

March 4, 1983

LB 90A, 277

PRESIDENT: Senator Newell, please record your presence.

CLERK: Senator DeCamp voting yes.

PRESIDENT: Please record your presence, Senator Newell.

CLERK: Newell voting yes. Senator Lundy voting yes.

PRESIDENT: The Chair declares the Call raised. The Clerk will...

CLERK: 26 ayes, 7 nays, Mr. President.

PRESIDENT: Senator Wagner. I raised the Call. The House is now released from the Call and the vote has been taken on LB 90A. It is sufficient to advance the bill. LB 277.

CLERK: Mr. President, LB 277 was offered by the Judiciary Committee. (Read title.) The bill was read on January 14, referred to Judiciary, advanced to General File. There are Judiciary Committee amendments pending.

PRESIDENT: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I just want to take one second to discuss the Judiciary Committee amendments because they basically are the bill. It is really impossible to discuss the amendments without discussing the bill. The bill has to do with the fact that a couple of judges came forward and indicated to us that the penalty for lawyers filing dilatory pleas, that is pleas that were designed for delay tactics only was not strong enough to serve as an incentive for them or a disincentive for the lawyers. The current law provides that the judge can charge them with attorney's fees but not to exceed \$10. I think you can understand why that is not much of an incentive. So the bill with the committee amendment basically says that if the judge finds that an attorney is filing a pleading in bad faith that then in that case if the judge so finds he can charge the attorney, charge against the attorney and his client, the reasonable attorney's fees involved in doing that. So basically...the basic structure of the law is in place and all we are doing is changing it from a maximum of \$10 to a maximum of the reasonable attorney's fees and then requiring that the judge decide it was done in bad faith. So that is the basic thrust of it. Thank you.

PRESIDENT: Senator Nichol.