



Testimony to the Senate Committee on Judiciary in Support of SB 848

February 23, 2023

Good afternoon Chair Prozanski, Vice Chair Thatcher and members of the Senate Committee on Judiciary. For the record, my name is John Maloney representing WSP. We have been in business in Oregon for over 30 years and employ over 170 people. I am writing today to strongly support Senate Bill 848.

Oregon's engineers, architects and land surveyors care deeply about our communities, which is why we invest in our local economy, creating jobs and housing for Oregonians. Right now, we are being forced into unfair contracting practices called "duty to defend" clauses, which require us to pay the legal expenses for those involved in construction projects even before fault is determined. This is detrimental to all design firms but especially women, minority and emerging small businesses. Because engineers, architects and land surveyors are being forced to shoulder all the legal liability and legal expense far beyond what they're able to get insured for, fewer projects are being designed and built in our communities. This includes low-income public housing to help address Oregon's homelessness crisis.

We respectfully ask this committee to support SB 848. Passing this bill would eliminate unfair contract practices and ensure everyone involved in a project pays their fair share of legal expenses. This is about ensuring fairness so everyone is paying their own way and adequately protected by their insurance.

Thank you for your service and we are happy to be a resource if you have additional questions.

Sincerely,

A handwritten signature in black ink that reads 'John Maloney'. The signature is written in a cursive style with a large initial 'J'.

John Maloney
SVP, Oregon Business Leader

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