

and that just isn't...that just isn't good law. So what we have devised in LB 88, and it has been rewritten and rewritten and rewritten with experts in Nebraska and outside Nebraska and it's modeled after the model act. It is a tightly drawn document to try to move away from that system of joint and several liability and to provide for a system whereby the damages that are awarded in a case are allocated, are allocated based upon the fault of each individual plaintiff...or defendant and each individual plaintiff. So that everybody who is at fault in a particular negligent occurrence must bear their fault, the percentage of fault that the jury attributes to them, and that the determination of damages is based on that percentage of fault concept. And that's what we call, in the law, comparative negligence. It is the law that is utilized across the country in every other state of the union, other than Nebraska. Now I want to make one point before we get into the debate, and I know Senator Kristensen has an amendment that we can talk about and we probably won't get to it in total today, but I want to make one point and talk a little bit...how much time do I have, Madam President?

PRESIDENT MOUL: About a minute and a half.

SENATOR ASHFORD: All right. And this is this conflict between the insurance industry and the railroads and the plaintiff's lawyers and everybody running around trying to beat up LB 88 as being a trial lawyer's bill or a plaintiff's bill and that's all fair, that's politics and that's what happens. But I would like to remind the body, those of you who are here and those who are not here, to tell you that when this bill was originally introduced there was a very significant effort made by myself and Senator Conway to reach a compromise on this whole concept. And that compromise was reached and Senator Conway and myself...

PRESIDENT MOUL: One minute.

SENATOR ASHFORD: ...with a great deal of concern expressed by the trial lawyers who originally wrote the bill said, we will accept this compromise to get this bill moving and to get it going and that compromise was this. If you are a plaintiff or a moving party in a lawsuit and you sue a series of defendants and the jury determines that your negligence is 50 percent and the negligence of the defendants or the defendants is 50 percent, that you, the plaintiff, lose, that you, the plaintiff, lose, even though your negligence was only one-half responsible for