

January 31, 1990

LB 942
LR 8

SENATOR KRISTENSEN: Thank you. We've got the opportunity right now to place in the Constitution a large change. Senator Chambers is right, this is an important change. But what this change does is gives us the flexibility not to deny people the right to appeal, I'd be the first one that would not want to deny the right of appeal. But we can't have every case go into the Nebraska Supreme Court, because we're going to drown. We've got to allow some system to have people's rights redressed, and to do that swiftly. And the only way to do that is to establish an intermediate court of appeals. And I think next year I'll bring a bill back that probably is going to be somewhat similar to what's in Judiciary Committee right now, LB 942, and we're going to have this debate, the true debate on the floor as to how those rights should look, and what that court is going to look like, and who should go to the Supreme Court, because that discussion isn't one that we ought to just place in the Constitution.

SPEAKER BARRETT: Time.

SENATOR KRISTENSEN: Thank you, Mr. Speaker.

SPEAKER BARRETT: Thank you. Senator Wehrbein, further discussion on the motion to indefinitely postpone.

SENATOR WEHRBEIN: Yes, Mr. President, members. I oppose the kill motion. It's simply, I think, to make the case, in my mind, that we do have a backlog. But, as I understand it, it's primarily...the ones that are getting left, in many cases, are civil cases. Most criminal cases, I understand, are being taken care of and taken care of properly today. I hear some of the arguments that Senator Chambers is making. And, if I could come up with a better way to screen those going into the Supreme Court and still reduce the backlog, I guess I would be receptive. As I see it now I don't see a better way, and I think we have to do something for all of those other cases that are waiting up to two years for their redress in court. It just seems to me that we need to move along and keep tuning this process so that they are treated fairly. But I believe we have to look at all segments of our society being able to get proper redress in the Supreme Court and not just those that have priority, as it is the case now. Just seems to me we need to move ahead and, as Senator Kristensen said, we can refine this next year in statute so that all citizens of society are treated fairly and that those now presently waiting on this backlog can