

a good system of government in that in some countries when you have a dispute it could be settled with a gun or a knife, but in America we settle disputes in the courts, and because of the litigation that takes place, or the increased amount of litigation, I think that we can all agree that there is increasing amount of conflicts that have occurred in society. As a matter of fact, since 1970, from '70 to 1989, there was a threefold increase in the amount of filings before the Nebraska Supreme Court and that has resulted in our two-year delay that takes place. I don't believe that the court is doing any less of a job, it's doing much more of a job but society is increasingly looking to the courts to settle their disputes, and as a result, we have a threefold increase in the amount of filings. Now let's just take a quick look at the proposal that has been presented in this amendment, the idea of dividing up into three-judge panels. Now each one of those judges that we have, each one of the seven Nebraska Supreme Court judges has a mind of his own, just the same as the nine U.S. Supreme Court judges have a mind of their own. I don't believe that the Nebraska Supreme Court has quite the scrutiny that is seen by the general public towards the U.S. Supreme Court, but each one of those seven members has a different opinion on a number of different issues. If you go before the Nebraska Supreme Court after...if we did establish a nine-judge panel, we would be going before that judge, we would be going before that court in a manner that we would only be appearing in front of three judges. Now if you're the attorney in that case or involved in the litigation, you might like to have your case heard before the entire nine-judge panel because you feel that looking at past decisions that those three judges that are hearing your case aren't going to be responsive to your requests in your litigation. I mean we can just imagine what would happen if the U.S. Supreme Court looked at cases in that manner? Let's assume that they said, well, we just want to divide up into three-judge panels. I think we all are aware that the U.S. Supreme Court, in looking at abortion, is very split. We have four members that are on one side, four on the other and Justice O'Connor is some place in the middle as a swing vote. Now let's assume that the Webster decision last summer took place and only three judges looked at that decision. Well, we could very easily...

SPEAKER BARRETT: One minute.

SENATOR ABBOUD: ...have had the decision one way or the other, depending on which three judges looked at it. And this is much