

appeals. But there is some other things that we need to look at. One of the handouts I passed out to you this morning was a report on our Nebraska appellate system and this is the first two chapters of many, many chapters of this report. They extensively came in and studied the impact that we would have if we would just expand the number of members. Could you imagine if we would say, well, we've got so many bills in this legislative body, if we just add maybe two more senators, we'll get through all this stuff. Well, you and I both know that is not going to work; no, not all, especially when they are going to have to write an opinion about it. But we also lose some other things. We lose the right for the Supreme Court to be the ultimate decider. Under Senator Lindsay's plan, those divisions, that court is going to split up into three different divisions. One division may decide a case one way, another division another way, there is nobody who is going to be the ultimate decider. So the ultimate court of last resort is gone. Senator Chambers was exactly right when he was talking about Senator McFarland early on in this discussion. The federal system doesn't apply to us in Nebraska and the 8th Circuit can do what Senator Lindsay is suggesting because they have the ultimate court of appeal behind them, that is the U.S. Supreme Court. Senator Lindsay's assertion that this is going to slow down the appeals process, the current proposed court is absolutely wrong. What will slow it down is if you add two more members who they're going to have to set there and take care of them, they're going to have to hear more cases and all you're going to wind up doing is having nine people mired in this backlog instead of trying to create a way of weeding out cases and having a quick review of only error cases and leaving the most important doctrinal cases for the collective body of the Nebraska Supreme Court. It has not worked anywhere else. The American Bar Association has studied setting in divisions by the court of last resort. They have made strong recommendations that this will never work and, in fact, I don't think it will work in this state and I would urge you to defeat the Lindsay amendment. Thank you.

SPEAKER BARRETT: Thank you. Senator Schimek, please.

SENATOR SCHIMEK: Mr. Chairman, I would like to call the question.

SPEAKER BARRETT: Five hands? I see them. Shall debate now cease? Those in favor vote aye, opposed nay. Shall debate now