

LEGISLATIVE BILL 68

Approved by the Governor March 13, 1997

Introduced by Chambers, 11

AN ACT relating to courts; to amend section 24-1104, Revised Statutes Supplement, 1996; to change provisions relating to opinions of the Court of Appeals; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 24-1104, Revised Statutes Supplement, 1996, is amended to read:

24-1104. (1) Decisions of the Court of Appeals shall be in the form of an order which may be accompanied by a memorandum opinion. The memorandum opinion shall not be published unless publication is ordered by the Court of Appeals. All memorandum opinions shall be filed with the Clerk of the Supreme Court, shall be public records, and shall be made available to the public in such manner as may be determined by the Court of Appeals.

(2) In determining whether to publish a memorandum opinion, the Court of Appeals may take into consideration one or more of the following factors:

- (a) Whether the decision enunciates a new rule of law;
- (b) Whether the decision applies an established rule of law to a factual situation significantly different from that in published opinions;
- (c) Whether the decision resolves or identifies a conflict between prior Court of Appeals decisions;
- (d) Whether the decision will contribute to legal literature by collecting case law or reciting legislative history; and
- (e) Whether the decision involves a case of substantial and continuing public interest.

~~(3) All published memorandum opinions of the Court of Appeals, whether published before, on, or after July 19, 1996, shall serve as precedent in courts and tribunals of the State of Nebraska inferior to the Court of Appeals unless the decision is modified, reversed, or overruled by the Supreme Court.~~

Sec. 2. Original section 24-1104, Revised Statutes Supplement, 1996, is repealed.