

For those of you who have been in the body for the last two years, you have heard this discussion in two other areas; one of them being the appellate division of the district court, that is where we created a temporary band-aid to address the backlog of cases with the Nebraska Supreme Court. Last year you've heard it on LR 8, which turned out to be Constitutional Amendment 2, which allowed for the creation of an appellate court. For those of you who are new to the body this year, let me give you a little bit of background. In 1975, the Judiciary Committee in this body conducted an interim study, and that interim study was on the Nebraska appellate system. And the appellate system is our system of courts that isn't at the trial level. The trial level is that level of courts which hear the disputes, which hear the lawsuits. That is where Perry Masons are at. That is where the Brad Ashfords of the world are at, who are out trying cases, witnesses testifying, exhibits. That is where all the courtroom drama occurs. With that, and after that trial has occurred, there is a winner. And whoever feels that they may have been wronged, or that there was a wrong procedure, or the jury got a wrong instruction, or that there may be a mistake of law, any party may ask to have that case reviewed. We call that review an appeal, and that appeal, in this state, if it is from the district court level, goes to the Nebraska Supreme Court. That Nebraska Supreme Court has become backlogged, backlogged to the point where you wait now over two years to have an opinion reached, a decision reached, and your case heard. That is two years to wait to see if the insurance company is going to pay your judgment that you had won in the lower court. That is two years to see if your divorce had been properly decided; two years to see if what happened in the lower courts was correct or not. That wait is intolerable. Your right to an appeal has effectively been denied because of the wait of time. Early in the 1970s, this study found that we had no backlog, that the system was working in 1970, but they foresaw a trend and a progression that was going to show an unmanageable amount of work. And those trends have come true. They also asked, what can we do to prevent this problem from happening? So in 1975, they took a look at this matter and they suggested that we have a court of appeals, and they suggested a court of appeals very similar to the very one that I have introduced right here. They looked at the numbers and they saw that there was going to be a saturation point, and when that saturation point was reached, justice no longer would occur because of the wait, the glut of the cases. What causes the cases...I mean, why do we have so many more cases? Society in general; more disputes, more laws,