

SENATOR KRISTENSEN: The best I can give you, Senator Smith, is a comparison as to how many opinions that are written because that's...that looks at the work load. Our judges write about 74 opinions a year per judge. The average is down about 35 to 40 in the other states. And if you'll look at the map--I passed out a map here of the other states--you'll see the number of states that have gone to one or even two court of appeals. And when they reached the level of about 50 opinions per judge or 35, they then went to an intermediate court of appeals system. Now there is...this map has already got a couple of additions, Mississippi and North Dakota are working on courts of appeals at the present time and we have the temporary one that we're working on, so there is even a couple more states on that map.

SENATOR SMITH: Well, then, I'd like to ask you another question, I don't know if you can answer this or not, but you know it seems to me that some of these states that I'm looking at that appear to have one more court that they have used as a process to go through rather than using it, you know, going with only the Supreme Court, are much more highly populated than we are, aren't they? Why...is the caseload in Nebraska unusually high?

SENATOR KRISTENSEN: Well, but I think...let's look at, there is a State of Utah, Idaho is in there as well. It really...

SENATOR SMITH: So it doesn't depend upon population then?

SENATOR KRISTENSEN: It really depends on the amount of appeals that are filed. But I think there is a direct relationship.

SENATOR SMITH: But can you tell me a little bit about why there might be many more appeals in Nebraska when you're looking at populations and looking at some of these states that are much more highly populated than we are.

SENATOR KRISTENSEN: That's correct.

SENATOR SMITH: Why would there be such a much heavier work load for our Supreme Court in Nebraska than other cases which have a higher population? Is there a reason that you might be able to tell me about?

SENATOR KRISTENSEN: ...might, and I don't have a sociological data to give you those, but my impressions are that Nebraska is