

April 9, 1973

sky country is always welcome down here to the big sky country of Nebraska. Alright. We'll move on to the general file consideration of LB 521.

CLERK: Legislative Bill 521. (read) There are no committee amendments or other amendments.

PRESIDENT: Very good. Chair recognizes Senator Luedtke.

SENATOR LUEDTKE: Mr. President, I move that LB 521 be advanced to E&R for review. Mr. President and Members of the Legislature, LB 521 was a bill which was introduced by the Judiciary Committee on behalf of the Nebraska Bar Association. It came about as a result of a suggestion from an attorney from Fremont by the name of John Cutright who said that for many years he had observed that it was the practice of so many lawyers and so many situations of automobile accident cases in particular, but in any kind of civil action, to file cases with such large astronomical figures that it would almost shock people to read that somebody was sued for a million dollars and then later on if they were to check the court record, they'd find out that they settled out of court for maybe \$5,000 or something like that and he suggested that this only came about because of the fact that our laws stated that you had to state general damages. Now you have to state in your petition when you file the civil lawsuit special damages, that is hospital bills, doctor bills, that sort of thing as special damages but general damages now have to be specified in a petition. Many times they're guesstimates, many times they're estimates, many times they deal with pain and suffering which we've dealt with on the subject of no fault insurance and discussing that particular matter, but in, in this particular bill, you would eliminate the requirement that you specify the specific amount and merely say, ask for general damages. The reason this is possible is that the court must decide after a trial anyway what the amount is. The jury would come in with a verdict anyway so you're just putting down a figure and many times it's used merely for the public relations aspect of stirring or shocking somebody into settlement. Now Mr. Cutright said that he believed that the bill would make the lawyer prove his case in court as he should as a good lawyer anyway and it would make him prove that there was such pain and suffering if that's what he was going to have to prove and that it would be good for the, as he said, it would be good for the courts, good for the Bar and certainly good for the people of the State of Nebraska.

PRESIDENT: Any further discussion of the bill? Any further discussion of the bill? Question is, shall LB 521 be advanced from general file to E&R initial? All those in favor vote aye. All those opposed vote no. Voting on the advancement of LB 521. Have you all voted? Clerk will record.

CLERK: 27 ayes, no nays, 22 not voting.

PRESIDENT: The bill is advanced. Does bring up LB 449. Senator Johnson's bill. 449. Chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. President, I'd like to ask that 449 be bracketed until tomorrow.

PRESIDENT: Senator Johnson asking to bracket 449 until tomorrow. Are there objections? Any objections to bracketing the bill? So ordered, bracket 449 for tomorrow. Likewise 449A, I presume? Alright. Move on then to LB 525, Health and Welfare.

CLERK: Legislative Bill 525 (read) There is a committee amendment (read)

PRESIDENT: Chair recognizes Senator Kennedy.