

1 THE CHAIRMAN: Does any delegate desire to
2 speak in opposition?

3 Delegate Dukes.

4 DELEGATE DUKES: I rise to speak in opposition
5 to the amendment. There seems to be some inference that
6 there might be a direct relation between multiples of
7 three on the bench and being able to sit in three man panels.
8 I should think it would be immediately obvious that
9 five judges could use a three-man panel system equally as
10 well as six or seven or eight judges. It means that on those
11 days when only three judges are sitting the other two
12 judges could be clearing up decisions; or on a day when
13 one or two judges might be absent, sick, you could go ahead
14 with the docket.

15 They do not need to make panels out of six or
16 nine to augment the three man panel. You could
17 have one or two judges that would give you a multiple number
18 of different possibilities of panels, and, of course, in
19 those days when you aren't using the full number of judges
20 those judges are clearing up opinions and generally a case-
21 load.