

SENATOR ASHFORD: Thank you, Madam President, and members, LB 88 is the same bill that has essentially been before this body on two separate occasions. The first occasion, as you recall, the bill was passed by the Legislature and was subsequently vetoed by the Governor. And the bill is now back before you. Admittedly, this is a confusing area of the law. It is complex and it is...doesn't get any less complex with having gone over it now three times. But let me just try to, if I can, just tell you that, at the beginning, that what we are trying to do in LB 88 is to confine...is to confine ourselves to really a very small area of the law. The law of torts which deals with the acts of negligent parties and damages that flow from negligent acts in our society, is a very large body of law. It covers many, many volumes, as my fellow lawyers who went through law school will, I'm sure, will attest to. And the area of contributory negligence is what...our comparative fault is an area that is a very small portion of that large expanse of law that deals with what we call tort law. The purpose of LB 88 is to carve out a very specific part or portion of tort law and to what we believe the introducers of LB 88 and those who have supported it in the past, I believe, is to make it a more understandable process. What essentially we're dealing with in LB 88 is an effort to abandon a standard which was enacted in Nebraska in 1913 and which no longer applies in any other state in the United States. Nebraska is the last state to have what is called the slight gross contributory negligence standard. If you are a plaintiff, an injured party in a lawsuit, it is necessary...heaven help you, Senator Chambers, in Nebraska, but if you happen to be an injured party that is bringing suit against let's take, for an example, two or three negligent defendants, it's necessary, in order to even get to the point of getting to a jury to have your case decided that, first of all, you must prove that you were...there was a collision or an accident or a negligent act by another party. You must prove that that negligent act caused the damage to you, to your person or to your property and then you must prove some form of damage, whether it would be property damage to your property or personal injury to yourself or the passengers in your car or your loved ones or whatever, but it is...those elements must be proved in every case that goes before a jury. In Nebraska, however, we have another obstacle in effect which is called the slight gross standard of liability. In order for the plaintiff or the moving party in any negligence case to get to the jury and to get any kind of verdict at all, he or she must show that his or her