

Submitter: John Flynn
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure: SB1575

My name is John Flynn. I am a registered Oregon architect and partner in a state-certified Emerging Small Business, RESOLVE Architecture + Planning, located in Portland. I strongly support Senate Bill 1575. My architectural practice often encounters professional services contracts that include provisions to defend others involved in subject projects for legal claims or damages even if we, as the design professional, are not responsible. These "duty to defend" clauses are unfair and put us at extreme risk because the professional liability insurance that we carry only covers errors and omissions that are the architect's responsibility. As an ESB firm, we do not have the financial resources to cover potential liabilities that our insurance won't.

SB 1575 will correct the unfairness of Duty to Defend. It will allow small firms (including small minority- and women-owned businesses) to pursue commissions without the fear of having to shoulder legal claims and costs, regardless of fault. We take responsibility for our work as design professionals, but we should not be burdened with additional liabilities unrelated to our work.

Thank you.