

January 11, 1990

LB 586

LR 8

SENATOR KRISTENSEN: Thank you. Last year we had LB 586, which was a band-aid court. The court was allowed to create an appellate division from the district bench, and it was we brought district judges in from across the state to serve on a panel of three to hear cases and make recommendations to the Supreme Court on how to decide that. That will terminate in December of this year.

SENATOR ASHFORD: Has that been implemented?

SENATOR KRISTENSEN: Yes, they have been up and hearing cases since September.

SENATOR ASHFORD: And currently are those judges sitting in the division now, are they sitting in...or how are they hearing the cases currently?

SENATOR KRISTENSEN: They are hearing them in a panel of three. The Supreme Court has not set in division for some time. They found that to be not a very good experiment in managing caseload because they were getting inconsistencies between the various divisions, so they went back to sitting en banc and then...

SENATOR ASHFORD: And the court administrator...who makes the selection on the cases, caseload, whether it will go to this appellate court or whether it will go to the court as...

SENATOR KRISTENSEN: Under the band-aid approach we have got right now?

SENATOR ASHFORD: Yeah.

SENATOR KRISTENSEN: The court makes that decision but it is screened through the clerks and through the administrator, himself, but they take a look at those cases and try to decide which of those are error cases and which are doctrinal cases.

SENATOR ASHFORD: So, which, in effect, are error cases meaning if there is a mistake on the record, what do you mean by error cases?

SENATOR KRISTENSEN: Error cases are those cases where somebody may complain that my sentence is excessive, and that they didn't have any reason to stop my vehicle, or maybe a divorce case