

several reasons for that. The first reason is that we already have extensive provisions in the Constitution and in order to amend those or change those as this does, we need to amend the Constitution to do it. Secondly, this particular amendment deals with the most fundamental issue of disciplining and removing from office members of a separate branch of government and the way our system is currently set up, we appoint judges virtually for a lifetime with the six year annual review on the ballot of their suitability for office. Now 95% of the times judges, their term is easily reaffirmed on the ballot. So essentially we are dealing with men and women who have been appointed to the bench for their entire life and for the Legislature to be tinkering with that system by way of statute every other year or every third year would raise serious constitutional problems because we are dealing with a fundamental term of office of constitutional officers who are members of a third independent branch of government. So really the proper and appropriate way to define the rules for removal of judges from office is through the Constitution so that the people of the State of Nebraska can vote on it and put it in the Constitution as it should be done. Now why is this such an important measure? It is such an important measure because it is going to make our judiciary more accountable. The current situation, the current statute or constitutional provision that governs removal of judges from office does not permit all the various shades of possible disciplinary action that are necessary. It sets up a situation where a judge, if he is guilty of some sort of misconduct, is either removed from office totally or he is not disciplined at all. Now that has a consequence of meaning that all the various minor infractions or the minor mistakes or the minor abuses of discretion that judges can make, they are human like all of us, will go undisciplined and they will go uncorrected because whatever the misconduct is it doesn't justify that ultimate step of removal from office. Now this particular provision which has been developed very carefully by committees of lawyers throughout the nation sets up a very nice balance. It allows a whole variety of disciplinary measures to be taken, in some circumstances in confidence and other circumstances publicly, which can deal with a whole range of the kinds of mistakes and the kinds of misconduct that judges can be responsible for or guilty of. Ultimately the bottom line is it is going to make our judges and our judicial system more accountable, more responsive and more responsible in the way they conduct themselves in office. Finally, this particular provision has been written extremely well. The craftsmanship that lies behind this thing is really superb and