

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

March 2, 2004

LB 998

SENATOR CHAMBERS: Thank you, Senator. And that's all that I'll bother you with at this particular time. Members of the Legislature, I don't think...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...there ever has been a thorough enough discussion of these caps. Senator Brashear has tried on several occasions to do something about it. Down through the years, others have. But because this Legislature has not assumed its duties in the way I think the Legislature should, I condemn the Legislature for having in place caps now that obviously work terrible injustices. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You may continue. Your light is next.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I had said I don't want the public to misunderstand what it is that we are doing here. The discussion that Senator Brashear and I have had, that Senator Don Pederson and I have had, the comments made by Senator Janssen, will make it clear that we're not talking strictly in theoretical terms. There right now are people out there who have been victimized by acts of medical malpractice. Whether or not all of them are going to be compensated to the extent that they should be will await the outcome of litigation. I was just wondering, if I were the one who would have to pay a malpractice claim, and based on the law there's a limit to what I can be required under the law to pay, might I as a prudent business person, looking at a number of lawsuits, each one of which is going to cost me legal fees, might I not think it prudent and wise and a sound business decision to reach a settlement in excess of what the law sets as a maximum? The law does not prevent the one who has to pay the claim from paying more. The law prevents the one who has been victimized from recovering more. So with all the talk of victims that we hear on the floor of this Legislature, on the floors of legislatures all over this country, the wrong individuals are cast in the role of victim. Unfortunately, the malpracticing physicians are the ones held up as victims. If a