designed to "secure the just, speedy and inexpensive determination of every action." Celotex Corp. v. Catrett, 477 U.S. 317, 327 (1986) (quoting F.R. Civ. P. 1)). It is a favored process designed to be considered in every action. Id.

Contrary to what is proposed in House Bill 1154, use of the summary judgment process in state and federal courts does not require the parties to agree there are no genuine issues of material fact. In my experience, such agreement is rare even though litigation frequently involves no genuine factual disputes or depends solely on issues of law. By conditioning the availability of summary judgment on the parties' consent, this bill will significantly interfere with the prompt resolution of litigation, unnecessarily lengthen the litigation process, require evidentiary hearings even in situations where there are no issues of fact to resolve, and increase the expense of litigation not only for the Attorney General's office but also for every state agency that utilizes the OAH administrative process. In my opinion, it also may trigger a need to appoint more administrative law judges (ALJs) to handle the increased number and length of hearings.

Parties in litigation rarely agree on the matters in dispute, even when represented by competent and reasonable counsel. The ability to reach an agreement in writing is even more problematic with self-represented individuals or in situations where an attorney is unwilling to consent to an agreement. House Bill 1154 will create a legal advantage for unreasonable or intransigent parties and attorneys. It also will increase the costs of administrative hearings and interfere with an otherwise appropriate and prompt resolution of an administrative