

April 22, 1975

SENATOR CLARK: But they're going to settle normally. Now I talked to some attorneys out there and they said they're going to settle. . .

SENATOR CAVANAUGH: Well what I'm saying is it won't make any difference one way or the other. You're going to have the same number of cases settled or not. You're going to have them settled in the Comp. Court rather than the district court simply because you've eliminated the district court.

SENATOR CLARK: Well that may be true. I've talked to some attorneys out there and they said no we settle them in the court rather than taking them and taking a chance of settling the other 98 percent of them in the district court, then that two percent going on up.

SENATOR CAVANAUGH: Right.

SENATOR CLARK: Because they don't want to do that.

SENATOR CAVANAUGH: Right. The only reason that they waited to settle them in the district court is cause there wasn't any advantage generally for the defendant to settle any earlier.

SENATOR CLARK: But what I'm saying here is if they take the judge out now this seems to be the trouble in here. I can get the bill advanced. I don't think I'll get it advanced otherwise with the judge in there and some \$40,000 fee.

SENATOR CAVANAUGH: Well the thing is you're going to give them more work . . . either you're going to give them somebody to do the work with or not. That's all the issue is about.

SENATOR CLARK: Well how do they get more work if the original case is there anyway?

SENATOR CAVANAUGH: Well I tried to explain that. You apparently didn't want to . . . see nobody wants to listen to any of this. Somebody around here has a couple bad ideas about the bill. Nobody wants to listen to the facts. The simple fact is that today the court works in two different systems. You can go one-judge, three-judge, district court, Supreme Court, or you can go one-judge directly to the district court. Forty cases a year go directly to district court. If you eliminate the district court all of those cases will have to go to the three-judge hearing. That's 40 additional cases that will have to be heard, one or two day hearings a year. You have to have somebody to hear them. So . . .

SENATOR CLARK: You mean no one judge . . . the one judge is not solving anything now? Aren't a lot of cases solved with one judge?

SENATOR CAVANAUGH: No, most cases are solved at the three-judge. Everybody goes to the rehearing, practically.