

1 THE CHAIRMAN: Can you give us your reasons for
2 that?

3 JUDGE BRUNE: I think one reason is because
4 of the provision that we have had, one of the existing
5 provisions, that the courts ordinarily sit in panels of
6 five and not of seven. I think that is considerably
7 less than ideal.

8 This was before our provision was adopted. His
9 reply was, in substance, that most people seem to think
10 it worked out all right, except the court. There are
11 difficulties in that. If you will look at the number of
12 cases that are put down for reargument under the provisions
13 of the present constitutional provision where only three
14 of the five favor one result the losing party is entitled
15 as a right to a reargument. I think you will see that
16 that provision has caused ^a good many rearguments, which take
17 up a good deal of time and do not seem to be extraordinarily
18 helpful, I should say.

19 THE CHAIRMAN: Under this provision we would
20 contemplate that the court would sit as a seven-member
21 court and there would not be that provision about a