

January 11, 1990

LB 586

LR 8

case. Our Supreme Court is made up of seven justices, and our backlog really started about 1969 and has reached what I felt in the last couple of years is a crisis situation. Thus, last year we introduced a bill called LB 586. If you'll remember, it was call the band-aid court, and the band-aid court was designed to temporarily address the increasing amount of backlog of appeals to the Nebraska Supreme Court. This amendment is the permanent solution to what we temporarily did last year. This is the enabling constitutional act that will allow us to set up an intermediate court of appeals. It will be a court not subservient to the Nebraska Supreme Court, necessarily, but will be another court of appeals for us to use to address the backlog. Quite frankly, there is a lot more to the bill. The committee amendments specifically are clarifying. What they do is clarify that you have a right, an absolute right, to an appeal to an appellate level court, either to the appeals court that we are going to be creating or to the Nebraska Supreme Court. Right now, for example, if you were in county court, let's say that you had a small dispute of \$5,000 with your neighbor, you have the opportunity to appeal that to the district court, and if you didn't like the decision of the district court, you have the right to appeal that to the Supreme Court. These amendments will just guarantee that you will always have the right to appeal from the district court, and that you won't be cut off at the district court level for your appeal. It also does a little bit of cleaning up on the ballot language, but the major thrust of the committee amendments is to guarantee us at least one appeal to the appellate level, and I would ask for the adoption of the committee amendments.

SPEAKER BARRETT: Thank you. Discussion on the committee amendments. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, this is, to my way of thinking, one of the most serious bills that has come before the Legislature because it deals with the fundamental right that has always belonged to the citizens of this state ever since there was a court system; that was the right to take an appeal of an issue, whether it involved criminal charges or a civil matter, to the State Supreme Court. The purpose of this amendment is to take away that absolute right and leave it up to the Supreme Court to determine whether it chooses to allow you to appeal a matter to the Supreme Court, itself. The only two exceptions would be a capital case, meaning where the death penalty has been imposed, or one