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look to an opinion, a decision of the Court of Appeals for guidance, then you have to put both these decisions side by side and one says yes, the other says no. The lower court rules in your favor because it likes the decision given by Panel A of the Court of Appeals. So the other side appeals it, and it goes to the Court of Appeals. This decision was rendered on the basis of what Panel A said, but the panel that reviews it on appeal is Panel B, which disagrees with it, so Panel B follows its original decision and overturns this one, reverses it, and we still have the conflict between A and B, Panels A and B. In another district court, Panel B is followed, and when that decision is appealed to the Court of Appeals, Panel A gets it. So Panel A reverses because it disagrees with Panel B. So now not only do you have a conflict between Panel A and Panel B, but you have litigants at the district court level each of whom followed one of the binding opinions of the Court of Appeals, yet both were overturned because there is no way to bring all of the judges of the Court of Appeals together in one panel or six judges. Senator Matzke and all the other attorneys realize that in the federal system there is a Circuit Court of Appeals. They will sit in three-judge panels. If you dislike what this panel did, or you think it might conflict with what another panel in the same circuit did, then you can ask the entire Circuit Court to come together. That means all of the judges then sit and determine whether this small panel's decision is to be binding on the lower district courts in that circuit. That will not work in our situation because we only have one state which is presided over by the Court of Appeals.

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: There is no en banc sitting sitting of the Court of Appeals to resolve a conflict between the two panels. But let's say for argument that you bring the six of them together and they break down again, three in Panel A still say what they said, three in Panel B say what they said, there is a deadlock, so neither decision is overturned and everything sits the same way until and unless you can get the State Supreme Court to take it and rule. But while waiting for the State Supreme Court, there is total and utter chaos because two conflicting opinions, two decisions, are each binding on the lower courts. Either way they go, they are right; either way