

we could adjust the joint and several in dealing with allocations and not go back and deal with the slight gross provisions. One of the rules that I came into this and entered into this from the very beginning, again with the perspective of economic development in the best interests of all Nebraskans, was that we could not and should not structure ourselves in such a way that if someone truly was injured and had a recoverable situation that they would be left holding the bag and not get anything. This is where the joint several concept came in in terms of the reallocation. Under current law, if we have the so called deep pocket, the deep pocket we usually think of at the time is usually also a minimal contributor to the happening from the defendants side, a 10 percent, or someone who is very low, that person, under current law, is usually identified by the plaintiff's attorney and the plaintiff to say there is the person who has the money, we want the entire judgment paid by that person. Naturally, they're going to name the person who they realize that they can collect from. Then it is that person's responsibility to go back and file additional suits against his co-defendants to try to recover the amounts that he should not have lost. If you look at the inequity of the situation, if someone has a case, if they get past the slight gross standard that we have, if they have that case, they now collect 100 percent of the loss, even if they contributed a great deal themselves. Now, what is slight and what is gross? It's a subjective opinion currently on the part of a jury or on the trier of fact that their slight addition on the part of the injured, that their contribution is slight. Well, what is that? Is that 10 percent? Is that 20 percent? It's still a subjective opinion. And I think it was pointed out very aptly by Senator Landis, that trier of fact is going to look at that. And if we have someone, an atrocious situation in some cases, and we have a deep pocket over here, that subjective decision, in many cases, as we look at the joint and several side, someone may end up paying the whole load, even though that person was a major contributor, and therefore we have an injustice on the side of that joint and several. So the bringing of these two issues together in a more fair process, to the best of our ability, was what our intention was. And we worked, and we worked and we worked, and there was compromise and there was both sides gave up a great deal in many cases, because the old issue, if you remember, was both sides wanted just their side and not have to deal with the other side. And we used to have bills introduced with those singular fashions, do away with slight gross. Business community would come in and say, do away