

SENATOR HOAGLAND: Yes, we, Senator Dworak and I had traded some remarks about that, Senator Wesely, when we debated this last Friday. Now that certainly is a theoretical possibility and I know that that is a position of the Editorial Board of the Lincoln Journal. They wrote an editorial last spring suggesting that the Judges of the Nebraska Supreme Court should be chosen statewide analogous of the system of choosing Justices of the United States Supreme Court. Now if we were to adopt that kind of a system there would be no guarantees of geographical representation at all and I know that there is a lot of concern in this body that middle Nebraska and greater Nebraska is represented in the Nebraska Supreme Court. If you look at the population of lawyers in the state, why I would estimate that 75% to 80% of the lawyers of the State of Nebraska reside in Omaha or Lincoln. Now that is a guess. I don't have figures to support that. I am sure that half of the lawyers of the state live in Omaha. So I think if we were to have that kind of a system, there would be a distinct possibility that out of the six Associate Judges of the Nebraska Supreme Court, we could easily wind up with three from Omaha and two from Lincoln and one from out state. So my reservation about that particular system is that we would be guaranteeing broader representation for Omaha and Lincoln than this current proposal presents.

SENATOR WESELY: Okay, granted that perhaps there might be a shift in representation but is the Supreme Court supposed to be a representative body is another question, and I apologize if you have gone through this discussion but maybe other people didn't hear it yesterday either or the other day.

SENATOR HOAGLAND: Well from the point of view of constitutional theory, I really think you could argue either side of that issue. You could argue that districts are appropriate for members of a Supreme Court and you could also argue that they are not because Judges are above regional politics completely, but I think as a practical matter all geographical areas of Nebraska are going to want representation. I think it is clear when the boundaries were drawn in 1971 that there was a considerable concern for representation and I would suggest that this particular proposal is a fair compromise. This proposal will guarantee that the large urban areas have their fair representation but it will also guarantee that not a majority or all the Judges come from the urban area.