

The FORVM

FORENSICS PROFESSIONAL GROUP
The HUMAN FACTORS and ERGONOMICS SOCIETY

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The Chair's Page

I'd like to pose several questions and elicit your reactions/responses. Illustrative examples to support your answers will be most welcome.

As Human Factors experts it is our obligation to educate the court regarding scientific research and principles, but we are hired by only one side of a case (plaintiff or defense). Assume that both sides hire a Human Factors expert. There should be no question that both experts will advise their clients (lawyers) as to the support or lack of support Human Factors offers their side of the case.

1. Under what circumstances could the two experts arrive at opposite conclusions, i.e., provide contradictory answers to either lawyer's questions? This was much to the point of comments I offered in our newsletter a couple of years ago and found myself astonished at the acceptance in our work of "biases" or "point of view".

2. What is the role or obligation of an expert whose lawyer client insists on presenting evidence that is based on data that violates Human Factors knowledge (e.g., using photographs to assert what should have been observed by a person)?

3. Given our code of ethics in which we do not "bad mouth" each other, what are our obligations to protect our collective reputations as scientists when we see a colleague commit egregious acts of poor scientific judgment (e.g., misquoting or misapplying research or principles)?

4. In another interest group, I responded to a comment about "human error". This question really is not technical-group-specific, but is certainly relevant:

What is "human error" as opposed to design error? Often we hear that an accident is the result of human error (pilot error, etc.). The term connotes that the person did something wrong and is to blame for the accident. But we know that many of those accidents should not be "blamed" on the victim. How many times have we used the phrase, "it was an accident waiting to happen".

Over the years I've adopted the view that human error is what results from willful disregard for rules (including procedures), performing while incapacitated by alcohol or illicit drugs, sabotage (error in moral judgment), and the like. Everything else, including "forgetting" and "making a mistake", is design error since the design, training, job aids, etc., could have been improved to prevent the

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accident. The developers of the design, training, and job aids may be the ones to have committed human error, if "they should have known better".

Because of the often unwarranted negative connotation of human error in the media, isn't it up to human factors and other safety professionals to make a distinction between what is the fault or not the fault of someone who initiates an accident? What is your opinion regarding promoting "design error" versus "human error" when we communicate with the public?

E-mail your thoughts on these, or any other issues, to rcpsibob@aol.com. I'd like to have a continuing discussion in *The FORVM*.

On other matters, please keep in mind that the HFES now has two mock trial videos for sale. We should promote them whenever possible (e.g., in press releases, to our clients). They were produced with funds from our group (actually, all of our treasury), from a loan from the Council of Technical Groups (COTG), and from contributions by the Surface Transportation Technical Group and the central office. Currently the FPG is in the red, but I am told that sales are good and we should be making a profit by the end of the calendar year.

It appears from the Bylaws of the COTG and what looks like the latest version of the FPG Bylaws, that the term of the Chair is two years and the Secretary-Treasurer is three years (the newsletter editor and webmaster are indentured servants). To reconcile what we have been doing with what we should be doing, Dave Leonard has agreed that next year he and I will serve as co-chairs and Dave will complete his term the following year. That leaves Program-Chair Elect as the only position that needs nominees. Elsewhere in *The FORVM* you will find directions for volunteering yourself or nominating a member of the FPG for this important position. You may confirm someone's membership in the FPG by checking in the HFES Directory. ***(Editor's note: I have posted the names (only) of the current dues-paying members of the FPG at www.purswell.com/fpg.htm. The filename is case-sensitive, so make sure that you enter it as typed.)***

That leaves the Newsletter (*The FORVM*) editor. Sadly, JP has announced that he must relinquish this post at the end of this year. We are looking for volunteer(s) to take over. To sweeten the deal, JP is putting together our website which will be used to publish *The FORVM* and drastically reduce the

amount of work to be done and costs to the group. A feature of our site will be an FPG membership list with contact information. If you do not wish the free publicity, please let us know if you wish us to delete your contact information and/or your name. *(Editor's Note: Because automatic web-scanning software programs ("spiders") can pick out an email address from a web page and add it to a junk email list, email addresses will be posted in the form of your_email at your_domain (e.g. JP.Purswell at Purswell.com rather than JP.Purswell@Purswell.com) Your email address can still be seen by a human and re-written and added to a junk email list, but it is at least a some protection.)* If we do not hear from you, we will assume you wish to be included.

Bob Sugarman
FPG Chair

Announcements

Books

There is now a second volume of HFES Proceedings papers on Warnings available from HFES. This volume covers the years 1994-2000. Like the earlier compilation, the collection was edited by Michael S. Wogalter, Stephen L. Young, & Kenneth R. Laughery. Ordering information is available at <http://www.hfes.org/publications/Menu.html>

There is also now an updated version of the annotated bibliography on warnings put together by Jim Miller and Mark Lehto. Ordering information is available at <http://www.millerengineering.com/WARNINGS%20BOOKS>. As of the date of this newsletter, a description of the text had not yet been added to the website, but the Newsletter Editor has received a copy of the updated bibliography, so it is now in print.

Videos: As Bob Sugarman noted in his column, copies of our two mock trial videos are now available for sale by HFES. As of the date of this newsletter, our videos had not yet been included on the HFES publications webpage. By the time you receive this letter, I hope that the omission will be corrected. In the interim, I include the previously-published announcement again:

New Mock Trial Released

The HFES Forensics Professional Group is pleased to announce the release of the new two-video set, "Mock Trial: Human Factors of Adaptive Cruise Control, Parts I & II." The mock trial, organized and chaired by HFES members Ian Noy and Alison Vredenburg, was presented during the International Ergonomics Association XIVth Triennial Congress/Human Factors and Ergonomics Society 44th Annual Meeting, held July 30-August 4, 2000, in San Diego, California.

This video, aimed at educating audiences concerning forensics, automobile safety, and human factors design issues, presents a fictitious case to demonstrate the human factors issues concerning an advanced automobile technology: adaptive cruise control (ACC). In this case, a collision occurred involving an ACC system. Design issues and user behavior are discussed. The first tape contains testimony from the plaintiff's expert, and the second tape includes testimony from the defense expert. Both tapes include commentary from participants who discuss key aspects of the litigation process.

The video will be useful in courses on law, human factors, safety, and industrial engineering/psychology. It is also appropriate for presentations to auto makers and attendees of professional meetings addressing vehicle safety or human factors/ergonomics design.

The presentation features Rudolf Mortimer as the plaintiff's expert and Kenneth R. Laughery, Sr., as the defense expert. Richard Hornick, David Thompson, and Richard Olsen are the commentators. Three practicing attorneys play the roles of plaintiff (Barbara Savaglio) and defense attorneys (Patricia Ryan) and presiding judge (James R. Spangler).

HFES members may purchase the set for \$60 plus \$7 shipping/handling; the nonmember price is \$110 plus \$12 shipping/handling (add \$5 to the shipping charges if mailed outside the U.S.; add sales tax if mailed to California addresses). The videos may also be rented for 15 days (\$30 members, \$50 nonmembers). To order, contact HFES at 310/394-1811, fax 310/394-2410, info@hfes.org.

2002 Annual Meeting Notes

By now, you should have received a preliminary registration packet for the

HFES Annula Meeting. The Forensics Professional Group has been allotted one paper session on Tuesday (10-1-02) at 1:00 P.M. Our Annual Business meeting will occur on Wednesday, October 2 from 3:30 to 4:30. We were successful in getting scheduled at a different time from the Safety TG business meeting, so this year, you can come the Forensics TG meeting from 3:30 to 4:30 and then go to the Safety TG meeting from 4:30 to 5:30 P.M.

CALL FOR NOMINATIONS

We are soliciting nominations for the post of Technical Group Program Chair. The Program Chair is the point of contact for paper and poster submissions for the Annual Meeting. Duties include enlisting reviewers in the early spring, sending out submissions to reviewers, collecting the reviews, and putting together the program for the Annual Meeting. If you would like to place your name or a colleague's name in nomination for this post, please send the nomination to the newsletter editor (JP.Purswell@Purswell.com) and to Bob Sugarman (Rcspibob@aol.com).

FORENSICS PROFESSIONAL GROUP

The *FORVM* is a publication of the Forensics Professional Group (FPG) of the **Human Factors and Ergonomics Society**. Membership in the FPG is open to all people interested in the application of human factors and ergonomics to a professional forensics practice.

Membership in the Human Factors and Ergonomics Society is not required for membership in the FPG. For further information, contact the Central Office of the HFES: P.O. Box 1369, Santa Monica, CA 90406-1369. Phone: (310) 394-1811.

The FORVM

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Application for Membership

Forensics Professional Group, Human Factors and Ergonomics Society

Membership in the FPG does not require membership in the Human Factors and Ergonomics Society. Members of the HFES may pay FPG dues with their HFES dues. Please print.

Name: _____

Title: _____

Organization: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Are you a full-time student? () yes () no Are you a member of the HFES? () yes () no

Please mail this application and a check for \$5.00 to:

Human Factors and Ergonomics Society
PO Box 1369
Santa Monica, CA 90406-1369 USA