Professional Status

Definition of Profession

An exact definition of the word profession is elusive; each authority gives it new variations of meaning. In a narrow sense, the professions are limited to include doctors, clergymen, and attorneys; in a broad sense professions include professional boxers, baseball players, football players, and many others. The following three court cases will serve to define the term.

Very generally, the term "profession" is employed as referring to a calling in which one professes to have acquired some special knowledge, used by way of instructing, guiding, or advising others or of serving them in some art. Formerly theology, law, and medicine were specifically known as "the professions," but, as the applications of science and learning are extended to other departments of affairs, other vocations also received the name. The word "profession" is a practice dealing with affairs as distinguished from mere study or investigation; and an application of such knowledge for others as a vocation, as distinguished from the pursuits for its own purposes.

The word "profession" in its larger meaning, means occupation, that is, if not industrial, mechanical, agricultural, or the like, to whatever one devotes oneself; the business which one professes to understand and follow. In a restricted sense it only applies to the learned professions.

A "profession" is not a money-getting business. It has no element of commercialism in it. True, the professional man seeks to live by what he earns, but his main purpose and desire is to be of service to those who seek his aid and to the community of which he is a necessary part. In some instances, where the recipient is able to respond, seemingly large fees may be paid, but to others unable to pay adequately, or at all, the professional service is usually cheerfully rendered.

Attaining Professional Stature

Principle. Professional stature cannot be attained by self-proclamation; it must be earned, and others must bestow the title on the profession.

Some occupations inherently carry a connotation of profession. The professions that everyone recognizes and acclaim as professions, that is, the doctors, clergy, and attorneys, need not use the title professional doctor, professional attorney, or professional clergy; all consider them professional. The title was bestowed because of the ethics, behavior, and standing of the members of these groups in the community. Legislating a title "professional surveyor" or "professional engineer" does not in itself prove that the activity the bearer of title engages in is a profession.

If the surveyors want to acquire and maintain a professional reputation, they can only earn that right by the average standing of all surveyors.

Within property-surveying practice there are many grades of workers. One of the failures, and many engineers' failure, is to properly distinguish between technical level and professional level.
On highway work the engineer in charge has surveyors who make measurements to determine the shape of the ground. The surveyors are merely measuring the ground as it exists and recording the facts as they are. To be sure, the surveyor must have superior ability in knowing how to use instruments and how to make measurements, but this is purely technical. They do not design the road, nor do they utilize their measurements. Again, the engineer may tell surveyors to grade stake a road in accordance with a given plan. Since no design or judgment is involved, it is a purely technical matter. To the average engineer, surveyors are technicians who carry out his orders. And often surveyors are just that. But the engineer frequently overlooks the fact that there is a professional property surveyor level.

If a person is successful at his craft, he is forced to leave it. The chainman who is good soon advances to an instrumentman. With study, the instrumentman becomes a chief of party. With further study he is licensed and tries to emerge as a professional man still lacking the basic requirement of education that is typical of many of the other learned professions. As he advances with experience and promotion, he becomes a manipulator of people. If a man succeeds as a professional man, he soon discovers that he must leave the craft routines to others and desert, to some degree at least, his craft companions. He must work less with things and more with people. This is the progress to professional standing.

**Gaining Eminence**

Professional eminence is earned because of superior ability to apply knowledge for the benefit of others. It is not derived from the ability to earn money or from the notoriety of undesirable publicity.

To be a successful professional surveyor, one must have more than a narrow technical education. Technical education has to do with things. Employees at the bottom of a professional scale deal with things; professionals deal with people and situations. The fundamental concept in human relationships is that it is not sufficient to be right, a person must also persuade. Things cannot be persuaded; humans can be persuaded. All the technical knowledge in the world is of little aid unless a person can also convey this knowledge to others in a convincing manner.

If surveyors are going to participate in activities outside their technical fields and furnish leadership in the broader affairs of the community, they must possess the ability to persuade and the knowledge to determine the right.

**Independent Judgment and Liability**

The layman seeks help to aid in solving problems beyond his scope of knowledge. The knowledge and experience of a professional, combined with his ability to reason and apply sound judgment, is why his services are sought. The professional, after consultation and determination of the facts, uses independent judgment in arriving at a solution to a problem. Because professionals usually charge a fee for their advice, and as they profess to have superior knowledge, they assume a liability for failure to exercise proper care.
One of the greatest deterrents to substandard professional practice is the fear of liability. Although liability to an individual may be considered a disadvantage, it is an advantage to a profession as a whole. Without liability those willing to accept professional prestige, yet willing to do substandard work for less money, would soon ruin professional standing. Pecuniary punishment of the careless and indifferent soon improves lagging professional attitudes.

**Services to Those Unable to Pay**

Any learned professional has a moral duty to all regardless of the ability to pay. Doctors are obligated to serve the sick; the clergy serves those in trouble; and the attorneys defend the criminal. However, fees are charged, and those able to pay must pay. This is as it ought to be. seldom do property surveyors display this type of obligation. Property surveying is not an urgent necessity; if it is not done today, it can be done tomorrow. If a person cannot pay today, his survey can wait until tomorrow. Attorneys adopt more or less this attitude for services in connection with business matters.

**Fees**

Money in itself does not enter into the definition of a profession. Although it is admitted that professional people must somehow gain a livelihood, services are not denied to those in dire need.

The most suitable means of obtaining a livelihood seems to be based on a fee charged commensurate with the services rendered. True professional fees are not dependent on the physical labor or force applied. Personal knowledge gained through experience and education creates the demand for the service rather than the size of the muscle in the arm. Businesses compete on the basis of lowest prices; professions do not.

Although money does not enter into the definition of a profession, it does have a profound influence on what others think of a profession. A group that shows by its outward appearances that it is not successful in handling its own financial.

**Ethics**

Definition. That branch of a moral science which treats of the duties a member of a profession owes to the public, to his professional associates, and to his client is ethics.

Ethics is not susceptible to an exact definition. The foregoing definition, adapted from Bouvier's Law Dictionary, rather clearly expresses the intent and purpose of ethics.

It is a fact with which everyone is familiar that an individual may strictly observe the laws of the land and yet be an undesirable citizen and a poor neighbor. The idea that each individual can and should establish for himself rules of conduct for such relations as are not covered by law and without reference to the experience or opinions of others seems equally as absurd as would a similar attempt to establish principles of law. Laws must be established by the majority action of a legislative body, and rules of professional conduct must be based on the concurrent options of the members of a profession.
Rules of ethics, as adopted by any profession, are not intended to particularize; they are general guides of conduct and behavior.

Advocating observances to ethics is not sufficient; the surveyor's personal example is far more important. It is not sufficient that the surveyor alone feels that he has honesty and integrity; the public, clients, and fellow practitioners must also believe so. The proof of observance of ethics lies in the opinions of others.

If the professions are to maintain a respected position in the community, they must look beyond the club of the law to ethical standards that prohibit the doing of what the law does not forbid.

Surveyor's Obligations to the Public

**Principle.** The surveyor has the following obligations to the public:

1. To see that the client's boundaries are properly monumented without subtracting from the rights of the adjoiner.
2. Not to initiate boundary disputes.
3. Not to aid in unauthorized surveying practice.
4. To see that those licensed to survey are properly qualified by character, ability, and training.
5. See that those who prove unworthy of their privileges have those privileges deprived.
6. Agree not to attempt to practice in any professional field in which one is not proficient.

Surveyor's Obligations to His Client

The surveyor, when performing a given service for a client, assumes certain ethical obligations in addition to liabilities. But these obligations to the client may not supersede or interfere with the surveyor's obligations to his associates or to the public. He should serve his client faithfully, but he should refuse to do that which is illegal and unethical and that which violates a duty of responsibility to others. The surveyor advises his clients about what is right and proper, and if the client insists otherwise, the surveyor must withdraw.

Regardless of the fee charged, the surveyor is obligated to perform a correct survey within specified accuracies. Although there are times that the property owner will agree that an inaccurate or approximate property-line survey will suffice for his purpose, the surveyor ought not to accept such a commission. Future owners, not knowing the circumstances under which the monuments were established, will be misled. Approximately located monuments could be the basis for fraud or deceit on the part of the property owner or the client. Most people assume that surveyors' monuments are located correctly; hence the mere finding of any property corner may be the cause of a misconception and lead to costly litigation.
Communications between the surveyor and client are confidential and should remain so. But the
surveyor may not be a party to an illegal act or fraud, and communications concerning illegal acts
or frauds are not confidential. At law the surveyor is not given the right to withhold privileged
communications. But unless required by law to disclose the business of a client, communications
are confidential.

**Surveyor's Obligations to Other Surveyors and the Profession**

A profession is distinguished by the fairness and courteousness of one practitioner to another and
the unwillingness to encroach on the clients of another. Businesses aggressively compete for
customers; professions do not. Members of a profession value the esteem of his associates and the
prestige of their calling, especially so for those of mature age. But those who steal another's clients
do no induce cordial reception or pleasant relationship, as it ought to exist, among surveyors.
Surveyors not only have obligations to one another but also to the profession as a whole.

In general surveyors should not criticize another's work in public; they do not take advantage of a
salaried position to compete unfairly with other surveyors; they do not become associated with
other surveyors who do not conform to ethical practices; they do cooperate with other surveyors
concerning information of mutual interest of benefit, and they do support their professional
organizations.

The surveyor does not attempt to injure falsely or maliciously, directly or indirectly, the
professional reputation, prospects, or business of another surveyor.

Confidence and respect for a profession are gained by praise of one member of the profession for
another. Constant sniping between professional people can only degrade the profession.

This ethical rule prohibits the surveyor from falsely or maliciously harming the reputation of
another. This does not prohibit the right of any surveyor to give proper advice to those seeking
relief from negligent surveyors. Surveyors should expose, with substantial evidence, at the proper
time and place, dishonest conduct in their profession and should not hesitate to accept employment
that will assist a client who has been wronged. But it is distinctly bad taste and poor manners to
accept the word of the client without first checking with one's professional associates. Many times
those doing the accusing are biased in the presentation of their side of the story.

**Attributes of a Profession**

If the surveyor wants to be considered in a learned profession, he must approach the attributes of
the learned professions, some of which are these:

1. Unique and superior education in a specific field of knowledge.
2. Service to the public in ability to persuade.
3. Position of trust.
4. Ethics.
Superior Education in a Field of Knowledge

**Principle.** Superior education in a field of knowledge is one essential feature of a profession.

Formal education is not necessarily the only means of acquiring knowledge, since knowledge can be attained by experience and self-effort. Many attorneys have been admitted to the bar without the advantage of a college degree, but today that has been changed by most state legislatures. Before an attorney is admitted to the bar he must demonstrate that he does have superior knowledge.

Service to the Public

Knowledge in itself does not make a person a professional; one must use the knowledge to aid, assist, teach, and benefit others. The professional has a call of duty beyond the fee and beyond other selfish interests. Application of knowledge to assist and aid in the affairs of others is an essential part of the definition of a profession. A professional has clients or students who directly benefit from the application of this knowledge.

Position of Trust

Professionals are often delegated an exclusive franchise for the purpose of protecting the public from the unqualified. In exchange for this exclusive franchise the professional does have moral obligations to the public; this individual is in a position of trust. The surveyor in monumenting the exterior lines for a client must also determine the adjoiners' boundaries. In most surveys the adjoiner accepts the results without question. If an error is made someone usually suffers a loss. As an obligation to the public the surveyor should not in any way assist a client in acquiring land not rightfully his. He must protect everyone, including those not paying a fee.

Principle. It is unprofessional to act in any manner or engage in any practice that will tend to bring discredit on the honor or dignity of the surveying profession.

A surveyor should not aid a client in perpetrating a fraud or assist him in an illegal act. He should not, in his personal appearance or manner of conduct before the public or others, bring discredit to himself as a professional.

Fees

**Principle.** No division of fees for surveying service is proper, except with another surveyor who by his license is permitted to do property surveying work. In determining the amount of the fee, it is proper to consider:

1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to properly conduct the survey.
2) The customary charges for similar service.
3) The amount of liability involved and the benefits resulting to the client from the services.
4) The contingency or the certainty of the compensation.
5) The character of the employment, whether casual or for an established and constant client.

No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

Minimum fee schedules can never be a binding agreement between surveyors. Antitrust laws prohibit such price fixing.

**Advertising**

Professions all refrain from advertising in self-laudatory language or in any other manner derogatory to the dignity of the profession. Professionals earn their stature; they do not try to win acclaim by advertising like a used-car dealer. Recent court decisions now bar professional societies from adopting a no advertising policy in their ethics.

**Professional Standing of Surveyors**

What the surveyor thinks of himself is not the proof of professional stature. What others proclaim him as being is his standing.

Courts in response to liability litigation have taken a positive stand that all surveyors are liable in the same manner are other professional people. This is proof of professional standing, but it is not proof of degree of eminence of standing, nor is it prima facie evidence that everyone thinks surveyors are professionals.

One thing is certain: professional standing can never be attained by self proclamation; if a person wants professional standing, he must earn it, and others must bestow that title on him.