

March 30, 1981

LB 111

accountability process because it is very difficult, it is very difficult, frankly, for the voters and the public and those being served by the justice system to really speak out directly on judges. Now one of the reasons that I am opposed to LB 111 is because I think the issue of salary is a very small way of this legislature and succeeding legislatures looking at judges and how they are carrying out their duties. When a court has to come before our Judiciary Committee and justify its pay increase it has to present to the Judiciary Committee its case load statistics, it has to present to the Judiciary Committee how it handles cases, how expeditiously matters are being handled. It has to talk about areas of some conflict and problems and the like. The Judiciary Committee has to determine whether or not given the economics of the time and given the kind of performance that that particular bench has done a salary increase is justified. Then again the whole body has to take a look at the situation for individual courts, not judges mind you, but individual courts. Now I think that that bit of accountability is important to the citizens of the State of Nebraska because it essentially gives us maybe once every two years an opportunity that will come up to take a look at how courts are performing. We ought not, we ought not lose that opportunity through a formula pay plan which is what LB 111 calls for. Now 111 does a very interesting thing. It in a sense ties all judges' salaries to the salary of the Supreme Court. The Supreme Court is an appeals court, the Supreme Court in a sense is that court which probably is the most visible in the state generally because it decides some of the so-called major cases that come up to it. . . .

SPEAKER MARVEL: You have one minute.

SENATOR V. JOHNSON: ....such as the Constitutionality of LB 882, such as the Constitutionality of our expense bill and right on down the line and it is quite regularly in the papers. We tend as a society to hold the Supreme Court in some awe. What that means is that we may be more responsive with Supreme Court salaries than we would be with the salaries of other courts and other judges. Given that phenomenon we would be more likely to increase the Supreme Court salary and automatically increase the salaries of the other courts under LB 111, which might not be the right thing to do and it might not be the right thing to do because we haven't made a thorough inquiry as how the other courts are performing in carrying out their own duties. That kind of an inquiry should be made. Existing salary structures do allow on a regular basis for that kind of an inquiry. So it is my opinion that we make a serious mistake in going with a formula salary plan. Now, I was