

1 was adamant and we went along with the idea that a quorum
2 in that court should be at least four. A great many
3 cogent reasons were expressed by both the members of the
4 Senate and House in a hearing on that particular measure.

5 So, the law will provide that the new court
6 shall be a court of five, with a quorum of four, and I
7 think that being the case, and having the experience I've
8 had in seeing how these things work, as a practical matter,
9 that is certainly reasonable, to have a requirement that
10 the quorum of the Supreme Court be five.

11 THE CHAIRMAN: Any further discussion?
12 Mr. Miller?

13 MR. MILLER: It just occurs to me, Mr. Chairman,
14 if one dissents, getting back to that point, can block
15 litigation, it gives the appellee in every case a tre-
16 mendous advantage. You could have a situation where the
17 trial court of one judge decides a close question and then
18 you go to the Court of Appeals, the court of last resort,
19 the Supreme Court, whatever it may be, and three judges
20 think it ought to be changed; but if one of them says no,
21 it amounts to sustaining the trial court, and it just seems