



# FACT SHEET



## PROTECT ENGINEERS

### MAKE INDEMNIFICATION AND DUTY TO DEFEND CLAUSES FAIR



#### BACKGROUND

Design professionals are typically required by public contracts to indemnify, hold harmless, and defend its client against all losses and expenses, including liability costs and attorney's fees, for any claim or suit brought against the client.

As a matter of fairness, design professionals should not be asked to indemnify and defend a public client for claims and/or losses that they did not cause, cannot insure against, and were caused by factors beyond their control.



#### WATCH AND LEARN

Scan the QR codes to watch two brief videos outlining the dangers of broad form indemnification and duty to defend for engineers.



##### VIDEO

Dangers of Broad Form Indemnification



##### VIDEO

Dangers of Duty to Defend



#### SOLUTION

Support legislation that will narrow, not eliminate, the obligation design professionals have to indemnify a public entity to only situations where the professional has been found liable related to their negligence.



#### AMERICAN COUNCIL OF ENGINEERING COMPANIES OF WISCONSIN

ACEC Wisconsin members develop innovative solutions that increase our state's economic growth and improve communities.

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