

SENATOR KRISTENSEN: The law wants to...

SENATOR PIRSCH: Later on down the line you can't bring in someone or can you?

SENATOR KRISTENSEN: It depends on what type of lawsuit it is. There could be some very complex lawsuits where I want to sue people one at a time. Now you, as a defendant, might want to bring everybody in at once so we only have one trial. The law would like to promote that, yes, so we don't have multiplicity of suits. The law really encourages getting everybody put into one.

SENATOR PIRSCH: So, really, then this puts the nexus on the defendant to get everyone in possible to share that liability with them.

SENATOR KRISTENSEN: That's right, but it also is a good move for the defendant to maybe get out of liability, saying, I'm not the one to blame, you've got the wrong guy, it's Senator Byars, for example. He's to blame and not me. It might be a defensive move on your part as well.

SENATOR PIRSCH: Okay. Thank you. I'm glad that you explained that this was a committee of the Bar that did try to do something to improve LB 159 and that...and that you stated the Bar Association still though does not support LB 159 and that they are letting the Legislature make this kind of radical change in our legal system. Thank you.

PRESIDENT: Thank you. Senator Ashford, did you wish to speak about the first section of the amendment?

SENATOR ASHFORD: Yeah, briefly, Mr. President, just to respond to Senator Pirsch. At the time that LB 1178 was passed by the Legislature, there was...and after the veto, there was some concern raised by defense attorneys on the issue of third party practice and that's what Senator Pirsch was talking about. She was asking Senator Kristensen about the third party practice to make sure that when we implemented comparative fault that the concept of third party practice, the concept of bringing in all the necessary parties to a lawsuit was, in fact, preserved in this bill. In fact, LB 1178, in my opinion, probably did do that but in order to satisfy this defense Bar, in essence, we made...the Bar Association got together and made some changes to