

1 it should be a full seven-man court whenever possible.

2 JUDGE BRUNE: If it is not a seven-man court,
3 I have no objection.

4 MR. ENEY: Judge Brune, would you comment on
5 the advantages or disadvantages of the straight seven-
6 man versus the straight five-man court?

7 JUDGE BRUNE: It is rather difficult to do
8 that within any reasonable length of time and without
9 possibly getting into matters that are not wholly
10 theoretical. Actually, my personal belief based on
11 experience with both sides of the court is that the five-
12 man court operates more satisfactorily. The more you have
13 to discuss and consider the matter, the more time it is
14 apt to take to reach a conclusion and the more divergent
15 views you might have.

16 MR. MARTINEAU: This Committee has found that
17 out.

18 JUDGE BRUNE: I won't argue that phase.

19 MR. ENEY: Does the reduction in workload by
20 having more judges to write the total number of opinions
21 offset the loss of time by the extra judge or is it the