

SPEAKER NICHOL: Senator Higgins, please.

SENATOR HIGGINS: Thank you, Mr. President. I feel like I am the expert on bracketing since I have been the victim so many times, or most recently, I should say. I have not heard of anybody...I have not been contacted by any insurance companies or attorneys telling me that they have agreed to bracket this bill or that they wanted to bracket it. I would suspect that Senator Beyer might be waiting for somebody else to come and handle this, which I don't blame him if he didn't really intend to be the one to do it. I would not bracket this bill. I don't think there is any question in anybody's mind how many times Marge Higgins has stood up and voiced her opinion about attorneys. And I feel equally about insurance companies because I have had to deal in twenty years with both in the insurance business. I offered the amendment when this bill was on General File that any prejudgment interest would not go to an attorney, that the check would be made out separately to the individual who got prejudgment interest. And that amendment passed and that took away the argument that the trial attorneys were merely trying to get more money for themselves. I was shocked...

SPEAKER NICHOL: Excuse me, Senator Higgins, just a moment. (Gavel.) Gentlemen, you are making an awful loud noise with your talking. (Gavel.) Gentlemen...

SENATOR HIGGINS: Thank you, Mr. Chairman.

SPEAKER NICHOL: Wait a minute, I still don't have their attention. (Gavel.) Gentlemen, may we have it quiet, please. Thank you. Now, Senator Higgins.

SENATOR HIGGINS: Isn't it nice to have a man trying to get everybody's attention for you? I could do it other ways but...thank you, Mr. Chairman. At any rate, I was stunned when I found out that doctors will go to their own insurance companies and say, look, I goofed, I messed up. If we go to court, we are going to lose. The records will show it. And the insurance companies refused to go to court...refused to settle out of court even though they knew the doctor, who had purchased the insurance from them and who would have to admit that he had failed to do something, would lose the case. It would seem to me that that in itself is conclusive evidence that the insurance companies say it is well in