

Dear members of the House Committee On Consumer Protection and Government Effectiveness and Senate Committee on Judiciary:

I write as a member of the Oregon State Bar who represents both insurers and claimants in personal injury litigation and insurance coverage disputes. My practice is primarily on the insurance defense side, but I regularly handle claims on behalf of individuals who have claims against insurers, so my practice is more balanced than most Oregon attorneys. I have defended and prosecuted bad faith claims. I also practice in Washington State and have observed first-hand how similar legislation has functioned in Washington.

This legislation would be bad for Oregonians. It incentivizes expensive litigation on issues collateral to the underlying claim. This kind of legislation is not helpful or needed. The only winners with this legislation are the lawyers who practice in the tort system. It would *substantially* increase the cost of claims getting resolved without providing any real benefit to insureds. In Washington, similar legislation dramatically increased the cost of insurance to consumers. This increased cost does not buy the consumer anything. It is just an additional cost to deal with the substantially increased expense of providing insurance to consumers in Washington.

In my experience, the existing system in Oregon works very well. Insurers dealing with third-party tort claims and first-party claims do a good job of dealing with claimants and insureds fairly and in a timely fashion. To the extent there have been occasional problems, the problem is with individual adjusters or individual companies; it certainly is not industry wide. Currently existing laws give insureds and claimants adequate opportunities to address and resolve their concerns with an insurer.

If there are hearings on this, I would be pleased to appear to offer testimony about the substantial financial implications of this and why legislation incentivizing bad faith litigation is bad for Oregonians.

Very Truly Yours,

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