

May 11, 1981

LB 548

Senator Higgins, there was some discovery fees, you know, court reporter fees, deposition fees and the like, and in addition, there was an attorney fee. That is a judgment. That judgment already exists against the warden and the deputy warden and all we are doing with this particular claim is making certain that the warden and deputy warden are reimbursed for money they have got to pay in satisfaction of the judgment.

SENATOR HIGGINS: Let me ask you this. Did the judge set the amount that the inmate is to be paid or is that what the attorneys asked for?

SENATOR V. JOHNSON: The judge set the amount.

SENATOR HIGGINS: That the inmate was entitled to \$739?

SENATOR V. JOHNSON: Yes.

SENATOR HIGGINS: But that the attorneys' fees, they were entitled to \$2,164?

SENATOR V. JOHNSON: The whole cost allowance was \$2,164.

SENATOR HIGGINS: Okay, thank you, Senator.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: I guess I would have a question of Senator Johnson.

SENATOR V. JOHNSON: Yes.

SENATOR FOWLER: Now, if I understand what you are saying is that before we pay a claim such as this we ought to have some understanding of maybe the level of malfeasance, if you want to use that term, by the person we are picking up the cost for?

SENATOR V. JOHNSON: Yes.

SENATOR FOWLER: Okay, what are some of the...is "deliberate indifference" great malfeasance, small malfeasance? How is it in the scale of violations?

SENATOR V. JOHNSON: I would say it is great malfeasance. In my opinion, it is something more than negligence.

SENATOR FOWLER: Okay, so this is beyond negligence. It is a deliberate action. It is something that the person