

has got five fingers on his left hand but he is not in exactly the same situation he was the moment before the accident. The doctor has rendered a valuable service. The doctor is paid for the service. The plaintiff is made whole in one sense, physical sense, but not in the economic sense because there is probably \$12,000 of surgery and medical expenses. That is hardly making the plaintiff whole in that case for the doctor to do so. And if you attach this amendment, it won't change the value of the service rendered. If it doesn't change the value of the service rendered, the service will simply be paid for in a different way. You will change the way you bill out the costs, but your defendants will make out two checks to the court. The court will handle two checks to the plaintiff and instead of a third recovery you will have, say, a 35 percent recovery by a lawyer out of a contingency fee. Now I am not a practicing lawyer. I am not going to raise my fees because I don't charge any fees. But I am telling you that what this really is is a kind of "we don't like lawyers very well" amendment. It won't change the underlying billing for the services if there is a value to the service. It will simply mean that you are going to create a little book work. There will be another mechanism around it and we will play a certain legal game of creating this obstacle. I would suggest to you that while you may find the contingency fee practice on the part of the Bar an uncomfortable or disquieting notion, you can't dismantle it in this way. And if that is the case, I just suggest some realism in your vote on the merits of the underlying issues and theories than junking up the bill with what really is an unworkable mechanism to get at a problem that will be easily surmounted in other ways and other billing forms will be used. The law shouldn't get into this situation of affecting the billing procedures of somebody in the private sector as to how they are going to bill for their practices and the services that they render. You don't do it for anybody else and it is just simply the fact that there is a strong antiattorney sentiment in this body that would entertain that notion seriously. I would suggest that you reflect on long-term policies and decisions and not the short-term chance to zing the attorneys with this amendment.

SPEAKER NICHOL: Senator Higgins, would you like to close, please.

SENATOR HIGGINS: Thank you, Mr. Chairman. My friend,