

May 16, 1975

SENATOR CAVANAUGH: Mr. President, members of the Legislature, I would support the bill and urge that it be advanced. I'm not sure, I wasn't paying close attention to Senator Luedtke's explanation, but basically what were confronted with in the legal community is that if the federal rules are changed and will go into effect, rules of evidence, it means that an attorney who goes into state court, practices in state and federal court will be confronted with different rules of evidence. Rules of evidence are highly technical aspect of the law which relate to what can be presented to a court and what can not and under what circumstances and in what manner. Basically what were talking about are new ways of getting your case presented to a court and it just makes it a good deal more difficult and complicated for the attorneys and the courts and probably less beneficial to the clients if the attorneys have to deal with different rules for the game depending upon which court room that your in. So, the benefit of 279 is to have everybody playing by the same rules in courts in the state of Nebraska. It can only serve to benefit the court and clients and attorneys, because if the rules are uniform everyone has a reasonable opportunity of understanding them and developing a good skill regarding the rules of evidence. Senator Kelly benefit, this is not a total recodification change for.. or a revolutionary departure from the existing rules of the court room game which what the rules of evidence are, but its alternations due to certain enactormisms that have existed or grown up in the statutes as rules of evidence and changes of philosophy in the law. It basically opens up matters that can be presented that previously could not be presented and circumstances in which they could be presented. The whole purpose of a court room procedure is to explore and get to the truth and get that evidence before the court which is proper and exclude that which would be prejudicial, that is what the rules of evidence are designed or intended to do. LB279 simply up-dates and modernizes and brings into conformity with federal rules and up-dates and modernizes the philosophy of what should be presented to a court or by a court, so I whole heartedly endorse LB279.

PRESIDENT: Senator Stoney.

SENATOR STONEY: Mr. President, members of the Legislature, a question of Senator Luedtke please. Senator Luedtke, I noticed that one of the opponents a Mr. Stauffer, indicated that this bill differed substantially from the federal proposal. Could you...

SENATOR LUEDTKE: No, that was his statement, I thought that it was only fair to state in the committee statement his statement. However the members of the supreme court committee on practice and procedure and yelled at him and if that could be put on the transcript that they yelled at him and said that you are wrong and they were really angry and upset that he made the statement. I felt that it was only fair that we put in there that he did make the statement. I think that the proof is in...this proposed comparison which I'll put on your desks, you look at it and judge for yourselves. I think that I would disagree with Mr. Stauffer