

February 13, 1991 LB 88

Senator Pirsch.

SENATOR PIRSCH: I have to catch my breath. Thank you, Madam President. I would like to ask Senator Ashford some questions if he would yield.

SENATOR ASHFORD: Where have you been Senator Pirsch?

SENATOR PIRSCH: In my office.

SENATOR ASHFORD: Oh.

SENATOR PIRSCH: Farthest away. You made a big point about if fault is 50/50 that the plaintiff does not recover. But what really bothers me is if the plaintiff is 49 percent at fault or less, they have an action.

SENATOR ASHFORD: They only collect 1 percent, though. They only collect 1 percent.

SENATOR PIRSCH: Okay.

SENATOR ASHFORD: So if there's a \$100,000, they would collect, what, a \$1,000.

SENATOR PIRSCH: But that means that anyone who walks into a lawyer's office, 49 percent at fault, almost half at fault, would have an action. Is that not correct?

SENATOR ASHFORD: Well, first...the answer is yes, but first of all, they don't walk into the office saying they're 49 percent at fault.

SENATOR PIRSCH: No.

SENATOR ASHFORD: They basically walk in and say, here's the scenario and it's a jury that makes the determination of fault.

SENATOR PIRSCH: But it's a lawyer that makes the first decision and...

SENATOR ASHFORD: Well, but most lawyers take these cases on...

SENATOR PIRSCH: Excuse me.