

1 DELEGATE DUKES: Would I conclude, if your
2 answer in the negative is correct, there is no provision
3 for such court under this article?

4 DELEGATE MUDD: No provision for what?

5 DELEGATE DUKES: For the small claims court
6 with an informal system. Could there be none under this
7 article?

8 DELEGATE MUDD: Absolutely yes, it could be.
9 I am not prepared to say it would be operated under rules
10 different from those of the court of which it was a func-
11 tional division.

12 DELEGATE DUKES: Delegate Bamberger's last
13 question, as I recall, dealt with whether or not the basic
14 intention in having functional divisions as a function of
15 rule making rather than legislative. You felt the courts
16 were in better position to determine when a functional di-
17 vision was necessary, is that right?

18 DELEGATE MUDD: Yes.

19 DELEGATE DUKES: And the Chair, I believe,
20 stated a question in response to Delegate Willoner's
21 inquiry about any difference if there was any between