

of committee. Last year when it was on General File I did that as well, not out of any political reasons, but out of the reasons that I was just not sure where I was at on this bill and I wanted to spend some more time. Through the summer I have spent a lot of time looking at comparative fault. I think as a member of the Bar Association and serving in this Legislature I have some duty to perhaps speak on the issues that I'm most familiar about. And through this whole period of time the Bar Association last year had a position of opposition to this bill for a number of reasons, those mainly being procedural reasons, not all of them being substantive because this is not just a lawyer's bill. Obviously whenever there is a lawsuit or an injury there is lawyers on both sides and I don't buy into the theory that the lawyers create the lawsuits. If they do we ought to find those people and toss that out of the profession. What they do is represent people who have been injured or there have been breaches of contract or they defend the people who have caused those actions or who have alleged been caused. That's the reason this bill becomes so difficult. There is not one side, there is not one set of lawyers that represent both sides. And the Bar Association took on an extensive study of this bill and came back with some recommendations and what they did is they took four lawyers who represent people who get sued, the defense lawyers, and they took three lawyers who are plaintiffs lawyers who generally represent those who do the suing. And they had a committee and they looked through the amendments and tried to see if there were some things that they could do to make this bill better and they have done so and they have submitted their recommendations. I have agreed to explain those amendments to you this morning and that's the reason that I rise to do so. If you look at page 398 you will see in the Journal the beginning of the amendments. These are the famous Bar amendments that have moved this bill from a position of opposition to no position by the Bar Association. They have no problems procedurally how this bill goes. They have left any support that we may do for us in the Legislature for us to decide whether this is good public policy or not. The first part of the amendments clarify that we're going to have jury trials when there are multiple defendants. In other words if there is an accident that occurs and I'm going to sue someone and there is more than one defendant, we call those multiple defendants and often could be included a city, a county or a school, any political subdivisions. If a school or a city are the only ones who are the defendants, there will not be a jury trial. If there are multiple defendants and a political