

damages in Nebraska, right? So what are you referring to as punitive damages?

SENATOR LANDIS: Okay, the prejudgment interest award that you are referring to there will be for the entire amount of the judgment, will run against the entire amount of the judgment, and...

SENATOR BEUTLER: Subsection 5 applies to the entire amount of the judgment?

SENATOR LANDIS: That is right because it is triggered by Sections 2 and 3. Sections 2 and 3 are where you have a judge finding that one side delayed or the other, and in the case of a defendant delaying, you then apply prejudgment interest against the entire amount of the award including pain and suffering, emotional distress, future lost wages.

SENATOR BEUTLER: Okay, I am not sure that I yet understand the distinction, but as between a jury and a nonjury trial, 12 months and 18 months, what rationale would you use for treating those differently in terms of when prejudgment interest begins?

SENATOR LANDIS: There are preparations that attorneys make with respect to jury trials and preparations for voir dire that are foregone when you do without a jury and that is, I assume, the rationale for the court having different kind of time line for the treatment of those cases. Just as lawyers either choose to or choose not to try a case before a jury, there is some sense that the treatment is different.

SENATOR BEUTLER: Is it fair to say, Senator Landis, that your treatment of this issue has to do with your perception of how long it takes to try a case or should try it as opposed to a simple philosophic decision based upon when the injury occurred and when the money should logically transfer, is that a fair statement?

PRESIDENT: One minute.

SENATOR LANDIS: It is inadequately simple in that I see the notion of strategic delay as applying to the time line, the sense of taking a case beyond any reasonable time in which it should have been able to be handled. With respect to the question of making a plaintiff whole, I say that the time of