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## Book Review: *Slipping Backward: A History of the Nebraska Supreme Court* By James W. Hewitt.

Cloyd Clark  
*Nebraska County Judge*

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**Slipping Backward: A History of the Nebraska Supreme Court.** By James W. Hewitt. Lincoln: University of Nebraska Press, 2007. x + 243 pp. Illustrations, tables, appendices, notes, bibliography, index. \$45.00 cloth.

I met Chief Justice Paul W. White at a 14th Judicial District Bar Association meeting in McCook. Everyone in Barney's Supper Club that evening met the Chief Justice. When he arrived he worked the crowd, beginning with the long bar and ending with the last booth. "Hi, I'm Paul White, Chief Justice of Nebraska," the judge hailed as he shook each hand. An engineer friend of mine asked, "What's a Chief Justice of Nebraska?" The question was tongue-in-cheek but its answer was challenging.

James W. Hewitt answers that question and many more in his history of the Nebraska Supreme Court, *Slipping Backward*, which covers the court and its judges from 1938 through 1995. It is the first history of the Nebraska Supreme Court and the first book-length study of a Great Plains supreme court. Hewitt approached his task by reading each of the 14,335 cases decided by the Nebraska Supreme Court during those years, then artfully organizing his history around four Chief Justices of the court: Robert G. Simmons (1938-63), Paul W. White (1963-78), Norman Krivosha (1978-87), and William C. Hastings (1987-95). This allows Hewitt to fill each era with the unique challenges facing Nebraska, the Great Plains, and the legal community.

Supreme courts are the guardians of America's "rule of law" as they conform developing laws to state and federal constitutions. This is not always a popular task, as the Nebraska court discovered when it introduced the Warren Court's criminal justice decisions to Nebraska. *Slipping Backward* documents the cases, court reforms, and the change from direct election to gubernatorial appointment of judges. The book rightly characterizes the Nebraska Supreme Court as hard working, dedicated, and up to the large task assigned to the third branch of government.

An excellent storyteller, Jim Hewitt plumbs judicial personality and the knotty problems faced by the court. His experience as lawyer, historian, Nebraska State Bar Association president, and his service on the American Bar Association's Committee on the Federal Judiciary and as a commissioner of a Supreme Court Nominating Commission uniquely qualify him to tell the Nebraska Supreme Court's story.

Scholars, lawyers, and the general public will enjoy this insider's view of the Nebraska Supreme Court. It has the objectivity of a good history and the subjective assessment of a keen observer of all things legal. The notes, bibliography, and index are excellent and will aid anyone who explores Nebraska's courts. Hewitt's anecdotes are crisp and well told. For instance, you will learn that Paul W. White, the Nebraska Chief Justice I met at Barney's Supper Club in McCook, was the last elected Nebraska Supreme Court Justice. No wonder he had such great political skills that night. **Cloyd Clark**, *Nebraska County Judge, 1973-2007, McCook, Nebraska*.