

obstacle which a claimant only in the State of Nebraska and no other state does the plaintiff have to go through that hoop in order to recover any damages. So the slight gross standard was adopted in Nebraska in 1913. It's the last state to have it. I think, across the board, it has been something that most lawyers would like to get rid of. I might also say something about this bill and the history of how it was viewed by the Bar Association. The Bar Association is made up of, obviously, defense lawyers, plaintiffs' lawyers, all kinds of lawyers. Initially, the Bar Association, four years ago, was actually opposed to this bill. After a lot of reworking and writing over the...between LB 1178 and LB 159 last year, the Bar Association took a neutral position on the bill and this year the Executive Board of the Bar Association, made up both of defense and plaintiffs' lawyers, voted six to two to endorse LB 88. They also voted to send that to the House of Delegates with that recommendation. And the trial lawyers who supported LB 88 suggested to the House of Delegates that it's the Legislature's job to determine whether or not LB 88 should be enacted and so the Bar Association continued in its neutral position. But what's important is that the Executive Board voted to endorse this bill. The second part of LB 88 which is important and should be important to most insurance companies and large so-called deep-pocket defendants and that is it abolishes joint and several liability in cases where the plaintiff has any degree of fault. We went over this yesterday but, essentially, the inequity of joint and sev...could I have a gavel, Mr. Speaker, please. (Gavel.) The inequity...the inequity in the joint and several liability standard is as follows. If a claimant receives a judgment against three defendants and that claimant has some degree of fault, let's say 5 percent or 10 percent, and each defendant has 30 percent, let's say, of fault, under the current law, the claimant would be able to recover if the judgment was for a \$100,000, it would be a \$100,000 less the 10 percent...

SPEAKER BAACK: One minute.

SENATOR ASHFORD: ...that the plaintiff is at fault, that would be \$90,000. The claimant would be able to recover the \$90,000 from any one of the three defendants that he or she has a judgment against. That's inequitable and that causes insurance rates to go up. It causes deep pocket...it causes problems with the deep-pocket type of defendant that you've heard a lot about from the lobbyists out there. We have abolished that. We have