



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 1014

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 6, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1014 stems from the Nebraska Bar Association's Judicial Structure and Administration Task Force report on methods for allocating judicial resources and seeks to grant the Nebraska Supreme Court flexibility in allocating judicial resources to district, county, and juvenile courts. LB 1014 would provide the Nebraska Supreme Court with the authority to determine in which judicial district a judicial vacancy should be filled. The Legislature would statutorily provide for the total number of judges (124 district, county, and juvenile judges). Current law statutorily grants each judicial district with a specific number of district, county, and juvenile judges. The Supreme Court's authority to determine in what judicial district a vacancy should be filled would remain within the current statutory framework for determining vacancies by the Nebraska Judicial Resources Commission.

When a vacancy occurs and the Judicial Resources Commission determines that (1) the vacancy should be moved to another judicial district or (2) that the vacancy should be filled in the same judicial district where the vacancy occurred but by a different type of judgeship than the vacating judgeship, the Judicial Resources Commission would report such recommendations to the Supreme Court. Current law directs such recommendations by the Supreme Court to the Legislature for possible statutory changes via legislation. Under the terms of LB 1014, the Supreme Court would determine by a majority vote where a vacancy should be filled and by what type of judge. The Supreme Court may request from the Legislature changes in the number of judges, judicial boundaries, or the number of judicial districts.

LB 1014 also makes the following changes to current law in order to assist the courts in better managing existing caseloads:

- 1) District courts would no longer act as trial courts when hearing small claims appeals. Instead, appeals to the district court would conform to the process used by the Nebraska appellate courts;
- 2) County courts and separate juvenile courts are given the authority to appoint child support referees and courts are also given the authority to appoint referees in civil equity matters;
- 3) All misdemeanors arising from the same incident as a felony would have to be filed with the felony in the district court;
- 4) Courts are permitted, if it is available, to use videoconferencing and the telephone to conduct both non-evidentiary and evidentiary hearings.
- 5) Presiding judges of the district and county court in each judicial would review the caseload of the two benches and create an annual plan on how to assign between the courts cases involving domestic relations matters and Class IV felonies; and
- 6) Statutory language that limits the Supreme Court's ability to fairly compensate retired judges who might be willing to hear court proceedings on a temporary basis is amended to allow for fair compensation as established by the Supreme Court.

Principal Introducer:

Senator Brad Ashford