

indefensible position not to have the same kind of system in the selection of judges. I'd like to read for you an article that was written and published recently and the author is Dick Shugrue of Omaha and he talks about why the bill that was introduced by Senator Haberman earlier this year in Judiciary Committee, LB 231, was so important. And he says, first when the merit plan was adopted, the State Bar assured the people in Nebraska that impassioned, expensive politics would be replaced with reflective, honest deliberation. The bench has improved over these last three decades, but how many men and women who have submitted their names for consideration were torpedoed for reasons the public will never know. Second, the judiciary doesn't belong to the legal profession, yet lawyers play a special and central part in the selection of its members. It seems to me that the people are entitled to know how this provincial "House of Lords" is doing its job. In the House of Delegates of the State Bar a year ago, those of us calling for an opening of the merit commission process were shouted down by members who said we weren't living in the real world. The real world, they suggested, was populated with judges who, if they knew how lawyer commissioners voted, would take revenge on their opponents. Some judiciary we have given Nebraskans. If we are to continue our enthusiastic support for merit selection, we have to give the people who created the system justification for it, that it is fair, objective and nonpolitical and I submit to you that those are very good arguments for bringing up this matter at this time when we are suggesting and creating a bill, I should say, for the court of appeals. With that, I would simply ask for your consideration of this amendment. Thank you.

SPEAKER BAACK: Thank you, Senator Schimek. Senator Kristensen.

SENATOR KRISTENSEN: Point of order, please.

SPEAKER BAACK: State your point of order.

SENATOR KRISTENSEN: Mr. Speaker, I believe that this amendment is not germane to the court of appeals bill. This is one that was not ruled germane to the judicial nominating commission bill we had the other day, for a variety of reasons, but one is that nowhere does the bill dealing with the court of appeals talk about nominating commissions and the process of the nominating commission. There was a bill in judiciary that was there. This is not a germane issue. It doesn't open up any of the statutes, as I understand it, that we've been dealing with and it doesn't