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# West Virginia Law Review

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## STUDENT NOTES

HEARINGS AND REHEARINGS IN BANC IN THE UNITED STATES COURTS OF APPEALS.<sup>1</sup>—Cases before nine of the eleven courts of appeals<sup>2</sup> are ordinarily not considered by all the judges thereof. Rather, generally, hearings take place before and decisions are rendered by a three-judge panel or division of the full court.<sup>3</sup> To a consideration of these alternatives, divisional or full court, this note is addressed: first, to examining the question of power—might

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<sup>1</sup> After research was substantially completed, a Note on the subject appeared in another legal periodical, 22 GEO. WASH. L. REV. 482 (1954). The writer of this note gratefully acknowledges the help derived therefrom in supplementing his own research.

<sup>2</sup> In the first and fourth circuits, the full court decides all cases. Each has but three judges. Letter to the West Virginia Law Review, dated February 16, 1954, from Mr. Roger A. Stinchfield, Clerk, United States Court of Appeals for the First Circuit; letter to the West Virginia Law Review, dated February 12, 1954, from Mr. Claude M. Dean, Clerk, United States Court of Appeals for the Fourth Circuit.

<sup>3</sup> A full court consists of three judges in the first circuit, six in the second, seven in the third, three in the fourth, six in the fifth, six in the sixth, seven in the eighth, seven in the ninth, five in the tenth, and nine in the District of Columbia circuit. 28 U.S.C. § 44 (Supp. 1952). Pub. L. No. 294, 83d Cong., 1st Sess. (Feb. 10, 1954) authorized an increase in the number of judges in the fifth circuit to seven and in the ninth circuit to nine.