

the same amount of time with each other.

SENATOR CHAMBERS: Here's my question.

SENATOR KRISTENSEN: Sure.

SENATOR CHAMBERS: On whom will a decision by one of these panels be binding, other than the court that might be reversed or affirmed, the lower court?

SENATOR KRISTENSEN: Certainly, the parties will be bound by it and the lower court and if the Supreme Court chooses to publish that opinion and embrace it as precedent, then it becomes the law of the land in the State of Nebraska.

SENATOR CHAMBERS: But if that's not done, then a district judge in Douglas County could be reversed by the appellate court and another district judge in Douglas County could disregard that appellate court's opinion or decision, couldn't it?

SENATOR KRISTENSEN: You're making two assumptions, one, that you can have equal facts of two identical cases.

SENATOR CHAMBERS: Yes, identical cases.

SENATOR KRISTENSEN: Yeah, one of which would not occur but what you're really looking for is the precedent that the judges should follow comes from the Supreme Court and not the appellate court.

SENATOR CHAMBERS: So the appellate court can...their decisions can be ignored by everybody other than the parties involved in that case. Isn't that correct?

SENATOR KRISTENSEN: That's correct to the point that they don't make common law, that's the job of the Supreme Court.

SENATOR CHAMBERS: All right, now...and, Judge, another question. When you have a common law provision and a statutory provision is enacted and that statutory provision conflicts with the common law, which prevails?

SENATOR KRISTENSEN: I should take this under advisement.

SENATOR CHAMBERS: But you know the answer. We all do.