

backlog is going to be a problem. The Legislature, if you don't feel that you want to do that at the time, you don't have to. With the Senator Moore amendment it's a "may". And so with funding decisions you will get to do this. As Senator Moore has recognized, it's good to put those guidelines in. It also, quite frankly, will be your defense towards additional judges. If somebody comes in and wants a whole new panel of three in a couple of years, you can say, look, we, back in 1991, developed the policy that you're going to look at caseload progression and here it is. You can also adjust the caseload progression. The way it is now, it's not mandatory, it's a permissive sort of thing but it is a guideline. With that, I would urge the adoption of the second half of my amendment.

SENATOR CONWAY: Senator Beutler, please.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to encourage the adoption of the first half of the amendment but not of the half we're discussing right now. And I think that you ought to pay a lot of attention because this is an enormous, an enormous precedent-setting amendment. And let me tell you why, because nowhere else, ever, has the Legislature ever given up its authority like this with regard to the Judiciary. If you want another judge in the District Court, there is no provision that says when there is another 100 filings in that District Court they automatically get another judge, or when you want another judge in the juvenile court or in the county court, there is no such provision. For the first time, there is no such provision for the Supreme Court. For the first time, we are setting a precedent that I think is not a good precedent. I don't like to see the Legislature give up its power as it would with this particular provision. Senator Kristensen is bemoaning the fact that maybe there's a danger here that they will not have enough people to do this job. Let me tell you, there is now built into the system four or five different ways that they will have enough people to do the job. First of all, remember that the appeals court is working in panels of three; even with six judges, even with just six, that's two panels of three. That means you have two courts at the appellate level. plus the Supreme Court, three courts now doing the work of the one court. And it seems to me very prudent, it would be very prudent on our part to wait and see what happens with the backlog and what happens with the caseload before we make any kind of commitment whatsoever or give the court any authority to proceed to hire additional