

supplied)

I do not believe that it is consistent with this important Constitutional concept for the Legislature to direct what kind of rule the Court of Appeals must adopt. The Legislature may, as noted, abrogate or change a rule by enacting a statute inconsistent with it; but it may not, in my judgment, direct the manner in which a coordinate branch of Government must act with respect to an area constitutionally committed to the other branch's discretion.

I am concerned also about two other features of the bill.

As noted above, the bill requires the court clerk to assist parties in the preparation of their pleadings, presumably without cost, and then exempts the clerk from liability in connection with such assistance. I understand the desire to make these proceedings as informal and inexpensive to the litigants as possible; but I seriously question whether this is a proper method of attaining that object. These proceedings, however informal, are still judicial in nature, and will have to be resolved on the basis of existing statutes and the common law. The Statement of Claim must, at least, state a claim in sufficient fashion for the court to take cognizance of it; and I cannot assume that the clerks and their deputies, few of whom may be lawyers, are competent to serve the function given to them by this bill.

Finally, the bill reduces the court costs in these cases from \$5.00 to \$2.00 (although no reference to that is made in the title). The fiscal note prepared by the Department of Fiscal Services indicates a cost for additional court clerks of some \$44,000, but takes no account of the decrease in revenue resulting from this reduction. The fees collected by the District Court are used to fund the operations of the Court, and yet we have no estimate of the true fiscal impact of the bill on those operations.

I am in complete support of the objectives of House Bill 743, and I am confident that they will be achieved within the general time-frame established in the bill by the adoption of rules by the Court of Appeals.

For the reasons set forth, however, I do not believe that this bill, as it is worded, ought to become law, and I have therefore vetoed it.

Sincerely,
/s/ Marvin Mandel
Governor
