the NIEE Home Page (individual membership dues are \$20 per year).

Texans Play Major Role in International Ethics Conference

Dr. **Steven Nichols**, Director of the Center for Energy Research at the University of Texas at Austin and Mr. **Carl Skooglund**, Vice President and Ethics Director, Texas Instruments, were co-chairs with Dr. Ray Spier of the University of Surrey, UK for an international ethics conference held in Durham, NC on September 14-17, 1997. The focus of one of Steve Nichols' talks was on the technical and ethical aspects of the engineering profession. See page 2 for Steve's slides.

The conference, "Ethics for Science and Engineering Based International Industries" was hosted by the Engineering Foundation, and co-hosted by the Ethics Officers Association, the National Institute for Engineering Ethics, the National Society of Professional Engineers, the *Journal of Science and Engineering Ethics*, and the University of Texas at Austin.

Other Texans attending and making presentations at the conference included Drs. **Ed Harris**, Professor of Philosophy and **Mike Rabins**, Professor of Mechanical Engineering, both at Texas A&M University, and Dr. **Jimmy Smith**, Professor of Civil Engineering and Director of the Murdough Center for Engineering Professionalism at Texas Tech University.

NIEE Engineering Ethics Web Site www.niee.org

The National Institute for Engineering Ethics, with assistance from the Murdough Center and Bob Nichols of Freese and Nichols, has established and maintains a web site that serves as a good starting point for those seeking information about engineering ethics and its application to engineering practice. The site contains 136 applied ethics cases from the NSPE Board of Ethical Review Opinions. The site has links to other ethics web sites and to Codes of Ethics of engineering societies.



Figure 1

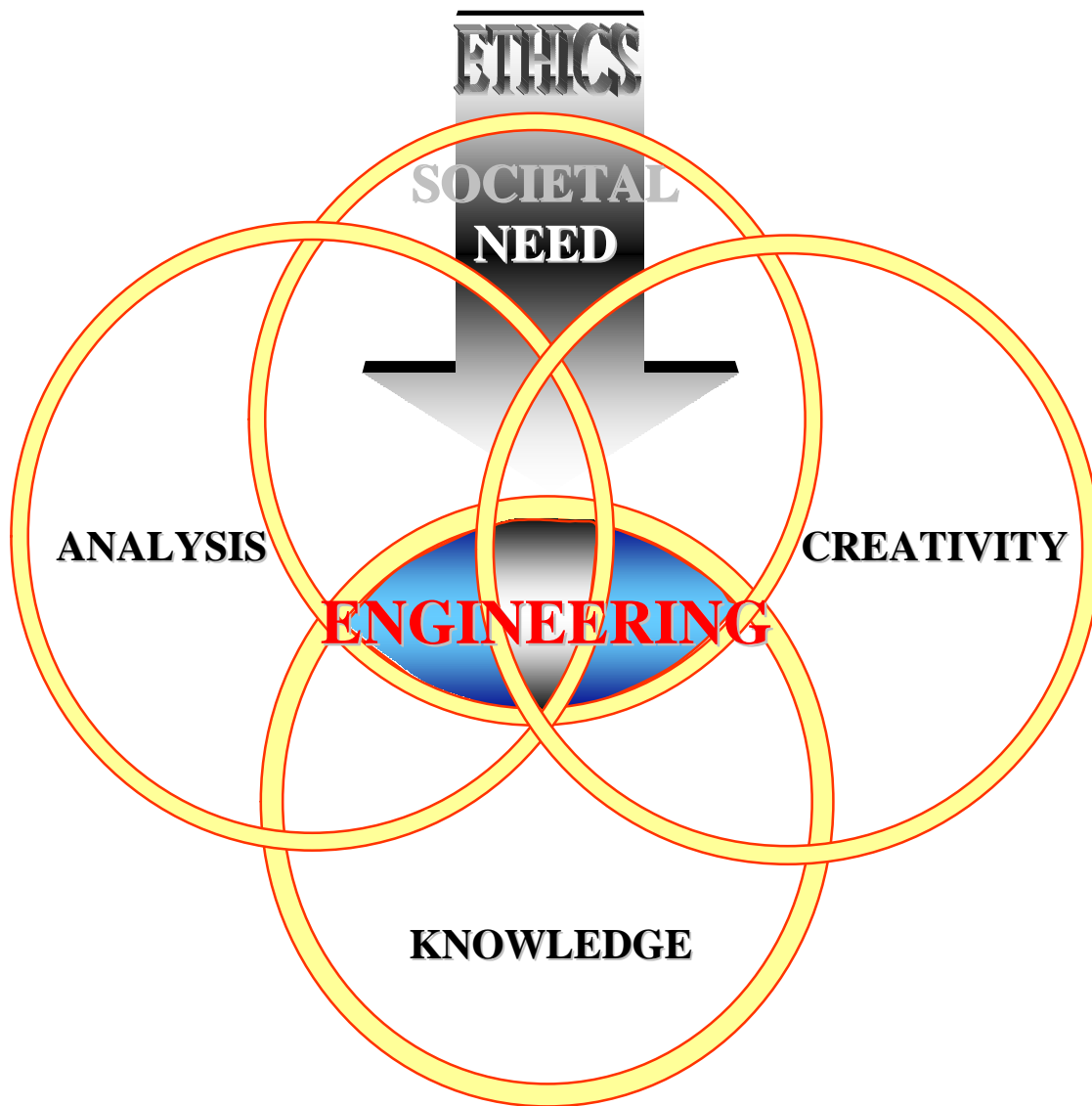


Figure 2

These diagrams were developed by S.P. Nichols & W.F. Weldon to show how knowledge is increased by research and then how the interaction of Knowledge, Societal Need, Analysis, and Creativity form the heart of Engineering. The addition of Ethics was suggested by J.H. Smith.

These figures are shown full size in case faculty want to make an overhead and discuss this in engineering classes.

Bovay/Chevron Engineering Ethics Bowl Held at Texas A&M University

COLLEGE STATION, Tex. – Real life is full of dilemmas with no clear-cut solutions. A recent ethics debate at Texas A&M University helped prepare engineering students for difficult decisions they may someday face.

On April 12 eight student teams from Texas A&M's Dwight Look College of Engineering got a taste of the future at the inaugural Bovay /Chevron College Engineering Ethics Bowl on campus. The event, the first of its kind nationally to focus on engineering ethics in competitive debate form, is an outgrowth of the engineering ethics program at Texas A&M. The program was created by the Bovay Endowment for the History and Ethics of Professional Engineering and the Chevron Forum for Engineering Ethics.

The event was patterned after the Intercollegiate Ethics bowls founded by Dr. Robert F. Ladenson using television's "College Bowl" as a model. Ladenson, who was one of the 12 Bovay /Chevron judges, heads the Center for the Study of Ethics in the Professions at the Illinois Institute of Technology.

Students received five cases to study a month in advance, not knowing which would be used at the competition. The final case in the six-hour event, "Who Decides Who Lives and Who Dies," was adapted from the 1996 Intercollegiate Ethics Bowl. Two play-off teams considered the consequences of designing a computer program to estimate the probability that a critically ill patient will live or die.

The ethics bowl was a dream-come-true for Texas A&M Mechanical Engineering Professor Dr. Mike Rabins, who envisioned a fresh way to encourage the study of engineering ethics. A total of \$3000 in cash prizes were awarded to the teams placing first through fourth, for use by the student organizations they represented. First place honors and \$1500 went to ASCE, sponsored by the American Society of Civil Engineers. Second place and \$750 went to "The Sophos," sponsored by the Institute of Electrical and Electronics Engineering (IEEE). Third place and \$500 went to the "Regulators," sponsored by the American Society of Mechanical Engineers (ASME). Fourth place and \$250 went to "Real AgE's," sponsored by ASAE (Society for Engineering in Agricultural, Food and Biological Systems) and Aggie R.E.P.S. (Recruiting Exceptional Prospective Students).

Judges included Texas A&M faculty and invited members from industry: Raymond Galvin, Chevron U.S.A. (retired); Raymond Marlow, Marlow Industries Inc.; Harvey Mohr, H.O. Mohr Research and Engineering Inc.; and Edward J. Szymczak, Cooper Oil Tool. Sue and Harry E. Bovay, whose \$1 million gift established engineering ethics endowments at both Texas A&M and Cornell University, also attended.

Since 1990, Dr. Rabins, and Philosophy Professor, Dr. Charles E. Harris, Jr. have taught an interdepartmental elective course in engineering ethics. They are co-authors of *Engineering Ethics: Concepts and Cases*, a textbook based on their course. The course will be required for all Texas A&M engineering majors beginning fall 1997.

NSPE BER Case 96-5 "GIFTS TO FOREIGN OFFICIALS"

FACTS: Engineer A is a consulting engineer who does work in the United States and abroad. Engineer A is contacted by the government of Country A and asked to submit a proposal on a major water project being constructed in Country A. As part of the project, Engineer A is encouraged to associate with and retain Engineer B, a local engineer in Country A, who Engineer A has worked with in the past on private projects in Country A. One of the acceptable "customs" in Country A is for consultants such as engineers to give substantial gifts to public officials in connection with the awarding of public works contracts. Engineer A recognizes that the giving of such gifts may be a violation of U.S. law -- although this may not technically be a violation of the law in Country A. Engineer B proposes to Engineer A that if the project is awarded to Engineer A's firm, Engineer B will handle "business arrangements" in Country A and that Engineer A be involved in overall management of the project as well as all technical matters.

QUESTION: Would it be ethical for Engineer A to proceed with the project under these circumstances?

Applicable Sections of the NSPE Code of Ethics

§I.5: *Code of Ethics: Engineers, in the fulfillment of their professional duties, shall avoid deceptive acts.*

§II.1.d: *Code of Ethics: Engineers shall not permit the use of their name or associate in business ventures with any person or firm which they believe is engaged in fraudulent or dishonest enterprise.*

DISCUSSION: With the increase in international engineering practice as a result of the North America Free Trade Agreement (NAFTA) and the General Agreement on Trade in Services (GATS), engineers are being exposed to differing design selection methods. These practices are in many cases quite similar to the practices used in the United States and elsewhere; however in some cases, particularly in the developing world and in some cultures, there are sometimes different methods of selection. Some of these methods involve a design selection process which is more deliberative, more subjective and more personal than the methods employed in the U.S. Engineers need to be sensitive to these differences, practicing in a manner that is consistent with the ethical principles of the U.S. engineering community, and at the same time being respectful of the differing cultural traditions and expectations that manifest themselves in other societies. Engineers must not take actions that bring dishonor on other engineers, and this is equally true when engineers are practicing in the international arena (see NSPE Code Section II.1.d).

Engineers must always follow their ethical compass on matters of this type, and there can be no doubt that as a matter of general principle, engineers must be consistent in their ethical conduct regardless of where it is the engineer is rendering professional services. While certain conduct may be acceptable or even the generally accepted rule in other cultures, such conduct does not

necessarily become acceptable for engineers who adhere to a code of ethics containing proscriptions in these areas. While engineers must be careful not to pass judgment on a particular matter, engineers who are faced with this type of ethical quandary should make every attempt to carefully, delicately, and diplomatically sidestep the matter in order to remove any appearance of an ethical conflict.

Turning to the facts of the case, it is clear that Engineer A is being asked to participate in a project under circumstances that may involve a violation of U.S. law as well as the NSPE Code of Ethics. While being respectful of all of the parties involved in this matter, Engineer A should diplomatically indicate that while Engineer A would be interested in participating in the project; in question and offering the professional service, under the described arrangement, it would be illegal and unethical for Engineer A to participate in the project and that while Engineer A would be willing to consider an alternative arrangement under circumstances that were consistent with U.S. law and engineering ethics, the present arrangement would not be acceptable.

In the seventies, the Board of Ethical Review noted that the so-called "When in Rome..." rule, whereby engineers could engage in the legal and ethical practices of the host country, was not consistent with the NSPE Code of Ethics (see BER Case 76-6). The Board of Ethical Review's decision at that time was proper then and continues to be proper today. It should be noted that the facts in 76-6 involved a direct "kickback" between engineer and public official, while the present case involves the "encouragement" by a foreign official to "associate" with a local engineer. Situational ethics cannot be practiced any more in the professional practice area than it can in any technical area of practice. If we were to decide otherwise, it would not be much of a leap to suggest that engineers practicing in another country could engage in practices that could weaken the protections afforded to the citizens of that country because engineers would only be bound by the requirements, however little, that might exist in that country. We believe that such an approach is wholly unacceptable and refuse to follow that path. Earlier and subsequent BER cases also support this view (see BER cases 87-5, 79-8, 87-4, 81-4).

CONCLUSION: It would be unethical for Engineer A to proceed with the project under the circumstances.

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Applied Ethics in Professional Practice Case of the Month Club

by the
Professional Engineering Practice Liaison Program
Dr. Ronald E. Bucknam, Director
College of Engineering, University of Washington
email - office: rbucknam@u.washington.edu

from the web at:

<http://www.engr.washington.edu/~uw-epp/Pepl/Ethics/>

What you will find on the web at this URL address:

- ☞☞Welcome
- ☞☞Case of the Month Club format
- ☞☞Current applied ethics case of the month
- ☞☞Recommended core ethical values
- ☞☞Nine basic steps to personal ethical decision making
- ☞☞Guidelines for facilitating solutions to ethical dilemmas in practice
- ☞☞Previous applied ethics case of the month
- ☞☞Survey results for previous applied ethics cases
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- ☞☞Board of Review

Associated Professional Organizations

- ☞☞ACEC - American Consulting Engineers Council
- ☞☞NSPE - National Society of Professional Engineers
- ☞☞NIEE - National Institute for Engineering Ethics
- ☞☞AIA - American Institute of Architects
- ☞☞AIPG - American Institute of Professional Geologists
- ☞☞APWA - American Public Works Association
- ☞☞ASCE - American Society of Civil Engineers
- ☞☞ASFE - Professional Firms Practicing in the Geosciences
- ☞☞AEG - Association of Engineering Geologists
- ☞☞ITE - Institute of Transportation Engineers
- ☞☞Other Sources
- ☞☞ASME - American Society of Mechanical Engineers

Applied Ethics Case of the Month

September-October 1997

"The Joy of Being Wanted"

(Case 1003)

You graduated with outstanding grades from one of the top engineering schools in the country about six years ago, went to work for a well-known engineering design firm in the local area and have progressed rapidly to the point where you are doing some project management work and your clients speak highly of your capabilities.

You have been so intent on furthering your career that until a year or so ago, you had little social life. However, through a mutual friend at work you were introduced to someone who became very special in your life and you have decided to get married. In your discussions with your future spouse, you both have decided to look

for employment in an area of the country some 2,500 miles away, but a lot closer to your prospective spouse's family, as well as many of the outdoor attractions you both enjoy, such as skiing, backpacking and bicycling.

You informed your present employer of your plans to relocate several weeks ago, and you recently contacted the one firm in the new location that you knew. They asked you to come for an interview, sent you money for an airline ticket, as well as a separate allowance check for your expenses, and you went to see them. While you were there, you decided to stay another day or two, called three other firms in that city and talked to each of them in person. As a result of these interviews, each of the four companies has indicated that they will most likely make you an offer for a very good position at an excellent salary.

You were so impressed with the new area that you now have no doubts about moving there. In addition, it is now especially important that you do secure a position in the new location since your intended spouse has completed arrangements to be transferred to an office in that city with the company for which s/he is presently employed. Since you have not received a firm offer from any of the engineering firms as yet, you have told each one of them individually that you are very much interested in working for their company. You feel positive that you will soon have firm offers from all four of the firms.

While you wait to hear from these firms, how do you feel about your job interview process, and is there anything else you should do at this point?

Alternate Approaches:

By going to the Voting Form on the Web Site, you may vote for the approach(s) you feel to be most appropriate, or transmit your own approach to the case, pertinent comments or observations. The survey results for this case will be presented at this web site in November.

1. I feel fine about it. There wasn't anything wrong with scheduling other interviews although one firm paid for the airline ticket and gave me expense money, they would have had to pay the same amount even if I didn't see the other firms. I was in the area and should have taken advantage of the situation. When you are good at what you do, you deserve options that are available to you. There is nothing else to do except wait for the job offers to come in and choose the most desirable.

2. I should call the first company and tell them that while I was visiting there, I took the opportunity to interview with three other firms, so they are aware that I am not putting all my eggs in one basket. Perhaps that will prod them into making me an offer soon.

3. I feel fine about it, however I want to make a decision as soon as possible. I should contact each of the firms I interviewed to tell

them that my intended spouse has already made arrangements to relocate and that I need a decision, one way or the other, from each of them within a week.

4. I should call the first firm and tell them that I am considering offers than might come in from other firms in the area, but that I feel an obligation to consider their offer first. However, since my intended spouse has already made arrangements to relocate, I do need a firm offer within a week. If their offer is fair, I will accept and will not consider offers from the other firms.

5. By staying an extra couple of days, the trip cost me more than the first company provided. This is an excellent opportunity to see if I can collect additional expense money by letting each of the other three firms know what my expenses were on the basis of having interviewed with them only. Hopefully they will each send a reimbursement check for the indicated expenses.

6. I'm a bit uneasy about having used the airline ticket and expense check from the first firm and seeing three additional firms during the same trip. Nonetheless, I should wait to see if the first company offers me the job I want over the others, and if so, forget about mentioning my having seen the other firms.

7. I realize that even in large cities, the engineering community can be relatively small and that even

competitors talk to one another. As a result, I should inform the first company that I did interview with other firms in the area, and that I am willing to reimburse them whatever portion of the airline and expenses money they feel appropriate.

8. I should inform the first company that I did interview with other firms in the area, and that I am willing to reimburse them the entire amount of the airline and expenses money they sent to me in order to be fair and impartial (and to not be bound by perceived obligations which may cloud my final job acceptance decision).

9. I should inform the first company that I did interview with other firms in the area, and that should I accept a position with another firm, I will suggest to that firm that they reimburse the first firm for the airline and expenses money originally sent to me for the trip.

10. I should inform the first company that I did interview with other firms in the area, and that I should I accept a position with another firm, I will personally reimburse the first firm for the airline and expenses money originally sent to me for the trip.

11. I should discuss my interview trip and the present status in full with my intended spouse prior to taking additional steps, if any.

On the web, you may go to "Voting Form" and indicate your choice(s). In late November or early December, you can review the results of all those who have indicated an opinion.

Applied Ethics Case of the Month

Provided by the

Professional Engineering Practice Liaison Program

Dr. Ronald E. Bucknam, Director

College of Engineering, University of Washington

July-August 1997 Applied Ethics Case of the Month and Results

Taken with Permission from Professional Engineering Practice Liaison Program, Dr. Ronald E. Bucknam, Director
College of Engineering, University of Washington

“Where the Green Grass Grows”

Case 1002 from: <http://www.engr.washington.edu/~uw-epp/Pepl/Ethics/>

Ralph Horn was an engineer working for the Gamma Group, a national specialized engineering firm with headquarters in Boston and branch offices in Winston-Salem, New Orleans, Chicago, Salt Lake City, Boise and Seattle. He had started working for the firm in their Chicago office immediately after receiving his MS degree in engineering from a noted Midwestern university in 1982. His wife, Karla, also started her career in financial computing systems about the same time. Ralph was a diligent worker, and handled most of the projects to which he was assigned efficiently, producing technically excellent reports and designs. As a result, by 1991 he advanced to a project manager position in the firm and was considered to be one of the office's most valuable employees by the firm's president, Dirk Wheeler.

In 1994, Ralph's wife, Karla, decided that her career had stagnated and after searching around, found a much more attractive position paying almost twice her present salary in Omaha, Nebraska. She accepted the position and Ralph was forced to make a career move himself if he planned to preserve their marriage. Since his firm did not have an office near Omaha, he approached his manager and together they made a proposal to the firm's president, Dirk Wheeler, to open a small branch office in Omaha under Ralph's management. The proposal was accepted and the Omaha branch was set up. By 1996 that office had 18 employees, including 10 engineers, two CADD operators, three technicians, a secretary/receptionist, a bookkeeper and Ralph, who was the principal engineer and branch manager.

The business was reasonably profitable and Ralph had attracted several substantial clients. In addition, the work forecast for the future, estimated to be on the order of \$1.3 million, looked most promising. At that point Ralph was approached by Dirk Wheeler, who had been suddenly fired by the Gamma Group in 1995 for attempting to sell the entire company to an entrepreneurial conglomerate without the consent of the stockholders.

Wheeler had subsequently become involved with Compass Associates, a general engineering company with several offices in the mid-section of the country, but not in Omaha. Compass was interested in having an office in Omaha capable of providing the same type of specialized engineering services as Ralph's Gamma Group office. Dirk Wheeler was interested in the same goal so that he could secure a position with Compass, and offered to make an arrangement with Ralph to open a wholly owned subsidiary of Compass in Omaha with Ralph as the manager and Wheeler as the subsidiary's president.

While Ralph was not sure that he wanted to be involved in such an arrangement, Karla pointed out that the salary and potential bonuses with Compass would be far greater than what he was re-

ceiving from the Gamma Group, there would be less stress on him about acquiring new business since Wheeler was a born salesman, and Wheeler had provided the opportunity for them to move to Omaha in the first place.....obviously he liked Ralph and would look out for him. Just to make sure, Karla agreed with Dirk Wheeler that Ralph should work part-time for Compass for two or three months to get things set up before leaving the Gamma Group.

As a result, about three months later Ralph announced to the personnel in the Gamma Group's Omaha branch office at 3:00 p.m. on a Friday that it was his last day there, and wished them well, telling them that he was transferring to Compass Associates to do the same kind of specialized engineering work for them. At the same time, Dorph Klingstad, one of the more senior engineers in the same Gamma Group Omaha office, announced that he also was leaving to go to work for Compass with Ralph, and they expected to be working on projects for the same clients as they presently served.

Needless to say, not much more work was accomplished that day as Ralph and Dorph cleaned out their offices and departed, and the rest of the staff spent their time in small groups discussing this sudden turn of events and what was to become of each of them. One of the engineers called Gamma's main office in Boston to see who was going to replace Ralph, and was told that it was the first they had heard of Ralph and Dorph leaving. As a result, there were no specific plans at the moment, and it would be several days or more until Gamma's management could unravel the events and plan for the future of the Omaha office.

Over the weekend, Ralph's wife, Karla, spent a substantial amount of time on the telephone talking to most of Gamma's Omaha office employees, telling them that since Ralph and Dorph had now left, there would be no one to bring in new business, and the existing clients would most certainly follow Ralph to the new Compass Associates office. She also extolled the virtues of Compass Associates, including what a good place it would be to work, and suggested pointedly that if they were interested in maintaining their income, they should commit to transferring to Compass Associates as well.

By the end of the following week, everyone in the old Gamma Group Omaha office except the secretary, one of the technicians and one of the CADD operators had resigned and gone immediately to work for Ralph and Dirk in the new Compass Associates office a block down the street.

See survey results on following page ☞

Survey Results for July-August 1997 Applied Ethics Case of the Month "Where the Green Grass Grows"

The percentages voting on various solutions proposed are shown below. Not all of those replying cast votes for the solutions proposed with the case history, preferring to recommend their own. The alternate solutions and additional comments received from the web site visitors and members of the Board of Review are available in full at the Case of the Month web site: <http://www.engr.washington.edu/~uw-epp/Pepl/Ethics/>

Issue 1:

As one of the engineers in the Gamma Group Omaha office, I would have:

1. Waited to see what the Gamma Group main office provided for continuity of the business, including who would be the new branch manager, and how many clients stayed with Gamma as opposed to going with Ralph to Compass Associates. *Percent of votes agreeing: 0%*

2. Called the president of the Gamma Group at home in Boston as soon as I hung up the telephone after Ralph's wife Karla had called to warn him of the things that were taking place. *Percent of votes agreeing: 35%*

3. Called each of the clients that Ralph had been working with the find out if they intended to transfer their projects and future business to Compass Associates, as Ralph had indicated they would. *Percent of votes agreeing: 4%*

4. Called the president of the Gamma Group at home in Boston as soon as I hung up the telephone after Ralph's wife Karla had called to ask him what he intended to do about the situation and what my future with Gamma was going to be. *Percent of votes agreeing: 13%*

5. Talked with the rest of the Gamma Omaha staff over the weekend to form a unified action group, and informed Gamma's main office in Boston that it was time to choose a new branch manager from among the group, negotiate raises and provide new fringe benefits and upgraded working conditions for the group if Gamma expected to keep the Omaha office operational. *Percent of votes agreeing: 9%*

6. Called the president of the Gamma Group at home in Boston as soon as I hung up the telephone after Ralph's wife Karla had called to advise him of the things that were taking place and to offer to take over as the interim branch manager until the corporate office could make satisfactory arrangements for the office. *Percent of votes agreeing: 39%*

7. Called Dorph to find out what kind of deal he made with Compass Associates, and then call Ralph to tell him that you are willing to go to Compass with him as long as you can make a similar deal (or better). After all, you do not owe the Gamma Group anything, and the best way for professional and financial advancement is to be willing to move from company to company when the right opportunity presents itself. *Percent of votes agreeing: 0%*

Issue 2:

How do you feel about Ralph's actions?

8. Ralph was smart to have kept in touch with Dirk Wheeler and promote the opportunity to transfer to Compass for what must be a substantial increase in salary. If you aren't willing to help yourself further your own career, who will? *Percent of votes agreeing: 3%*

9. Ralph was clever to let his wife call all of the Gamma employees over the weekend to persuade them to transfer to Compass Associates. It would be very difficult to perform work for his clients without the help of the technical staff, since Compass did not have much of any staff at this new start-up location, nor did any of the rest of Compass Associates' offices have experience with this type of work. By allowing Karla to call the Gamma employees, no one could say that Ralph had coerced them into transferring companies. *Percent of votes agreeing: 0%*

10. Ralph was wise to have worked on a few projects with Compass prior to transferring, in order to see if it would be possible to do work for clients under the Compass Associates' management setup should he decide to change companies, since Compass did not have Ralph's type of technical expertise and experience with similar types of projects. *Percent of votes agreeing: 0%*

11. Ralph should have kept his wife, Karla, from calling the Gamma employees over the weekend. They knew that Ralph was setting up a new group at Compass and that he would need their type of expertise. Each of them could contact Ralph or Dirk Wheeler directly, if they wanted to. *Percent of votes agreeing: 15%*

12. By working on projects for Compass for two or three months before leaving the Gamma Group, Ralph was moonlighting without Gamma's permission, which is unethical. *Percent of votes agreeing: 49%*

13. If Ralph wanted to leave the Gamma Group, he should have talked with Gamma's president a sufficient time before his resignation to allow Gamma to make a relatively smooth transition, since Ralph was the Gamma branch manager. *Percent of votes agreeing: 33%*

14. Ralph was wise not to talk to Gamma's president before resigning. If he had, Gamma would have anticipated the possibility of Ralph taking clients with him and would have taken steps to prevent that from happening, which would have seriously decreased Ralph's ability to make a success of his new operation at Compass Associates. *Percent of votes agreeing: 0%*

Forum

A Forum of comments and views of individuals responding with opinions differing in some regard to the alternatives indicated above are available at the Case of the Month Web Site.

Epilogue

As it turns out, the Gamma Group did not take the situation lying down. It determined that since Ralph's actions in taking virtually the entire Gamma staff with him to Compass within a very short period of time (a week) had ruined Gamma's opportunity to sustain business at its current level, such action was illegal. Gamma was also able to establish that Ralph had acted with the knowledge and assistance of Dirk Wheeler and others in the corporate management at Compass.

As a result, Gamma brought suit against Compass and against Ralph Horn separately, each for \$1.4 million, which was the estimated cost to Gamma to recover their lost business, hire and train new employees and redevelop a comparable backlog of business. After several months of negotiations, a settlement was reached wherein Compass agreed to pay Gamma \$700,000 in cash. Gamma did not press the suit against Ralph Horn individually. Subsequently, Dirk Wheeler's involvement with Compass as the president of the new subsidiary evaporated. Also, after a year or two Ralph Horn was no longer employed with Compass, and eventually went into limited practice by himself, without much success.

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NOTE (year)*Indicates when term expires
 Terms are 3-years with two consecutive terms allowed.

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