

SENATOR LANDIS: Mr. Speaker, members of the Legislature, yesterday Peter Hoagland indicated that we should not regard my amendments as an agreement or negotiated settlement of the bill. He was quite accurate in saying that. At the same time it would be remiss for John DeCamp to indicate that the bill as it's presently constituted is an agreement or one that is the product of my own work product along with his. I intend to support the bill at this stage. It doesn't mean I won't have some amendments along with this other list of amendments on Select File myself, but at this stage I'll vote for the bill.

PRESIDENT: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I want to speak just briefly in favor of advancement of the bill. I suppose this is an impossible hope, but I did pass out to you yesterday a sheet which talked about delay, delay in the processing of these kinds of cases, and this particular sheet, this particular handout was taken out of Prosser's hornbook. Prosser is a law professor and he did what is called in law school a hornbook, that is a thesis on a particular area of the law. It is called Prosser's Law and Torts and he talks in there about all of the legal ramifications and all the legal questions involved, substantive and procedural, in the handling of tort cases and I wanted to go back to Prosser and I wanted to read to you a part of Prosser because Senator Rupp, for example among others, had some serious questions as to whether defense attorneys really delay in these kinds of cases, is that really the fact that is out there? And I can tell you from my experience that they most certainly do and Peter Hoagland can tell you from his experience that that is most certainly the reality of the situation, that delay is a conscious tactic in this whole game of tort law. But I wanted to read you from Prosser because Prosser is a much respected professor who doesn't have the insurance industry's point of view and doesn't have the trial lawyer's point of view. He is writing objectively about the law of torts and this is what he says about the process and delay. "The process inundates our court with tort cases and particularly those involving automobile accidents. In many areas calendars are congested in fall months. They have been known to fall as much as three or four years behind which means that the injured man must wait that long before