

was the figure used in the judicial processes to settle a claim. Now I submit that virtually every party to this proceeding, whether that party be the State Legislature, the Governor of the state, or the receiver for the depositors and the attorney for the receiver for the depositors, and the court system itself has concluded that \$8.5 million is the figure which is fair both to the state and to the depositors, and reflects appropriate law and appropriate facts. The issue is a settled issue. The functions of legal settlements, frankly, is to avoid further disputes and to avoid the rigors and perils of litigation. The rigors and perils of litigation are that one side may gain substantially more than the other side anticipates, or the other side may lose substantially more than it anticipates. So people arrive at settlements so that those risks of litigation are not undertaken, and that is what the state did with respect to the Commonwealth losses, and that is what the receiver did with respect to the state's liability. It is important for the citizens of our state to again reflect on the concept and the notion of settlements. Settlements are designed to terminate disputes over legal questions, and that is what we did. Now it makes little difference, it makes little difference that some individual may unearth facts which cause that individual to look at, which cause that individual to look at situations differently from the way that individual might have originally looked at that situation, because when a settlement is affected a settlement means we take the case as we know it to be, or as we could have known it to be, or as it may ultimately be developed,...

SPEAKER NICHOL: One minute.

SENATOR V. JOHNSON: ...and we put an end to it, we put an end to it. So I tell you that the legal questions in this case have been settled, and when they are settled, it means that it is done. Now nothing prevents, of course, any state senator from pursuing the miscellaneous claim process that Senator Barrett eluded to and asserting some kind of a claim based on contract or moral obligation. Settlements can't preclude those kinds of things from occurring. But when those claims are asserted, when they are asserted, those claims will not be buttressed by a reraking of old facts, or a reexamination of old facts because all facts encompassed within a settlement have been settled. The only value of the claim is simply to look at a moral obligation.