

1 provide that it be composed of not less than five. Again,
2 the Legislature could increase the number, and if the
3 situation dictated it, the Legislature could provide
4 for -- not the Legislature, but the rule of court could
5 provide that they sit in panels of not less than three
6 judges, and here the thought was that in the future, it
7 may be desirable to have panels of three judges sit,
8 not necessarily all in one place. Here again, it is a
9 very flexible setup.

10 JUDGE WARREN: Who makes the rule, the last
11 word in that sentence?

12 THE CHAIRMAN: The Supreme Court of Appeals.

13 MR. ENEY: It is covered by a later section.

14 JUDGE WARREN: I know the Supreme Court of
15 Appeals is given power to make rules, but I just didn't
16 understand that in this particular section it was intended
17 to apply to that very broad provision.

18 MR. ENEY: Judge Carter, do you think that
19 geographic representation on the Appellate Court is as
20 vital in the case of the Appellate Court as you do in the
21 case of the Supreme Court?