

March 1, 1976

SENATOR LUEDTKE: Now, we have had some District Judges, I just want to add a caveat to that, some District Judges have taken the position that they should not be represented by counsel although the law would imply that a normal appeal taking its normal course would allow attorneys to represent them in the District Court. Many of the appeals, however, I just want to clear the record, keep it straight, many of them have gone up without attorneys.

SENATOR CHAMBERS: And Senator Luedtke, the main point for the small claims court was the notion that these are small amounts of money and it is not even worth an attorney's time in a lot of cases to take them up.

SENATOR LUEDTKE: That is correct.

SENATOR CHAMBERS: Thank you.

SENATOR LUEDTKE: And that is why some of the District Judges have insisted that they not have them as it goes on up, too.

SENATOR CHAMBERS: Thank you. This is what I wanted to get before the body that the small claims court is designed to cut down on the cost of appeals, of the legal action originally. However, if you take it on appeal, I don't think a judge can prohibit you from having an attorney and that will go into the cost factor that the small claims court was designed to prevent. Poor people, Senator Murphy, don't have the means to make financial sacrifices just to prove a point, and when the point is proved and it is ruled that you do have this salary coming, the salary is taken from the employer and the lawyer not only gets that but you, then, are in debt to the lawyer. That is totally unrealistic. It is totally unfair. This bill is designed to deal with cases that already exist of people who have worked for money and are not being paid. I don't see how this Legislature could accept Senator Murphy's philosophy and not pass this bill. If you do, and I am going to use the kind of argument he would give, if it were the other way around, you are saying that an employer need not pay an employee. Tell that person, go to court, and if the amount of money that you have tricked this person out of in terms of the labor that will not be paid for, then you don't have to worry about the employee going to court. And that to me is one of the worst, most unconscionable things that has been advocated in this Legislature. We are not talking about handouts as a lot of people in this body like to characterize those programs where society tries to help those who are less fortunate. We are talking about the workers, Senator Murphy, the people with blue collars, the people with frayed collars, the people with no collars, who sell their work and then the buyer says I don't have to pay you and he can go to the debate in this Legislature and see what Senators have said, we agree. You don't have to pay.