

not result in people who are seriously injured being unable to recover from the insurance that we pay to have in just such contingencies. I am for the bill.

SPEAKER MARVEL: There are twelve students from Sacred Heart in Lincoln, Nebraska, up in the North balcony and their teacher is Kay Kletchka. Will you raise your hands and show us where you are so we can say good morning. Senator Haberman and then Senator Sieck.

SENATOR HABERMAN: Mr. President, members of the Legislature, will Senator Cullan please yield to a question?

SENATOR CULLAN: Go ahead, Senator Haberman.

SENATOR HABERMAN: Senator Cullan, if we pass this bill and there are accidents or an accident, is it a possibility, a great possibility that it will have to go to court to prove negligence?

SENATOR CULLAN: Senator, you always have to go to court to prove negligence.

SENATOR HABERMAN: Fine, and there is a possibility that there is a difference the way some courts would rule or juries and the way some other courts and juries would rule. Is that correct?

SENATOR CULLAN: I can't understand your question. Of course, in response...(interruption.)

SENATOR HABERMAN: Negligence cannot be defined so that it is accepted by all juries and all judges. You would have a court trial or a settlement in case of most of the accidents. Is this a possibility, yes or no?

SENATOR CULLAN: Well, Senator, most, as I understand it...

SENATOR HABERMAN: Is this a possibility, Senator Cullan, or isn't it?

SENATOR CULLAN: It is a question of fact as to whether there is negligence but most issues are settled out of court.

SENATOR HABERMAN: Now, Senator Cullan, to your experience or to your knowledge, are most of these cases taken on a percent of the settlement or are they taken on a flat fee?

SENATOR CULLAN: I would think that most are taken on a percentage settlement on a contingency basis.