

SENATOR KRISTENSEN: We created that. We gave the vehicle in order to do that.

SENATOR CHAMBERS: Right, and I am saying they did it pursuant to that law that we passed, and the court, itself, didn't have the power to do that on its own without statutory authority?

SENATOR KRISTENSEN: Well, somebody had to fund it and pay for it and establish it.

SENATOR CHAMBERS: But the point is it wasn't going to be just done by the court of its own motion?

SENATOR KRISTENSEN: That is correct.

SENATOR CHAMBERS: Okay, now here is what I want to get to. District judges are trial judges, aren't they, primarily?

SENATOR KRISTENSEN: Primarily, but not exclusively.

SENATOR CHAMBERS: And on occasion they serve an appellate function when they are looking at a case when it comes from county court, most often if they are going to sit as an appellate court, isn't that true?

SENATOR KRISTENSEN: For all purposes, yes.

SENATOR CHAMBERS: And they just look at the record that is presented to them for error, just to make a general statement?

SENATOR KRISTENSEN: Yeah, in a general, yes.

SENATOR CHAMBERS: Okay, the point I am getting to is that there is a difference between the functions served by a trial court and an appellate court. An appellate court does that exclusively. It has the opportunity to review matters and its aim is to look at broad policy matters and how the case brought before it fits into that scheme of things. The trial judge looks at individual cases composed of individual items, each of which may require a separate ruling, so his or her scope is much narrower than that of an appellate judge. A trial judge must make a decision. An appellate court need not. It makes some kind of decision but it doesn't have to resolve the issue. It can send it back for a retrial. It can dismiss it altogether.