

SPEAKER BARRETT: Thank you. Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, and members of the Legislature, Senator McFarland, being a member of the Nebraska State Bar Association and a quasi-officer of the court, whatever that means, could be expected to give the kind of presentation he did. Most of the lawyers will tend automatically to fall in line behind whatever the court system wants, and especially if it is brought by the Supreme Court, and I am going to tell you why I say that. Senator McFarland did something that I haven't often seen him do on this floor, and that is to take two disparate objects and try to compare them. For the lay person, they usually say apples and oranges. He mentioned correctly that you start in the federal system at the district court. You then can appeal to the 8th Circuit, which is an intermediate court between the district court and the Supreme Court, but the 8th Circuit is an appeals court, not a trial court. Now he said that the Supreme Court, after you get a decision from the 8th Circuit, or any circuit, could grant you the right to argue before the court and they will hear your appeal or deny it, which is true. But what Senator McFarland has so cavalierly ignored is the fact that the United States Supreme Court, composed of nine people, deals with cases from throughout the United States of America which numbers in the millions. Nobody would expect one court to accept every appeal that could come from anywhere in this country. The Nebraska Supreme Court cannot be compared in terms of the volume of cases it would deal with, with the millions that the U.S. Supreme Court would handle. The Constitution, when it created the federal judiciary, created it as it exists now. It wasn't a situation where you had as a matter of right an appeal to the U.S. Supreme Court, and it has other differences than you will find in a state court system. But, remember this, if you file an appeal to the 8th Circuit, there are more than the three judges that usually will hear the case that comprise the entire 8th Circuit bench, and if you are dissatisfied, you can petition to be heard by the entire 8th Circuit. Under this that we are talking about here, once this appellate court comes into existence, it has nine people, it will break up into three sections, and your appeal will go to those three judges, not the Supreme Court, not the entire appellate court that is to be created. So I hope you will not be confused by Senator McFarland's improper, in my opinion, comparison between two things that are disparate in nature, and as the philosophers say, between things disparate in