

based on a survey of the number of cases filed, the amounts involved nor the average award which is granted? It was not based on research, in other words, but rather a request, (interruption) about that.

PRESIDENT: Senator Beutler, do you want to respond?

SENATOR BEUTLER: Yes. The bill was filed on the basis of common sense and on the basis of some facts that are irrefutable, such as, the research done with regard to inflation and the effect on inflation. It is also based on my personal experience, not in small claims court, but just on handling litigation generally and my experience with regard to the amount of lawyer's fees that are charged on particular sized cases and they are much too high on small cases. Not because lawyers are grasping or inefficient but simply because a lawyer's time is expensive and it takes up too high a percentage of the settlement, generally.

SENATOR CHAMBERS: Senator Beutler, you said that it is not based on your experience in small claims court because as I pointed out and we all know lawyers cannot represent clients there. Do you feel that you can take experience from one court and apply it on all fours with what would transpire in another court? For example, if you practiced before the juvenile court or the probate court, would that make you a good trial attorney in criminal matters? Is there a difference in other words in the procedures of the court and the types of issues handled and the way they are handled?

SENATOR BEUTLER: Well, obviously, as you are well aware, there are differences in the procedures of the court.

SENATOR CHAMBERS: So then the experience you had in litigation in another court may not necessarily indicate that the bill you introduced for small claims is based on common sense, I think you said?

SENATOR BEUTLER: It is based on common sense, because if you don't settle them in small claims court, you settle them in county and district court and that was the experience I was talking about.

SENATOR CHAMBERS: Thank you, Senator Beutler. Members of the Legislature, you have another bill here which is based not on research and study but a request by one person and there are other bills that are offered for that very reason, but I want the record to be crystal clear that this bill is not a result, Senator Hefner, or whoever made that remark,