

PRESIDENT ROBAK: The Chair recognizes Senator Brashear to open on his amendment.

SENATOR BRASHEAR: Madam President, members of the body, AM2119, which you can find in the Journal at page 2083, offered by Senator Wickersham and myself, is an effort to bring to LB 189 a specific set of detailed criteria to be the basis of a judicial resource examination. One of the things which you get into when you start talking about how judicial resources should be allocated is that you have to have a firm basis in fact rather than in fiction for determining the allocation of those judicial resources. Caseload alone is not a sufficient criteria. There are many factors which have to be considered in the light of reality. Cases can be easily disposed of or they may be difficult. Cases can take a great deal of pretrial and discovery effort or cases may not take that effort. What the amendment before you endeavors to do is to set out the specific criteria and you will find it at page 2085 of the Journal, beginning at Section 3 where it says, regardless of whether a vacancy has occurred the Judicial Resources Commission shall meet not less than once every two years. After the meeting and not later than December 31, 1995, the Commission shall report to the Legislature the following. And you will note then the criteria to be considered, and if we can just skip lightly over the criteria, you will see some of the aspects that ought to be considered in allocating judicial resources; time on the bench, time spent on administrative tasks, time spent on continuing education, time spent on research and writing, time spent on travel, and on and on. The reason for setting forth that criteria in the amendment is to ensure that, in response to the comments made by the Speaker, to ensure that the next time that we have to approach this subject a study and the basis for that study and the criteria of that study will, in fact, have been provided to us and we will not then be in doubt as to whether or not a judge should be moved from judicial district A to judicial district B, and what a particular judge or judges' workload is. This is nothing more than an attempt at specificity, specificity which has heretofore been lacking and now is submitted as being an appropriate basis for going forward in the future and avoiding some of the problems which the Speaker has characterized as frustrating. With that, we would urge the adoption of the amendment.

PRESIDENT ROBAK: Thank you, Senator Brashear. Senator Chambers. Senator Wickersham.