

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 18, 1998 LB 404

this body, and yet you will turn around and go out of your way to make life easier for them. Last year we passed a bill that was designed to help the public by saying that county court judges could handle domestic relations matters. That being a means of increasing the efficiency of the courts, especially outstate, because people wouldn't have to wait for a district court judge to come around, they could use the county court judge for domestic relations matters. And the process we used for doing that, we said that the party, any attorney for example, could file a petition with the clerk of the district court. And if you request that the county court judge hear the case, then the county court judge in that area would be assigned. And here's the language we used, that county court judge, by statute, is deemed appointed by the district court. Okay? No, no decision was to be made by any district court judge, it was strictly a legislative process. Now, what have the district court judges done with this? This is what the Legislature told them to do--let the county courts...let the county courts help with these cases so we can spread out and be efficient. This letter that I passed out to you is signed by John Murphy, District Court Judge; Donald Rowlands, District Court Judge; John Battershell, District Court Judge; and what does it say? It says, to heck with you, Legislature, we're ignoring what you told us to do, and we're going to require, every time they file and ask for a county court judge, we're going to require a hearing on that, we're going to require a hearing before us, the district court judges, 'cause we don't want to do that; therefore we believe that the only proper solution, until the Supreme Court has had an opportunity to act, is to require a hearing on all motions to have divorce cases heard in the county court prior to being heard in the county court. I can't imagine anything more outrageous than this! First of all, it is totally inappropriate, judicially, to be deciding and announcing, ahead of any case or controversy, what the court's position is with regard to any particular statute and the constitutionality thereof. And I have half a notion, and I'm considering filing a complaint with the Judicial Qualifications Commission, this is so wrong! But they are doing it; we have the power to do it, we're just doing it. They're trying to intimidate every lawyer in that district, from filing with the county court, by saying, we don't like it and we don't want to do it. And those county court judges aren't good enough