

SENATOR MARSH: Senator Haberman.

SENATOR HABERMAN: Thank you. Madam President, members of the Legislature, the way the bill reads now, if an error is made by the attorney, the plaintiff has to pay the expenses mentioned in the bill. So what my amendment does is merely say that instead of the plaintiff paying the expenses due to the attorney's error, the attorney pays the expenses. So I would like to ask for your adoption of my amendment to the amendment. I will go through it one more time. As it is now, the plaintiff or the citizen, if the attorney makes an error, has to pay the costs for the error. My amendment says that instead of the plaintiff or the citizen paying the cost for the attorney's error, the attorney pays the cost for the error which is going to maybe make him do a better job, and if he screws it up, why should the plaintiff have to pay for his error. I have talked to Senator Hoagland and he says, fine, with the amendment. He thinks it is okay. So I would like to ask your approval to add that to this. Thank you, Mr. President.

SENATOR MARSH: Senator Higgins, did you wish to respond? Senator Hoagland.

SENATOR HOAGLAND: Madam Chairman and colleagues, Senator Haberman and I have discussed this amendment, and, as I indicated to Senator Haberman, this amendment was developed by the Nebraska Supreme Court Committee on Practice and Procedure chaired by Judge Fahrnbruch and having as its members attorneys, experienced attorneys and judges throughout the state. The Nebraska Supreme Court has approved these amendments, this product of the Fahrnbruch Committee, and I have no objection to Senator Haberman's amendment at this time with the caveat that if we hear back from the committee and the court that it is highly objectionable, we will have the option of considering removing it on Select File. So with that reservation, I would encourage the body to adopt Senator Haberman's amendment.

SENATOR MARSH: Senator Haberman, is there any further closing? We are now ready and will vote on the amendment to the amendment. The Clerk will record.

CLERK: 11 ayes, 0 nays on adoption of Senator Haberman's