

require that a judge act. Judges don't like to make themselves susceptible to a mandamus action because, first of all, it's embarrassing, and, second, it can be grounds for a judicial qualifications committee to start looking into how a judge is performing. So there are a couple of mechanisms that can be triggered to require action in that type of situation.

SENATOR SCHIMEK: Senator Lindsay, I will follow up with a question that Senator Landis just asked. Would a mandamus be anonymous?

SENATOR LINDSAY: It can be...I think you're talking about confidential within the terms of the LB 425.

SENATOR SCHIMEK: Correct.

SENATOR LINDSAY: And there is a difference between anonymous and confidential. Confidential, there are no anonymous cases anywhere in the world. Juvenile court records are confidential. Example, the judge would know who it is and you would have to expect that. It's just technical. But the question as to would it be confidential, I'm confident that a judge would order the case to be sealed and would allow it to be filed under the name of Jane Doe.

SENATOR SCHIMEK: Okay. And another follow-up, I guess. Are there any instances or circumstances under which a judge can remove himself or herself from making a rule or a decision, just opt out of these kinds of cases?

SENATOR LINDSAY: Sure, if there is a conflict of interest, obviously, if it's a case involving somebody that you know very well, if it's a case where you have a conflict of interest, and I'm using just general ways that a judge might recuse himself, if he has a financial interest in the case. There's all sorts of reasons that a judge could recuse himself, yes.

SENATOR SCHIMEK: But could a judge do this on the classification of cases that we're considering here? For instance, could a judge who does not...is morally opposed to the whole idea of abortion, for instance, and doesn't consider himself or herself to be a person who should be ruling in these cases, could they remove themselves from all of them?

SENATOR LINDSAY: Yes.