

C O L U M N S

Architects

UNDER FIRE

Are architects engaging in the unauthorized practice of law? In two recent incidents, Pittsburgh architects were warned of doing so when they appeared before a zoning hearing board. Why after years of this common practice, the sudden warnings? A recent statute, for one, and a firm stance taken by the Unauthorized Practice of Law Committee, PA, for another.

So how big of a concern is it? COLUMNS interviewed several attorneys to get a better understanding and talked to architects to get reactions. (page 6)



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Those Pesky Legal Matters By Tracy Certo



...we explore the issue to understand the legal aspects (however murky) and the consequences. Is this something to wildly protest at this stage?

In the arena of no good deed goes unpunished,

we present to you two architects who recently helped out relatives. Luke Desmone, AIA was working on an addition for his cousin, and Fred Watts, AIA was helping out his daughter with a similar project. Nice guys. Both architects appeared, along with their relatives/clients, before different zoning hearing boards to request variances for the additions. As it happened, both were warned by the boards of bordering on engaging in the unauthorized practice of law. You can read all about it here.

I mention it in this space because some of the better comments in this piece were made off the record. It's that gap between how one really feels and what one actually says on record, especially when dealing with legal issues. So I take this opportunity to present some off the cuff reactions to this vexing problem. At issue: Are architects engaging in unauthorized practice of law just by appearing before a municipal body? Because if it is a legal issue at hand, as one attorney says, is any design advocacy spoken in the meeting also by definition legal advocacy? If so, does this mean an attorney must accompany every client and architect to every municipal meeting?

Most of the architects I talked to said this was news to them. The reactions ranged from curious to incredulous. For example:

- (Laughter) "Sure, attorneys collect the fees!"
- (Disgust) "I say shut up and do your job."
- (Frustration)"The situation is totally maddening when in fact architects typically assist in writing zoning ordinances and other land use policy. Further, the damn zoning boards are not attorneys...what the heck difference does it make who is advocating the issue when the decision makers don't have to understand the legal ramifications?"
- (Melancholy) "It's sad."
- (Skeptical)"Sounds like turf protection to me."
- (Sudden interest)"Law suits? What kind of law suits?"
- (Surprise)"You've got to be kidding. This really happened?"
- (More sudden interest) "Very interesting. Law suits, huh."

Yeah, lawsuits. That seems to be the attention getter. Even attorneys who said this was the realm of overzealous lawyers admitted that this much is true: architects are open-

ing themselves up to lawsuits by appearing before municipal bodies with clients without legal representation. How likely is it? Legal pun unintended but you be the judge.

I have to admit that after talking to so many attorneys for this article, one of whom joked about going into hiding come September, that I took meticulous notes on their comments.

A non-attorney friend even told me, "You shouldn't waste any ink on them." He was referring to attorneys, that is, concerned this might be inadvertently advancing their cause.

The purpose of our inquiry was twofold: after two area architects were accused of playing lawyer before zoning boards, we wanted to know how widespread it is and how serious the consequences.

John Claypool, AIA, executive director of AIA Philadelphia has never heard of an architect being accused of unauthorized practice of law. A good sign. Although William Hoffmeyer, chair of the Unauthorized Practice of Law, PA committee, had some definitive statements about the matter, when asked he couldn't name a specific case where an architect was sued for it. And to broaden the scope, I even checked with some well-connected engineer friends none of whom had heard of this happening to a fellow engineer.

As one person said, things come in waves and trends. Maybe this is one of them. Or, as an attorney for AIA PA suggested, it will more likely play out in time. A court case will bring the situation to a head and something will be resolved one way or the other.

In the meantime, we explore the issue to understand the legal aspects (however murky) and the consequences. Is this something to wildly protest at this stage? Should the AIA take a strong stand? Or should architects simply be aware of the potential risks in accompanying (we dare not say representing) clients in zoning board hearings. What do you think?

All comments welcome: tcerto@adelphia.net

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AIA Pittsburgh serves 12 Western Pennsylvania counties as the local component of the American Institute of Architects and AIA Pennsylvania. The objective of AIA Pittsburgh is to improve, for society, the quality of the built environment by further raising the standards of architectural education, training and practice; fostering design excellence; and promoting the value of architectural services to the public. AIA membership is open to all registered architects, architectural interns, and a limited number of professionals in supporting fields.

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Humane Spaces

by Anne Swager, Hon. AIA

My husband, Bill and I have spent

the better part of our summer either at the Children's Institute or at Children's Hospital. This has all been necessitated because our daughter Ellen who has cerebral palsy, underwent back surgery at the end of June. On the positive side, after an intense period of physical therapy, the surgery should greatly increase her ability to walk. I am happy to report she is doing beautifully; improving everyday and in positive spirits. Her parents on the other hand are exhausted. We lead the unenviable dual existence of trying to work full time while communicating constantly with doctors, therapists and other health care workers. We mostly live at the Children's Institute because Ellen, who is currently in residence, wants her mother or father there all day everyday. All pretense of consistency in our lives has been tossed out the window as we juggle where we need to be at any given moment.

The constant stress of our nomadic existence has made it hard for me to focus. However, when I can focus I spend an inordinate amount of time noticing my surroundings. I have started to watch where the morning sun hits the wall outside Ellen's window and how it changes in the afternoon and early evening. I take different routes throughout the maze of the Children's Institute and I did the same thing at Children's Hospital. I explore the art on the walls. I've found new routes through Squirrel Hill both to and from home and I have even spent too much time and money at the Waterfront.

My recent experiences have led me to some conclusions. First and foremost, Children's Hospital needs more space. The parking is terribly inadequate and getting around inside is daunting to all but those of us who spend entirely too much time there. The elevators are slow and few. At one point, I found myself on an elevator that I was not supposed to be on. Several critical care nurses were complaining that one of them might have to cancel her vacation because the parents of a brain dead child were unable to pull the plug necessitating continued care. We all need to vent but not in front of patients or their parents.

The Children's Institute has done a wonderful job with color and scale on their pediatric in-patient floor. The little windows peaking into the patient rooms resemble house windows and the moons and stars on the ceiling tiles are a delightful added touch. The new playground is truly accessible and wonderfully colorful with activities for every child independent of their disabilities. The impact on the surrounding residential community however is a lot less pleasing. Like all institutions struggling with the need for more space, they have grown up and the resulting walls and service areas pay scant attention to the pedestrian experience. Parking is severely compromised but since they cover the whole block, they are able to use the on street spaces as well. As long as you can parallel park (I can) and you arrive at the crack of dawn, you can usually find a close spot.

Both Children's Hospital and the Children's Institute are blessedly close to other amenities. I have never met any hospital food that I can stomach. Meals out and short breaks from hospital surroundings are a necessity. Squirrel Hill reminds me of Mt. Lebanon with a tremendous mix of housing both size and style. The biggest surprise in my wanderings has been the discovery of grand boulevards running through residential neighborhoods and then opening onto parks with picturesque vistas. I never noticed these beautiful spaces before.

Spending most of your free moments in a health care institution is difficult for any family. In reality, there is only so much that can be done to relieve the stress it creates and the experience of the space is only part of the mix. However, humane spaces really speak to whole family care. Healing is more than just curing a wound, an illness or a condition. Often, it is much more about helping families adjust to experiences or conditions that greatly alter their lives and the lives of their children. The experience in and around our health care institutions can either jolt you into your new reality or help you see that change can be managed.

Ellen walks better every day but has a long way to go. While she works at it, she loves to go to the Children's Institute playground where even she can manage the slides and the swings.



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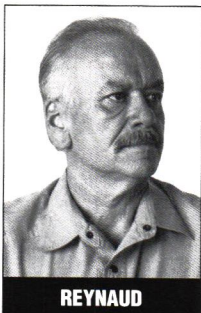
Welcome New Members

Timothy P. Campbell, AIA Prof. Affiliate, of Cagley, Harman & Campbell, LLC moved from Philadelphia to Pittsburgh to open a structural engineering and parking consulting office. His past projects include inspection of Penn State's Beaver Stadium and stress analysis of the PA House of Representatives building. A graduate of Penn State University, Campbell and his wife, Melissa, have a six-month old child, Hannah. He enjoys playing ice hockey and watching all sports.



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Vic Reynaud, AIA Prof Affiliate, of Technique MFG, works in the fabrication and design of architectural metal detail. His work can be seen at Xplorion and the Hillel Jewish University. Interests include sailing and paleontology.



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Binders due by 5:00 pm

SEPTEMBER 26
Boards due by 5:00 pm

OCTOBER 3
Design Pittsburgh Gala at the new
David L. Lawrence Convention Center

OCTOBER 7 – OCTOBER 18
Exhibit at Photo Forum Gallery at U.S. Steel Tower

OCTOBER 12
Architect's Saturday

OCTOBER 22
Design Awards Ceremony at Carnegie Library
Lecture Hall

OCTOBER 22 – OCTOBER 24
Exhibit at Carnegie Museum of Art



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Does a New Pennsylvania Statute Target Design Professionals?

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In two recent incidents, Pittsburgh architects were warned of doing so when they appeared before a zoning hearing board.

Why after years of this common practice, the sudden warnings? A recent statute, for one, and a firm stance taken by the Unauthorized Practice of Law Committee, PA, for another.

Although some attorneys are aggressive in warnings, most aren't. Furthermore, attorneys can recommend that someone be prosecuted but only local district attorneys can prosecute.

So how big of a concern is it? COLUMNS interviewed several attorneys to get a better understanding and talked to architects to get reactions.