

January 11, 1990

LB 769

LR 8

ASSISTANT CLERK: 26 ayes, 2 nays to cease debate, Mr. President.

SPEAKER BARRETT: The motion prevails. The introducer for a closing statement.

SENATOR ASHFORD: Mr. President and members, could I get a gavel, Mr. Speaker? (Gavel.) A couple of points I would like to make. Initially, one, first of all, somewhat contrary to Senator Chamber, is I do support what Senator Kristensen is trying to do in LR 8. I'm not convinced that his way is the best way but I think that we definitely need to address the problem of backlog in the court system. So I'm not coming here in an effort to tie up LR 8. Secondly, I am a member of the Bar Association. I have been involved in merit commission. In fact, I'm on the judicial nominating committee for the juvenile court system and I have been involved in making decisions on the merits of individual judges for several years in that committee. I support the merit system and I think that we ought to continue it and that that committee or that system of presenting to the Governor well-qualified judges is an important system. I would suggest, however, that I think that the merit system does weed out good people, quite frankly, and I would like to see more candidates selected through that process and advanced on to the Governor. But that's an internal consideration within the Bar. I am a member of the Bar Association and have been for 15 years and I think that generally lawyers try to do a good job in an open way. But it's beyond me why anyone in this body would oppose the concept of being involved in the selection process in confirming the decision of the Governor in the process of selecting judges. It is clearly...there is clear precedent for it. There are instances that Senator Wehrbein was probably referring to, the Bork nomination, where once in a while there are going to be issues, philosophically, that come up in the selection of judges. But, as I alluded to earlier, we're asking judges now in LB...well, in the parental notification, LB 769, to decide those kinds of issues. Are they for or against abortion? Because we're asking the appellate court, under LB 769, to either affirm or reject a district court's decision on whether or not to allow an abortion. So are those...are those decisions...are those the kinds of processes judges should be getting involved in? I think a good argument could be made that they should not be involved in those decisions but we very likely are going to vote to give them that power. So if we're