

Creighton Law School also, so I'm going to try to use the clarity of speech that I was supposed to be learning in undergraduate school to explain a point of law which Senator Ashford, having been trained in the law and practiced more law than I have, should readily understand. The way his amendment reads right now is that whatever information you could get through discovery, which would be records, notes, other documentation, written or electronic, about matters that could bear on this divorce proceeding would not be available to a court the way the law is written now. There could be some very crucial issues that a court would need to know if the mediation process breaks down and they have to go to court. But what the wily lawyer, what the prudent lawyer, what the lawyer properly representing her or his client would do is have that client discuss, during this mediation process in one of these forms, all the kinds of things that could arise during the court proceedings that will come in conjunction with this divorce. And any of that information that was presented in this mediation process would not be available to the court, and the language says, in line 11, shall not be examined in any judicial or administrative proceeding. That allows for no exception. And Senator Ashford and all these others, because they got a poorly drafted bill, can run around here all they want to saying that is not what the law says, but that's what it says. The first word, notwithstanding, is designed to say that all application that the discovery laws would have no longer apply here. Since the whole process of discovery is created by statute, it can be modified by statute. So what Senator Ashford's law as it stands now says is that none of those discovery rights would come into play and, although without that language of his under discovery you could get some of this information in a court proceeding, now you cannot. You cannot get it because the language specifically says it shall not be examined in any judicial or administrative proceeding. That puts a restriction on what the court can have access to. So if the wise lawyer, and he or she does not have to be in the room at the time, just coach the person and tell them what to say, put it in the form of notes and let them read these notes. Then that definitely brings it within the ambit of this prohibition. Make it a part of the record and no court can obtain those notes or anything in them, nothing, and when Senator Ashford said that you might be taking a deposition from this person, the lawyer will tell that person that was discussed during the mediation process and you will not answer the question, and a person is entitled to have a lawyer present when a deposition is being taken. Senator Ashford knows