



245 Commercial St SE, Suite 210
Salem, OR 97301

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March 17, 2021

To: Senate Committee on Judiciary & Ballet Measure 110 Implementation

RE: Support of Senate Bill 213, Duty to Defend Clauses

Dear Committee Members,

Keller Associates is a regional engineering firm that provides consulting services primarily to state, county, and local municipalities. As a regional firm with seven offices (including one in Salem, Oregon), we provide professional services within many of the western states. We take pride in the quality of our work and the ability to provide solutions to our clients.

At Keller Associates we have observed that contracts within the state of Oregon frequently shift the burden of upfront defense costs to the Consultant. This poses an additional risk that is not insurable. Of particular concern is when the defense obligation is imposed where professional negligence has little or no cause for a construction claim. Defending such claims can be a great financial burden and can adversely affect the stability and operations of small and mid-sized firms.

We believe there is a fairer way to allocate risks to those who can best manage and control them, and we respectfully request for your support of SB 213.

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Peter Olsen". The signature is written in a cursive, flowing style.

Peter Olsen, PE
Salem Office Manager