

and they said, you did Jim wrong, that's the only case it would apply. Only to victims where a judge and a court have said you did wrong and you hurt him. I think what he was trying to suggest was that it only applies for the benefit of trial attorneys which is simply not accurate. Now the other point raised by Senator Beyer had to do with...another point raised by him had to do with well we already have prejudgment for liquidated claims, so on. We are talking about a completely, totally different kind of animal. We are not talking about that situation at all, Senator Beyer. We are talking about the typical accident issue, the typical wrongful death. We are talking about a completely different thing than contract agreements. Okay? So it is not even remotely in the same ball game and to compare them is like comparing apples and oranges. Now, Senator Landis raised some very good points. He said, I don't like this approach necessarily, but keep it alive until we find a better one. Let me tell you what I have done to try to find a better one. I brought all the business groups and insurance groups who had any remote interest in this bill, I brought them together repeatedly and said, is there any reasonable middle ground, anything, anything at all you'll do and the attitude is, and quite frankly it is a logical attitude, why do anything when we know we can kill the bill? Why compromise when you're in the driver's seat? I'm asking you to force some reasonable settlement and it does need to be done by advancing the bill, by rejecting the kill. Maybe there is a better method. Maybe there is some other solution, but rest assured, it is not the solution offered by Senator Barrett with existing laws. Let me talk about that for just a second. He said they have these penalties, they have this, they have that. I dare anybody in the room to go check and find out when or if ever, if ever, those penalties have ever been used. He didn't tell you the rest of the story on the penalties. You have to prove "a pattern of practice". One case absolutely won't do it and it is nigh onto impossible, at least nobody has ever been able to do it apparently, to prove a pattern of practice. So the remedies he talks about are remedies in name only. They're remedies that don't exist. I will support any reasonable amendments or compromises that do address this issue...

SPEAKER NICHOL: One minute.

SENATOR DEKAMP: ...anything that is slightly reasonable, but at this point I'd ask you to keep the bill alive and to