

1 voice that would be heard on it anyway, and while we  
2 concede it is unusual, there is precedent in other States  
3 for having original jurisdiction proceeding. Michigan  
4 has it on mandamus. It saves about a year. That is the  
5 primary reason.

6 I do share, I think, Judge Adkins' query about  
7 what the court could do if the governor didn't promul-  
8 gate the plan. At the time I was thinking in terms that  
9 if the governor's plan wasn't passed by the court or he  
10 didn't act, the court itself would in the exercise of its  
11 equity power, as it has done, in many cases, would put  
12 into effect its own temporary plan. I think that would  
13 be better. I agree with Judge Adkins on that, but on  
14 the question of why we did it this way, I think that is the  
15 answer.

16 MR. MELVIN: To save time?

17 MR. SCANLAN: To save one step and as a prac-  
18 tical matter, the case would come to the Court of Appeals  
19 anyway.

20 MR. MELVIN: That is true of any case.

21 MR. SCANLAN: Secondly, these type cases don't