

1 THE CHAIRMAN: The amendment having been
2 seconded, the Chair recognizes Delegate Bamberger to
3 speak for the amendment.

4 DELEGATE BAMBERGER: Section 5.06 authorizes the
5 General Assembly to establish the number of judges, not
6 less than five, five or more judges who will sit on the
7 intermediate appellate court, so then the General Assembly
8 may decide there may be six or eight or any number of judges
9 in excess of five.

10 The next section, 5.06, does not give the
11 General Assembly, but gives only the highest court,
12 the Court of Appeals, the power to say, we have six
13 judges there. They need not all six sit together in any
14 one case. The business of that court is such that they
15 ought to divide into panels, into panels, let's say, of
16 three, and the Constitution or the proposed section 5.06
17 does say that the panels, the divisions of the court,
18 should be not less than three.

19 The purpose of the amendment is to give also,
20 not exclusively, but to give also to the General Assembly
21 the right to say when it establishes the number of judges