

people that heard them on the trial level, these are the people that were competent enough to decide the case in the lower courts, that have the experience with them. These aren't just people that we pull off the street and have never seen a lawsuit or an issue of law.

SENATOR CHAMBERS: And they have been reversed before, haven't they, on some of those cases that you say they have decided.

SENATOR KRISTENSEN: There's, obviously, always been reversals in the Supreme Court.

SENATOR CHAMBERS: Which means they were wrong, right?

SENATOR KRISTENSEN: Which means the Supreme Court decided that the case, for one reason or another, wasn't right.

SENATOR CHAMBERS: But the case didn't do anything on its own, the judges, who decided them and were reversed, were found to have erred or been wrong in their ultimate conclusion, isn't that correct?

SENATOR KRISTENSEN: That's correct, or it could have been a new area of law that nobody's ever decided before and the judge, on the trial level, had to make an initial decision.

SENATOR CHAMBERS: A good defense you're giving for them. When you have to be that nimble it's clear that your case is not very strong and your client is awful shaky. But here's what I'm trying to get to, the Supreme Court does not have to accept the recommendation of these panels. Is that right or wrong?

SENATOR KRISTENSEN: That's right.

SENATOR CHAMBERS: If one of these panels ruled on a capital case, the Supreme Court could review that.

SENATOR KRISTENSEN: They can't, by the terms of this bill, review a capital case.

SENATOR CHAMBERS: No, no, I'm saying, if the panel were allowed to review a capital case, the Supreme Court would not be bound to accept their recommendation, the Supreme Court could review that in as much detail as they chose, couldn't they?