

was to be a doctrinal court, in other words, to determine the broad principles of law. The Supreme Court...or the Court of Appeals was to take those broad doctrinal things and apply them to various cases. The problem is when you don't do precedent to lower courts, you have very unequal application of the law across the state of Nebraska because there's nothing to follow. If the Supreme Court hasn't ruled on a particular fact situation, then a judge in Lincoln can rule much differently with the same set of facts as a judge in Scottsbluff because there's nothing to follow. That's unequal treatment before the law. That's...that's what this amendment is really going to get to is a statement to the Supreme Court that we were not silent, and Senator Chambers correctly pointed out the factors that the Supreme Court should look at when deciding whether or not to publish the opinions of the Court of Appeals, is that you want to have some treatment, equal treatment, that's required when people in like circumstances are treated alike. And if you've got a divorce case in Scottsbluff that has the same facts as a case in Lincoln, there ought to be some ability to look at the law and say, here's what the court's ruled. You ought to treat them the same. It's called fair treatment.

SENATOR CHAMBERS: (Inaudible.)

SENATOR KRISTENSEN: Well, not if they're not...Senator Chambers, not unless they're married to each other at the same time, but really I think there is a fair point here that there may be a separation of powers problem. That's a legitimate question. I don't think this is jurisdictional. I don't know that it's a procedural question. I liken it very similar to the one that where we require the judges to sign their names, and instead they do procurium. I think it's that same type of issue. But I also...and the reason, Senator Chambers, I'm going to vote for the amendment, regardless of those facts, are that I think there needs to be some vertical stare decisis in this state that flows from that Court of Appeals down to those lower courts so that people in lower courts have some guidance on the day-to-day mom-and-pop issues that get decided down there. And I think the court...I don't like the rulings. I can't change the rulings. There's some rulings I think are great, and I'll applaud them and defend them for their ability to do that. There are others I think they made a mistake on. This is one of them I think they made a mistake on. But part of that opinion goes to what was the Legislature's intent for giving the Court