

SENATOR ASHFORD: Thank you, Mr. President. And I'd like to, first of all, I'll get to the point, but I'd like to thank Senator Hannibal for his statements. I think he's raised a good point, that this...these issues are of great important and they need to be discussed. And I also appreciate Senator Korshoj's reference to the Fred Kauffman testimony. Mr. Kauffman is a lawyer for insurance interests, that does not necessarily mean that what he says does not have some validity and does not need to be discussed, as Senator Hannibal rightly says. But I would suggest to you that in order to answer those questions the only place we can find answers is to look to those states, in fact every other state in the union that has adopted comparative negligence. To answer your question, Senator Korshoj, first, can these changes be made with little amendment? I think the answer is absolutely not. I think if we did have a system of comparative negligence, then yes, we could go in and fine-tune that system, if there were problems in the reallocation formula, or if we wished to change the percentage of fault in order for a plaintiff to recover, we could change those. But, no, when you have slight gross, as Senator Landis pointed out, the problem with slight gross is that there are significant injustices. And so what we need to do when we change slight gross is develop a system that is also fair to defendants as well as plaintiffs. And that's what we've tried to do by abolishing...adopting comparative negligence and abolishing joint and several liability. So we're abolishing the situation where a defendant can be held liable for the full amount of a judgment, the million dollar example. So that's what we're trying to do here, we're trying to have it a balanced approach in this thing. Now I think what we need to do in answering Fred Kauffman, first of all, Senator Kristensen has gone through in his amendments...

PRESIDENT: One minute.

SENATOR ASHFORD: ...many of the concerns that Fred Kauffman raised. The Fred Kauffman letter was before the Bar Association Committee when they made the suggested changes in the bill. So I think we can go through that point by point, or we can look at those amendments and compare those to the letter. I think you'll find that a lot of the changes have been made. But in conclusion, Victor Schwartz was the law professor, the gentleman that came and testified about comparative fault, in fact he came representing the insurance companies at the time of the hearing on LB 159. Here's what he says about excessive litigation, Senator Korshoj, and this guy is objective, he doesn't represent