

you can secure or attempt to secure an injunction to stop the doctor's action. For example, if you had a family who disagreed, the disagreeing family members could now, I think, go to court and try to secure an injunction. Secondly, in the event there was some kind of unprofessional act or act of bad faith, under existing law I think you could probably make a case of either potential criminal behavior or civil behavior and perhaps seek some kind of award, wrongful death or the like. Either of those are available presently and I don't think there would be any change in that right, putting it in the statutory formula that is here.

SENATOR LINDSAY: Thank you. Let me just go and just finish up the legislative history there. Apparently that, as Senator Landis said, there is that extent of reviewability of these types of decisions, but let me go one more step and let's go into what...I'm going to put people to sleep again here, but there is, in order to be honest about what...when you can get into court like Senator Landis and Beutler have told you, you have to go in what is called equity. When the law is clear and in this case it is absolutely crystal clear when "scenarialy" talked about, you have to go to equity and in order to get into the court of equity, first of all, the only court you're talking about is district court. So look at your district court judges in the state and practically speaking, when you go in front of them are they going to overrule a clear statute in this situation, my guess is less than half are going to do that. Number two...so it's not an effective court challenge, number two, you prove two things in order to get into court. One is that you have no adequate remedy at law. Senator Landis told you there is an adequate remedy at law, it's called wrongful death. That means that the decision will be made, the termination of life will take place and then if you disagree with it, you sue for damages at law. So in order to have an equitable situation, you must show two things, irreparable harm and no adequate remedy at law. But let me back up again, just to talk in general about the amendment. The amendment, all of this discussion we're having could be had on a bill on its own. Everything that Senator Landis, and Senator Beutler, and Kristensen, and me, and Senator Crosby, and Senator Robak, and Senator Wesely, everybody who's talked on this, everything that we've said could be said on a bill that does this. But the problem is we are not being honest with all those people who say I support living will legislation. We are telling them we think people ought to have the choice to execute a living will, and