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LB 548

Federal District Court Judge Albert Schatz concluded that Parratt and Nance should have been aware of Robinson's plight. I believe that the term, "deliberate indifference" was used in this case as a legal term of art and should not be construed to mean that Parratt and Nance intentionally committed any wrongful act. Ladies and gentlemen, I also believe that a failure to indemnify Parratt and Nance would be a gross injustice to these two men and would cause extremely serious personnel problems for this department as a whole. As you know, offender litigation is increasing in volume and correctional personnel are frequently named as defendants in lawsuits alleging damages of many thousands of millions of dollars. I urge your reconsideration of this matter.

SENATOR CLARK: Senator Maresh.

SENATOR MARESH: Mr. President and members of the Legislature, I voted to pay this court cost and attorney fees for these two people and I think we should reconsider our action. I have known Don Best for a long, long time and he is an honest person and he is real concerned about these people. Their homes are on the line because of this action and anybody who works for the Department of Corrections could be held accountable just like these two people and it is going to cause a problem as far as the workers there and the hiring of additional staff. So I think we should reconsider this at this time. I think the court action has got the attention of everybody and I think that we are going to find that there will be fewer cases such as this in the future. I think we should abide by the wisdom of our Attorney General who told the Business and Labor Committee to consider this when we held a hearing and then took action on these claims against the state that we do pay these. So I hope that the body reconsiders our action and pays these claims against the state.

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, as I was coming in I saw Paul Douglas, the Attorney General, out there skulking in the halls and I think what we ought to do, again, is decide that neither the Attorney General or anybody else is going to persuade us to go along with misconduct by state employees. Now either whoever wrote this letter, Mr. Best signed it, but whoever wrote it, either that person is a liar or Judge Schatz is a liar. Now the only reason he limited the amount that these people were responsible for was for twenty-nine days was because from that point on, they were in a position to know what had happened and refused to take corrective action. Now that is in the court opinion. If you are going to allow