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SENATOR WEHRBEIN: Thank you, Mr. President and members I'm going to support this, Senator Brashear and those that are interested. I understand the need for this but I cannot let it pass without asking a question. In this society today, we expect perfection from our professionals. Jury awards nationwide, if not in Nebraska, are somewhat high, I think which has driven some of the high liability insurance that we're seeing. Can you distinguish for me, if you care to, and you don't have to, the difference between an honest mistake that a doctor or any other professional might make, versus malpractice to the terms that I understand?

SENATOR CUDABACK: Senator, would you...

SENATOR WEHRBEIN: Is this distinguishable within the profession? Does it take a jury or a judge to decide that? I can't believe anyone is perfect, even an attorney,...

SENATOR CUDABACK: Senator Brashear, would you respond?

SENATOR WEHRBEIN: ...even a doctor, and this bothers me here as we go into these malpractice suits that the standard is set so high that no one can ever save every life, obviously, but sometimes that expectation is there.

SENATOR CUDABACK: You may respond, if you care to.

SENATOR BRASHEAR: Thank you, Mr. President. Certainly no one is perfect and the law doesn't require perfection. And I'm...you could easily take me beyond my depth here, but I'm going to make a good faith attempt to respond to your question. That's what the trial is about. The trial, if you read the newspapers and if you watch the TV sound bytes, you wouldn't understand that, but it's not about who's perfect, who isn't isn't perfect, and who did what. It's about who did what? What are the facts in relationship to the standard of care for the community. So it's not what does the perfect doctor do or not do. It's what did the doctor do in relationship to what all other doctors similarly situated under those circumstances in that community would have done. So it is a test not against the