

and O'Connell admit you can measure pain and suffering, this claimant does not get \$5,100, he gets \$100.

I don't think you will ever convince the American public that when they have \$5,100 worth of pain and suffering and a jury has determined that that is what they in fact endured, that all they are really entitled to get is \$100.

Perhaps my greatest objection to the Keeton-O'Connell plan is that millions of Americans will be deceived into believing that they have some kind of liability protection. Today, if a person has a minimal liability policy, as Congressman Keith knows, en masse our compulsory coverage is only \$5,000 and \$10,000, but if a man has a minimal policy he knows that he is entitled to a complete defense in the event that suit is brought against him, meritoriously or not. He knows that the insurance company will investigate for him, that they will try the case if it ultimately comes to trial and the insurance company at their expense will bring in medical experts for the purpose of trying to minimize the amount of the damages.

But under the Keeton and O'Connell plan, millions of Americans will buy that which they are compelled to buy and when suit is brought against them the insurance company will say, "You have an accident and health policy with us, go out and investigate the case yourself. Hire your own lawyers, bring in your own medical experts." You have no one to defend you in the event suit is brought against you.

True, you have an exemption from liability to the extent of \$10,000 worth of economic loss and \$5,000 worth of specials but you do not have anyone who is going to defend you for the purpose of trying to determine whether the amount of damages is in excess of that exemption.

Now much has been said today about the problem of court congestion. I agree that where it exists it is a terrible problem but you can determine that court congestion is not a problem in those areas that have enough judges.

For example, Florida, where is a constitutional guarantee that there will be one superior court judge for every 50,000 population. But whether that is the answer to court congestion, I would simply point out to you that court congestion will be a further problem and a greater problem under the Keeton and O'Connell plan because under Keeton and O'Connell there is the possibility of two separate jury trials.

One, a jury trial against your own insurance company on the compensation case and; two, a claim against the alleged wrongdoer for damagees in excess of the amount of the exemption.

And finally, something has been said today about the fraudulent claim. I think that all lawyers and everybody associated with this problem are very conscious of fraudulent claims and they would all like to avoid them, but under the Keeton and O'Connell plan fraud will be even easier to perpetrate than it is now.

As a matter of fact, the former registrar of motor vehicles in Massachusetts, now a judge in the probate court, James Lawton, has said the Keeton-O'Connell plan would be a "fraudulent claims bonanza." As an example of what I think he has in mind, let me suggest to you a case of a man who is injured bowling or something of this