

SENATOR KRISTENSEN: Generally, what's going to happen here is that the statute is going to prevail.

SENATOR CHAMBERS: Right, and it will be strictly construed to say exactly what it provides because any statute in derogation of the common law is strictly construed but the statute does overrule the common law.

SENATOR KRISTENSEN: Providing it's a direct overruling and not a peripheral, right.

SENATOR CHAMBERS: That's why I (interruption).

SENATOR KRISTENSEN: Only when it's a criminal case, right.

SENATOR CHAMBERS: There is a direct conflict and the purpose of the statute is to change the existing common law, the statute will prevail. Isn't that correct?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: So regardless of what you say about the common law and practices by judges, if a statute is enacted that directly conflicts with that common law practice, the statute should prevail, shouldn't it?

SENATOR KRISTENSEN: Yes.

SENATOR CHAMBERS: But in the case that you were discussing with Senator Haberman, that, in fact, does not prevail, does it?

SENATOR KRISTENSEN: Oh, I'm not...there's where you lose me, Senator Chambers. I'm not sure I (interruption).

SENATOR CHAMBERS: Okay, you said per curiam means the entire court but that does not, by writing per curiam, you do not list the name of all the judges that agree, do you?

SENATOR KRISTENSEN: Right, you are correct.

SENATOR CHAMBERS: And you do not list the name of the judge who writes the opinion, do you?

SENATOR KRISTENSEN: No, you do not do that, right.