

yes, they could. Now the chances of that happening are probably pretty slim, and if they are, that's an appropriate case for the Supreme Court to decide a conflict in the two panels.

SENATOR HABERMAN: But there's no guarantee the Supreme Court will take the case. No.

SENATOR KRISTENSEN: No, but that's one of the guidelines that are in here, and that would be the type of case that you certainly would envision being heard.

SENATOR HABERMAN: All right. Madam President, members of the body, Senator Kristensen made the statement that it's not a big deal to him who signs the opinions. So I would have to interpret that, Senator Kristensen, to say it's no big deal to you that the Supreme Court does not follow the law. No, I'm making an assumption, Senator Kristensen. So I would like to challenge...yes, I will, I'll challenge you, Senator Kristensen. Since you have stated that the law is not being followed in the case assigning the opinions, would you lead the charge, would you use your influence, and quite obviously you have quite a bit of it, to see that the judges follow the law?

SENATOR KRISTENSEN: Well, one is, Senator Haberman, I don't think they're violating the law. And...

SENATOR HABERMAN: Well, you admitted that the common law, that statute overrides common law, and you used common law as an excuse to me as to why they didn't sign the opinions.

SENATOR KRISTENSEN: No, no, I don't...I think that per curiam is a common law practice and I think that's where it came from. But in terms of leading the charge, I think that the message probably goes to the Supreme Court pretty hard. I don't know...and I think that that would be appropriate...if I were you, I would ask the Supreme Court directly, through your means of whatever, that's an approachable issue, asking the Supreme Court why they do per curiam. As I told you early on, I can't tell you the exact circumstances because I don't sit in the Chamber and write the opinions. If you're uncomfortable about going to the Supreme Court and asking about that, I'll be glad to do that, I'll do a memo to you, whatever you'd like.

SENATOR HABERMAN: Senator Kristensen, I would appreciate your doing it, because I have got the impression that you do have