

Wants skilled reporters

Krivosha criticizes edited courtroom coverage

By Jim Garrett

"Why doesn't the news media cover a quiet title law suit for a change," charged Nebraska Supreme Court Chief Justice Norm Krivosha Thursday, in a speech at the UNL Law College.

Krivosha spoke on problems between the press and courts as well as changes inside the court system.

Krivosha said the news media won't send just any reporter to cover a football game, because the reporter must be knowledgeable and skilled in the sports field. But, Krivosha said, the news media will send a general

assignment reporter to cover courtroom litigation.

Krivosha said lawsuits often have crests, valleys and peaks in their arguments which if viewed from beginning to end, shows the story differently than edited press coverage.

"It's like walking into the middle of a play and covering only 10 minutes of it," Krivosha said.

Krivosha said the real problem is what is done with the material after it leaves the courtroom. He cited the example of the Nebraska Supreme Court session at the Creighton Law School, when five hours of proceedings were taped. He said very little of it probably will be used.

"Maybe a minute and 18 seconds. But which minute and 18 seconds is more important," he said.

Krivosha suggested that the courts should let the cameras in, but also, said, "now this is what you have to show." He conceded that with this stipulation, the press probably wouldn't come in.

Krivosha said some critics think that if the cameras are allowed into the courts, judges and lawyers will "showboat." But, Krivosha said, the opposite would probably occur. He said that with an audience, maybe judges and lawyers would settle down and get on with the business of law.

Krivosha said 36 states permit courtroom cameras but Nebraska does not. He said the Nebraska Supreme

Court is considering the issue and that he hopes to have the question settled before all the other 49 states allow cameras.

If the people have a right to voice their feelings in the other two branches of government, why don't they have a voice in the judicial system as well, he asked. Krivosha said the people will have a voice if they are allowed to see what goes on inside the courtroom and that it will not destroy the quality of justice.

"The public must have respect for the law, but they must not be in awe of it. We are not the Wizard of Oz behind the smoky curtain. If cameras can tell them about it, it's a step forward."

Krivosha said he wishes that lawyers would not be required to do pro bono or voluntary work.

"I don't think it should be required," he said. "I wish that the world were such that all the things good and right could happen because people are good and right. Every lawyer should do it because they like being a lawyer. They ought to volunteer their efforts, time and knowledge to someone who needs it. It is said that it must be required."

Limited tenure

Krivosha was asked to comment on remarks made by Sen. Haberman of Imperial on limiting the tenure of State Supreme Court justices.

Krivosha qualified his answer, saying, "I'm not sure where my personal feelings enter into this. I suppose I would not be willing to give up being senior member of a law firm and my lifestyle for a temporary job. I consider it to be a career."

Krivosha mentioned two problems that can occur with short tenures for judges. Some judges may not accept the position with a short tenure, and the possibility of litigants "waiting" for the judge to move on in order to avoid a possible philosophical difference may be a problem.

"But without trying to find a place for myself, it is the Legislature's business to decide the issue, and it's the peoples' interest because it is a constitutional issue. If that is what they want, I have no quarrel with it."


Krivosha also disputed the idea that conservative or liberal presidents or governors could pick judges solely on the basis of philosophical grounds.

He referred to President Dwight Eisenhower choosing the "liberal" Earl Warren and President John Kennedy choosing the "conservative" Byron White for the U.S. Supreme Court.

"Judges don't know what they're going to be like before they become justices," Krivosha said. "If they are selected properly, the adversary position they held will be gone in very short order."

"Selecting judges based on their philosophy is wrong and foolish. A person who represents himself as a conservative judge should be rejected if that means he can't keep an open mind and meet every issue that way."

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