

to 1,100 cases and we've basically tripled the Supreme Court's work load in the last 18 years. If we look at the number of opinions per judge, the number of opinions that are issued per judge on the Supreme Court, 34 per judge in 1970, 50 per judge in 1980 and 69 per judge in 1988. The number of opinions per judge is higher than almost every one of our neighboring states. Iowa, South Dakota, Colorado each average about 33 opinions. Our Supreme Court is averaging right now about 69 opinions. I think what this shows is there is a backlog. There is a problem with the Supreme Court as far as their ability having the work time to be able to complete the work load in a prudent fashion. We have to somehow correct that problem. Senator Kristensen's proposal is to correct that problem by creating an intermediate court of appeals. What my proposal, amendment to the resolution would do, is to create, to not create an additional level of appeal. There would still be the Supreme Court. It would be expanded from seven judges to nine judges, an addition of two judges. The Supreme Court would also be allowed to hear appeals in panels of three. In cases involving capital cases and constitutionality cases, the Supreme Court would sit en banc, and if there is a discrepancy between two divisions or if some of the judges want to hear the case en banc, all nine judges, it can be done. What this would do, I think, we haven't really talked figures at all, but I think we should point out that an intermediate court of appeals has a disadvantage in that it is going to cost almost \$1.1 million per year to institute that intermediate court of appeals. Adding the additional judges should be substantially less, at most a third of that, and probably less. So there is a cost advantage. Number two, the intermediate court of appeals approach adds an additional layer of appeal. It doesn't, I don't believe, effectively addresses the backlog. I think what it does is shifts the backlog from the Supreme Court down to an intermediate court of appeals. People will still have to wait for an extended period of time to have their appeal heard by the appellate court, and then once the appellate court has heard and determined the case, it then would have to be advanced to the Supreme Court. I think that the disadvantage is on, for example, plaintiffs who have to wait, the individual who has to wait and has to forego the additional cost of another appeal, whereas some of the...for example, the insurance companies that might be on the other side of that, would be able to afford to wait, would be in their advantage to delay that. I think what the proposal, the amendment would do is to quicken that pace a little bit. It would still allow, it would reduce the work load that the judges