

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

February 23, 2023

To: Chair Prozanski, Vice Chair Thatcher and members of the Senate Committee on Judiciary.  
From: John Howorth, President, 3J Consulting, Inc.

I am writing today to strongly support Senate Bill 848.

3J Consulting has been in business in Oregon since 2009 and employs 40 professionals in the engineering and community planning space providing improvements to the infrastructure and housing within Oregon.

As an owner I spend countless hours reviewing contracts and evaluating risk to the firm and the 40 individuals within the company that are employed here. Contracts consistently require our firm to “defend” others which we are not insured to do in many cases, especially as it relates to professional liability coverage, thus the “duty to defend” falls squarely on the company’s shoulders to pay for and with our size and access to funds for such a situation we would be out of business quickly regardless of whose fault.

Having such clauses creates a risk and cost that in turn increases the cost of the projects we are engaged in, which are mainly transportation (Oregon tax payer dollars) and housing (decreasing the affordability of homes) projects. These types of changes in law will begin to positively impact other initiatives mentioned above that this state desperately needs.

I respectfully ask this committee to **support SB 848**.

Sincerely,



John Howorth, PE  
President  
3J Consulting, Inc.

