

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

May 15, 2003

LB 760

SENATOR CUDABACK: Senator Brashear.

SENATOR WEHRBEIN: And while he goes back, I would make a comment. I support this amendment, I guess it's a combination of both amendments, primarily, in my case, because it does save General Fund money. This...one of the issues that Senator Brashear mentioned was continuing the county...openings of county courts, or hours of county court operation. This is something that, if I remember, saves a couple hundred thousand, at the discretion of the court. We can mandate...cannot mandate them. But they may do that as they see fit. So there are several General Fund savings in here. And still the court system should be able to continue very efficiently. The question I'd like to ask...it's a little off the subject, but Senator Brashear, the Public Advocacy Agency, we just had a case where the Supreme Court overruled in a felony case of murder that the private counsel was inadequate. And can the Public Advocacy Agency help a private, or does it have to be a public defender? And can a judge order public advocacy to become involved?

SENATOR CUDABACK: Would you respond, Senator Brashear?

SENATOR BRASHEAR: First of all, the individual defendant always has the right to contract for the lawyer of their choice.

SENATOR WEHRBEIN: But...okay.

SENATOR BRASHEAR: Secondly, if the county has a public defender, by whatever arrangement, contract sharing, employment, or whatever, the judge can appoint that. If there's a conflict, they can appoint somebody else by contract, and the judge can appoint...one of the options then is the Commission on Public Advocacy.

SENATOR WEHRBEIN: Well, what's going to happen here...

SENATOR BRASHEAR: So there are multiple options, is what I'm trying to say. I don't know as I can give you...