

presently, Judge Ryan, testified that the average judgment in the City of Omaha is \$217. So I don't think the argument that says that with inflation that we have had over the past five to six years justifies an increase to \$1,000. If the average judgment today in 1978 or 1979 is \$217 and that amount is increasing at less than \$10 annually, I see no reason for an adjustment for a number of years. So I would just say again, this is an individual that deals with these items day in and day out and I think that we should consider this before adopting a proposal which would increase the present amount of \$500 to \$1,000.

PRESIDENT: Any further discussion? Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would just like to make a couple of small points, since this seems to be the juncture of which we are primarily discussing the whole bill. First of all, I would like to emphasize the fact that there is a right of removal. That means simply that anyone who gets dragged in, so to speak, to small claims court can remove it if he so chooses. This applies to the little guy as well as the big guy, and I really object to the assertion that this is a bill to help the big guys instead of the little guys. The little guys are helped every bit as much as the big guy. Senator Chambers made the point that it is another tool by which creditors can threaten the little guy but this isn't any different than our whole judicial system. I mean a person can always threaten to take a case to court and it doesn't matter whether it is small claims court or whether it is district court or county court. So I really don't see the validity of that point whatsoever. I would like to go back to the removal point and I would like to point out that on the form that is sent out to all the people who are called into small claims court it specifically says the defendant may request that the case be transferred out of small claims court. That is underlined on the form. So everybody knows it can be removed. If the small fellow wants to go to his legal aid lawyer, he can go to him and ask him whether he should go into small claims court, ask him if he has a valid case, ask him if he thinks that he, as an individual, will be able to defend that case in small claims court, and if the advice given him by the legal aid attorney is that he can't handle it or that he has a better claim or that he has some defenses that should be expressed by a lawyer, the legal aid lawyer can advise him to remove it to the county court. So I just don't see how the small guy is hurt by this. The small claims court is popular. In 1973 the first year of its operation, there were 5206 cases filed in small claims court.