

STUDY:

Doing “More” Brings “More” Trouble: Stay Between the Lines

THE TAKEAWAY

Put simply: follow your SOP. It is a protective document to avoid and defend home inspection claims. Exceeding your SOP increases your possible liability during a home inspection.

Just The Facts

Something that I emphasize heavily in my Law and Disorder Seminar is the adherence to whatever Standard of Practice you happen to be following when you are conducting your home inspection. This emphasis comes with some pushback from inspector marketers, but from a legal perspective, the SOP is your friend, and ignoring or exceeding the document leaves you legally vulnerable if by chance you missed something you weren't required to check in the first place.

Following your SOP is one of the six key strategies that I teach for diminishing a home inspector's chances of being sued successfully.

I do not know how often inspectors take the time to read their SOPs. However, I read them quite often in order to respond to the demand letters that my home inspector clients have received from their clients or their clients' lawyers. And one thing that you cannot help noticing when you read these SOPs as often as I do is this: **there are an awful lot of sentences that begin this way:**

“The home inspector is not required to:”

followed by a whole host of matters for which the home inspector is not responsible.

Example from the Field

Anyone who has ever attended the seminar will remember my saying, “Stay within the lines. The lines are your friends.”

It is a line from an old Toyota commercial from the early 1990s that no one ever seems to recall.

I only remember it because I once had a tennis partner who always seemed to be saying that to me, generally when one of my errant 100 mph returns went sailing over the opponents' base line.

All inspectors should “stay within the lines” of their SOP because with it as protection, a claimant must prove the inspector did not perform the inspection “reasonably” to prove negligence. In other words, he would have to demonstrate that the inspector failed to follow his own SOP.

A frequently asked question at the home inspector training is what effect does exceeding the SOP in one area or another potentially have on an inspector's liability?

The answer: *it increases it.*

Exceeding the SOP can and often does make you responsible for something that you otherwise would not have been.

Your Professional Advocate

Always, always, always follow your SOP. Your SOP is your protection to avoid and defend home inspection claims.

Visit my website, www.JoeFerry.com to learn more about my proven strategic response to meritless claims. My mission is to stop the UNDERBUSSING of competent home inspectors.