

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 15, 2003 LB 454

need to create another layer of whatever this is called. This program is not a court. It does not adjudicate guilt or innocence. There is no adversarial process where you have side A contending against side B, and the judge sits there as the arbiter and knows nothing other than what the two sides present. In a court, the judge cannot go forth and seek any information about a case on his or her own, because the judge must remain impartial, untainted by even the appearance of favoring one side or the other. Ex parte communications, that means...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...contact outside of the judicial proceedings between the judge and one of the parties, that cannot be done. Under this process that you have here, judges can probably talk to anybody that they want to. There are no presentence investigations required, none of the accoutrements that mark an entity as a court. The name may even have to be changed so that there will not be confusion on the part of any person as to what we're talking about. No judge has been appointed to this court, as it's called. No judge has been authorized by statute to sit on this so-called court. And it's not necessary to do that, because it is not a court. Our labeling something does not make it that. And these are very substantive issues that we must deal with if we're going to legislate on the subject.

SENATOR CUDABACK: Time.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Aguilar, there are no further lights on. You're recognized to close on the advancement of LB 454, if you care to.

SENATOR AGUILAR: Thank you, Mr. President. Just very briefly, to say, you know, we put out a lot of information here. There's been a lot of great questions asked. And I would ask for the body's support to move it over to Select File.