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perfect but against what prevails, and that's why each side in the trial brings people, what we call expert witnesses, who can testify to the standard of care which should have governed in the particular incident or instance.

SENATOR WEHRBEIN: Would it be fair to say that that's a moving standard of care as we increase our technology understanding?

SENATOR BRASHEAR: It is a moving standard of care and certainly clearly, if it is...as you have increased specialization for instance, I'm just using this as a hypothetical, as you have more specialists and if those specialists are available in the community and they could have done things which the generalist couldn't have done, then that becomes an issue. Should the generalist have approached the problem or would another generalist similarly confronted have availed themselves of available specialization? Is that responsive?

SENATOR WEHRBEIN: Yes. Yes, it is. Because I just heard of a case, that I don't know that it's going to be litigated so I think I can safely discuss, where someone was treated and then the comment was made, but if they had been moved to another hospital they probably would have saved him. Those kind of things I assume end up in a malpractice, because a doctor has to make instant decisions. I'm talking about medical profession in this case, but instant decisions as to whether to treat or to fly on and this and that and the other. And so that's my frustration in some of these cases, admittedly coming out of the newspaper, but that's...

SENATOR CUDABACK: One minute.

SENATOR WEHRBEIN: ...I recognize the need for this bill. I'm not questioning that. But I do question the large malpractice insurance costs, and obviously it's being played out in the paper nationally every day, so.

SENATOR BRASHEAR: But wouldn't you agree that we have something to be proud of in Nebraska in terms of how our courts and our juries are working? And I've recently heard other people talking about how well we stack up as a place to do business,