

LEGISLATIVE BILL 462

Approved by the Governor April 6, 1993

Introduced by Lindsay, 9

AN ACT relating to the Court of Appeals; to amend section 24-1104, Revised Statutes Supplement, 1992; to change provisions relating to publication of court opinions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 24-1104, Revised Statutes Supplement, 1992, be amended to read as follows:

24-1104. (1) Decisions of the Court of Appeals shall be in the form of an order which may be accompanied by a memorandum opinion. The memorandum opinion shall not be published unless publication is ordered by the Supreme Court of Appeals. All memorandum opinions shall be filed with the Clerk of the Supreme Court, shall be public records, and shall be made available to the public in such manner as may be determined by the Supreme Court of Appeals.

(2) In determining whether to publish a memorandum opinion, of the Court of Appeals, ~~the Supreme Court~~ may take into consideration one or more of the following factors:

(a) Whether the decision enunciates a new rule of law; ~~or modifies, clarifies, or criticizes an existing rule of law;~~

(b) Whether the decision applies an established rule of law to a factual situation significantly different from that in published opinions;

(c) Whether the decision resolves or identifies a conflict between prior Court of Appeals decisions;

(d) Whether the decision will contribute to legal literature by collecting case law or reciting legislative history; and

(e) Whether the decision involves a case of substantial and continuing public interest.

Sec. 2. That original section 24-1104, Revised Statutes Supplement, 1992, is repealed.