

To look up a section, use this format: **28 USC Sec. #**

-CITE-

28 USC CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS 01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

-HEAD-

CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

-MISC1-

- Sec.
291. Circuit judges.
292. District judges.
293. Judges of the Court of International Trade.
294. Assignment of retired justices or judges to active duty.(!1)
295. Conditions upon designation and assignment.
296. Powers upon designation and assignment.
297. Assignment of judges to courts of the freely associated compact states.

AMENDMENTS

1988 - Pub. L. 100-702, title X, Sec. 1022(2), Nov. 19, 1988, 102 Stat. 4673, added item 297.

1982 - Pub. L. 97-164, title I, Sec. 110(c), Apr. 2, 1982, 96 Stat. 29, substituted "the Court of International Trade" for "other courts" in item 293.

1958 - Pub. L. 85-755, Sec. 8, Aug. 25, 1958, 72 Stat. 850, substituted "Judges of other courts" for "Circuit or district judges to Court of Customs and Patent Appeals" in item 293.

-FOOTNOTE-

(!1) Section catchline amended by Pub. L. 85-755 without corresponding amendment of analysis.

-End-

-CITE-

28 USC Sec. 291 01/03/05

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To look up a section, use this format: **28 USC Sec. #**

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

-HEAD-

Sec. 291. Circuit judges

-STATUTE-

(a) The Chief Justice of the United States may, in the public interest, designate and assign temporarily any circuit judge to act as circuit judge in another circuit upon request by the chief judge or circuit justice of such circuit.

(b) The chief judge of a circuit or the circuit justice may, in the public interest, designate and assign temporarily any circuit judge within the circuit, including a judge designated and assigned to temporary duty therein, to hold a district court in any district within the circuit.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 900; July 28, 1953, ch. 253, Sec. 2, 67 Stat. 226; Sept. 3, 1954, ch. 1263, Sec. 39(b), 68 Stat. 1240; July 9, 1956, ch. 517, Sec. 1(a), 70 Stat. 497; Pub. L. 85-755, Sec. 2, Aug. 25, 1958, 72 Stat. 848; Pub. L. 95-598, title II, Sec. 202, Nov. 6, 1978, 92 Stat. 2660; Pub. L. 97-164, title I, Sec. 108, Apr. 2, 1982, 96 Stat. 28; Pub. L. 102-572, title I, Sec. 104, Oct. 29, 1992, 106 Stat. 4507.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Secs. 17, 22 (Mar. 3, 1911, ch. 231, Secs. 13, 18, 36 Stat. 1089; Oct. 3, 1913, ch. 18, 38 Stat. 203; Sept. 14, 1922, ch. 306, Secs. 3, 5, 42 Stat. 839; Mar. 2, 1929, ch. 488, Sec. 1, 45 Stat. 1475; June 7, 1934, ch. 426, 48 Stat. 926; June 25, 1936, ch. 804, 49 Stat. 1921; Aug. 24, 1937, ch. 754, Sec. 4, 50 Stat. 753; Dec. 29, 1942, ch. 835, Sec. 1, 56 Stat. 1094).

Section consolidates all provisions of sections 17 and 22 of title 28, U.S.C., 1940 ed., relating to designation and assignment of circuit judges.

The revised section omits a reference to the Chief Justice contained in said section 22, since in exercising the powers under subsection (b), he acts as a circuit justice.

Paragraph (d) of said section 17, making the section applicable to the United States Court of Appeals for the District of Columbia, is omitted since such court is included in this revision because

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the District of Columbia is made a separate circuit. (See section 41 of this title.)

Provisions of said sections 17 and 22 authorizing the senior Associate Justice to act in the absence of the Chief Justice of the United States were omitted as surplusage in view of specific authority to so act in section 3 of this title.

The words in said section 17 "for such time as the business of such district court may require," were omitted as inconsistent with the language of said section 22 of title 28, U.S.C., 1940 ed., which employed the words "the public interest requires" and "from time to time and until he shall otherwise direct." The revised section and sections 294 and 296 of this title make clear the power to make designation and assignment without any limitation of time, to revoke such designation and assignment and to make, from time to time, new designations and assignments.

The term "chief judge" of the circuit was substituted for "senior circuit judge." (See reviser's note under section 136 of this title.)

References in said sections 17 and 22 to retired judges were omitted as covered by section 294 of this title.

Other provisions of said section 17 of title 28, U.S.C., 1940 ed., are incorporated in sections 292, 295 and 296 of this title.

Other provisions of said section 22 of title 28, U.S.C., 1940 ed., are incorporated in section 296 of this title.

Changes were made in phraseology and arrangement.

AMENDMENTS

1992 - Subsec. (a). Pub. L. 102-572 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Chief Justice of the United States may designate and assign temporarily any circuit judge to act as circuit judge in another circuit upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit where the need arises."

1982 - Subsecs. (b), (c). Pub. L. 97-164 redesignated subsec. (c) as (b). Former subsec. (b), which authorized the Chief Justice of the United States to designate and temporarily assign any circuit judge to serve as a judge of the Court of Claims or the Court of Customs and Patent Appeals upon presentation to him of a certificate of necessity by the chief judge of the court in which the need arose, was struck out.

1978 - Subsec. (c). Pub. L. 95-598 directed the amendment of subsec. (c) by inserting "or bankruptcy" after "to hold a district", which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

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1958 - Subsec. (a). Pub. L. 85-755 struck out provision for assignment of any judge of the Court of Claims to serve as circuit judge in any circuit. See section 293(a) of this title.

Subsec. (b). Pub. L. 85-755 redesignated subsec. (c) as (b) and incorporated in it provision for assignment of circuit judges to Court of Customs and Patent Appeals formerly contained in section 293 of this title. Former subsec. (b), which provided for assignment of judges of the Court of Customs and Patent Appeals to serve as judges of the Court of Appeals or the District Court for the District of Columbia, was struck out. See section 293(a) of this title.

Subsecs. (c), (d). Pub. L. 85-755 redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

1956 - Subsec. (a). Act July 9, 1956, inserted "or any judge of the Court of Claims to serve as a circuit judge in any circuit".

1954 - Subsec. (c). Act Sept. 3, 1954, struck out "United States" from name of Court of Claims.

1953 - Subsecs. (c), (d). Act July 28, 1953, added subsec. (c) and redesignated former subsec. (c) as (d).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

JURISDICTION OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Section 7 of Pub. L. 85-755 provided that: "Nothing contained in this Act [amending this section and sections 211 and 292 to 295 of this title] shall be construed in any way to limit or alter the jurisdiction heretofore conferred upon the United States Court of Customs and Patent Appeals [now United States Court of Appeals for the Federal Circuit] by any provision of law."

-End-

-CITE-

28 USC Sec. 292

01/03/05

-EXPCITE-

To look up a section, use this format: **28 USC Sec. #**

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

-HEAD-

Sec. 292. District judges

-STATUTE-

(a) The chief judge of a circuit may designate and assign one or more district judges within the circuit to sit upon the court of appeals or a division thereof whenever the business of that court so requires. Such designations or assignments shall be in conformity with the rules or orders of the court of appeals of the circuit.

(b) The chief judge of a circuit may, in the public interest, designate and assign temporarily any district judge of the circuit to hold a district court in any district within the circuit.

(c) The chief judge of the United States Court of Appeals for the District of Columbia Circuit may, upon presentation of a certificate of necessity by the chief judge of the Superior Court of the District of Columbia pursuant to section 11-908(c) of the District of Columbia Code, designate and assign temporarily any district judge of the circuit to serve as a judge of such Superior Court, if such assignment (1) is approved by the Attorney General of the United States following a determination by him to the effect that such assignment is necessary to meet the ends of justice, and (2) is approved by the chief judge of the United States District Court for the District of Columbia.

(d) The Chief Justice of the United States may designate and assign temporarily a district judge of one circuit for service in another circuit, either in a district court or court of appeals, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

(e) The Chief Justice of the United States may designate and assign temporarily any district judge to serve as a judge of the Court of International Trade upon presentation to him of a certificate of necessity by the chief judge of the court.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 901; July 28, 1953, ch. 253, Sec. 3, 67 Stat. 226; Sept. 3, 1954, ch. 1263, Sec. 39(c), 68 Stat. 1240; July 9, 1956, ch. 517, Sec. 1(b), 70 Stat. 497; July 14, 1956, ch. 589, Sec. 2, 70 Stat. 532; Pub. L. 85-755, Sec. 3, Aug. 25, 1958, 72 Stat. 848; Pub. L. 91-358, title I, Sec. 172(e), July 29, 1970, 84 Stat. 591; Pub. L. 95-598, title II, Secs. 203, 204, Nov. 6, 1978, 92 Stat. 2660; Pub. L. 96-417, title V, Sec. 501(7),

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Oct. 10, 1980, 94 Stat. 1742; Pub. L. 97-164, title I, Sec. 109,
Apr. 2, 1982, 96 Stat. 28.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Secs. 17, 21 and 216 (Mar. 3, 1911, ch. 231, Secs. 13, 17, 120, 36 Stat. 1089, 1132; Sept. 14, 1922, ch. 306, Sec. 3, 42 Stat. 839; Aug. 24, 1937, ch. 754, Sec. 4, 50 Stat. 753; Dec. 29, 1942, ch. 835, Sec. 1, 56 Stat. 1094).

Section consolidates and simplifies all provisions of sections 17, 21 and 216 of title 28, U.S.C., 1940 ed., relating to designation and assignment of district judges.

Term "chief judge" was substituted for "senior circuit judge." (See Reviser's Note under section 136 of this title.)

Sections 17 and 21 of title 28, U.S.C., 1940 ed., were inconsistent insofar as the words "or in his absence, the circuit judges thereof," appearing in said section 17 were not in section 21, and the words "senior circuit judge then present in the circuit," appearing in section 21 were not in section 17. The revised section omits all such words and leaves designation of assignment to the chief judge of the circuit. If the chief judge is unable to perform his duties they devolve, under section 45 of this title, upon the circuit judge next in seniority of commission.

The provision of said section 17, that designation of a district judge to another circuit should be from an adjacent circuit if practicable, was omitted as an unnecessary restriction on the discretion of the Chief Justice.

Section 19 of title 28, U.S.C., 1940 ed., is omitted as unnecessary. It authorized the Chief Justice of the United States to designate and assign any district judge to a district upon receiving a certificate from the clerk of the district that all circuit judges and the circuit justice were absent from the circuit, or were unable to appoint a substitute judge for the district, or where the district judge actually designated was disabled or neglected to hold court.

For omission of reference in said section 17 to senior Associate Justice, see reviser's note under section 291 of this title.

Reference in said section 17 to retired judges were omitted as covered by section 294 of this title.

Other provisions of said section 17 of title 28, U.S.C., 1940 ed., are incorporated in sections 291, 295, and 296 of this title. Other provisions of said section 216 of such title are incorporated in sections 45 and 47 of this title.

Words "either in a district court or court of appeals" were inserted in subsection (c) as suggested by Hon. Learned Hand,

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Senior Circuit Judge of the Second Circuit. The revised section permits a district judge to be assigned directly to the circuit court of appeals of another circuit. Under existing law it has been assumed that he must be assigned to serve as a district judge on the other circuit and then designated to serve on the circuit court of appeals by that court in which his services are required.

Many changes were made in phraseology.

AMENDMENTS

1982 - Subsec. (e). Pub. L. 97-164 struck out "the Court of Claims, the Court of Customs and Patent Appeals or" after "to serve as a judge of" and "in which the need arises" after "chief judge of the court".

1980 - Subsec. (e). Pub. L. 96-417 redesignated the Customs Court as the Court of International Trade.

1978 - Subsecs. (b), (d). Pub. L. 95-598 directed the amendment of subsec. (b) by substituting "to hold a district court or a bankruptcy court" for "to hold a district court" and the amendment of subsec. (d) by substituting "in a bankruptcy court, district court, or court of appeals" for "either in a district court or court of appeals", which amendments did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1970 - Subsecs. (c) to (e). Pub. L. 91-358 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1958 - Subsecs. (a) to (c). Pub. L. 85-755 reenacted subsecs. (a) to (c) without change.

Subsec. (d). Pub. L. 85-755 incorporated provisions for assignment of district judges to the Court of Customs and Patent Appeals and the Customs Court, formerly contained in section 293 of this title and subsec. (f) of this section.

Subsec. (e). Pub. L. 85-755 struck out subsec. (e) which provided for assignment of judges of the Court of Claims to district courts. See section 293(a) of this title.

Subsec. (f). Pub. L. 85-755 struck out subsec. (f) which provided for assignment of district judges to the Customs Court. See subsec. (d) of this section.

1956 - Subsec. (e). Act July 9, 1956, added subsec. (e).

Subsec. (f). Act July 14, 1956, added subsec. (f).

1954 - Subsec. (d). Act Sept. 3, 1954, struck out "United States" from name of Court of Claims.

1953 - Subsec. (d). Act July 28, 1953, added subsec. (d).

EFFECTIVE DATE OF 1982 AMENDMENT

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Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as a note under section 251 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-358 effective on first day of seventh calendar month which begins after July 29, 1970, see section 199(a) of Pub. L. 91-358, set out as a note under section 1257 of this title.

JURISDICTION OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Amendment by Pub. L. 85-755 not limiting or altering the jurisdiction of the United States Court of Customs and Patent Appeals [now United States Court of Appeals for the Federal Circuit], see section 7 of Pub. L. 85-755, set out as a note under section 291 of this title.

LIMITATION OR ALTERATION OF JURISDICTION

Amendment by act July 14, 1956, not to be construed as limiting or altering the jurisdiction heretofore conferred upon the Customs Court [now United States Court of International Trade], see section 4 of act July 14, 1956, set out as a note under section 251 of this title.

-End-

-CITE-

28 USC Sec. 293

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

-HEAD-

Sec. 293. Judges of the Court of International Trade

-STATUTE-

To look up a section, use this format: **28 USC Sec. #**

(a) (!1) The Chief Justice of the United States may designate and assign temporarily any judge of the Court of International Trade to perform judicial duties in any circuit, either in a court of appeals or district court, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit in which the need arises.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 901; July 14, 1956, ch. 589, Sec. 3(a), 70 Stat. 532; Pub. L. 85-755, Sec. 4, Aug. 25, 1958, 72 Stat. 848; Pub. L. 95-598, title II, Sec. 205, Nov. 6, 1978, 92 Stat. 2660; Pub. L. 96-417, title I, Sec. 102, title V, Sec. 501(8), Oct. 10, 1980, 94 Stat. 1727, 1742; Pub. L. 97-164, title I, Sec. 110(a), (b), Apr. 2, 1982, 96 Stat. 29.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 301 (Mar. 3, 1911, ch. 231, Sec. 188, 36 Stat. 1143; Mar. 2, 1929, ch. 488, Sec. 1, 45 Stat. 1475).

Section simplifies last sentence of section 301 of title 28, U.S.C., 1940 ed., and is in conformity with other designation and assignment provisions of this chapter.

Other provisions of said section 301 of title 28, U.S.C., 1940 ed., are incorporated in sections 211-213, 215, and 296 of this title.

This section transfers from the President to the Chief Justice of the United States the authority to designate and assign which is in conformity with sections 201 and 292 of this title.

The words "he is willing to undertake" were added to make clear that such service is voluntary.

The term "chief judge" was substituted for "presiding judge." (See reviser's note under section 136 of this title.)

Changes were made in phraseology.

AMENDMENTS

1982 - Pub. L. 97-164, Sec. 110(b), substituted "the Court of International Trade" for "other courts" in section catchline.

Subsec. (a). Pub. L. 97-164, Sec. 110(a)(1), (2), redesignated subsec. (b) as (a). Former subsec. (a), which authorized the Chief Justice to designate and assign judges of the Court of Claims or the Court of Customs and Patent Appeals to serve temporarily on the other of these two courts or in a court of appeals or district court of any circuit in times of necessity, was struck out.

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Subsec. (b). Pub. L. 97-164, Sec. 110(a)(2), (3), redesignated subsec. (e), as that subsec. was to have become effective pursuant to Pub. L. 95-598, as subsec. (b). Former subsec. (b) redesignated (a). See 1978 Amendment note below.

Subsecs. (c), (d). Pub. L. 97-164, Sec. 110(a)(1), struck out subsecs. (c) and (d) which related, respectively, to the authority of the chief judge of the Court of Customs and Patent Appeals to designate and assign temporarily any judge of the Court of Customs and Patent Appeals to serve as a judge of the Court of International Trade and to the authority of the chief judge of the Court of International Trade to designate and assign temporarily any judge of the Court of International Trade to serve as a judge of the Court of Customs and Patent Appeals or the Court of Claims.

Subsec. (e). Pub. L. 97-164, Sec. 110(a)(3), redesignated subsec. (e), as that subsec. was to have become effective pursuant to Pub. L. 95-598, as subsec. (b). See 1978 Amendment note below.

1980 - Subsec. (b). Pub. L. 96-417, Sec. 102(a), redesignated the Customs Court as the Court of International Trade and authorized performance of judicial functions in a court of appeals.

Subsec. (c). Pub. L. 96-417, Sec. 501(8), redesignated the Customs Court as the Court of International Trade.

Subsec. (d). Pub. L. 96-417, Sec. 102(b), redesignated the Customs Court as the Court of International Trade and authorized temporary assignments to the Court of Claims of judges of the Court of International Trade upon presentation of a certificate of necessity by the chief judge of the Court of Claims.

1978 - Subsec. (e). Pub. L. 95-598 directed the amendment of this section by adding subsec. (e) relating to temporary assignments of bankruptcy judges, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1958 - Pub. L. 85-755 substituted "Judges of other courts" for "Circuit or district judges to court of customs and patent appeals" in section catchline.

Subsec. (a). Pub. L. 85-755 added subsec. (a). It incorporates provisions of former sections 291(a), (b) and 292(e) of this title respecting assignment of any judge of the Court of Claims to serve as circuit judge in any circuit, assignment of judges of the Court of Customs and Patent Appeals to serve as judges of the Court of Appeals or the District Court of Appeals or the District Court for the District of Columbia, and assignment of judges of the Court of Claims to district courts, respectively.

Subsec. (b). Pub. L. 85-755 designated existing second par. as subsec. (b).

Subsecs. (c), (d). Pub. L. 85-755 added subsecs. (c) and (d).

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1956 - Act July 14, 1956, authorized the Chief Justice of the United States to designate and assign temporarily a judge of the Customs Court to perform judicial duties in a district court in any circuit.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96-417, set out as a note under section 251 of this title.

JURISDICTION OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Amendment by Pub. L. 85-755 not limiting or altering the jurisdiction of the United States Court of Customs and Patent Appeals [now United States Court of Appeals for the Federal Circuit], see section 7 of Pub. L. 85-755, set out as a note under section 291 of this title.

LIMITATION OR ALTERATION OF JURISDICTION

Amendment by act July 14, 1956, not to be construed as limiting or altering the jurisdiction heretofore conferred upon the Customs Court [now United States Court of International Trade], see section 4 of act July 14, 1956, set out as a note under section 251 of this title.

-FOOTNOTE-

(!1) So in original. No subsec. (b) has been enacted.

-End-

-CITE-

28 USC Sec. 294

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-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

To look up a section, use this format: **28 USC Sec. #**

-HEAD-

Sec. 294. Assignment of retired Justices or judges to active duty

-STATUTE-

(a) Any retired Chief Justice of the United States or Associate Justice of the Supreme Court may be designated and assigned by the Chief Justice of the United States to perform such judicial duties in any circuit, including those of a circuit justice, as he is willing to undertake.

(b) Any judge of the United States who has retired from regular active service under section 371(b) or 372(a) of this title shall be known and designated as a senior judge and may continue to perform such judicial duties as he is willing and able to undertake, when designated and assigned as provided in subsections (c) and (d).

(c) Any retired circuit or district judge may be designated and assigned by the chief judge or judicial council of his circuit to perform such judicial duties within the circuit as he is willing and able to undertake. Any other retired judge of the United States may be designated and assigned by the chief judge of his court to perform such judicial duties in such court as he is willing and able to undertake.

(d) The Chief Justice of the United States shall maintain a roster of retired judges of the United States who are willing and able to undertake special judicial duties from time to time outside their own circuit, in the case of a retired circuit or district judge, or in a court other than their own, in the case of other retired judges, which roster shall be known as the roster of senior judges. Any such retired judge of the United States may be designated and assigned by the Chief Justice to perform such judicial duties as he is willing and able to undertake in a court outside his own circuit, in the case of a retired circuit or district judge, or in a court other than his own, in the case of any other retired judge of the United States. Such designation and assignment to a court of appeals or district court shall be made upon the presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises and to any other court of the United States upon the presentation of a certificate of necessity by the chief judge of such court. No such designation or assignment shall be made to the Supreme Court.

(e) No retired justice or judge shall perform judicial duties except when designated and assigned.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 901; July 9, 1956, ch. 517, Sec. 1(c), 70 Stat. 497; Pub. L. 85-219, Aug. 29, 1957, 71 Stat. 495;

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Pub. L. 85-755, Sec. 5, Aug. 25, 1958, 72 Stat. 849; Pub. L. 95-598, title II, Sec. 206, Nov. 6, 1978, 92 Stat. 2660.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Secs. 375, 375a, and 375f (Mar. 3, 1911, ch. 231, Sec. 260, 36 Stat. 1161; Feb. 25, 1919, ch. 29, Sec. 6, 40 Stat. 1157; Mar. 1, 1929, ch. 419, 45 Stat. 1422; Mar. 1, 1937, ch. 21, 50 Stat. 24; Feb. 11, 1938, ch. 25, 52 Stat. 28; Aug. 5, 1939, ch. 433, Sec. 5, as added May 11, 1944, ch. 192, Secs. 1-3, 58 Stat. 218, 219).

Section consolidates those parts of sections 375, 375a, and 375f of title 28, U.S.C., 1940 ed., relating to designation and assignment of retired justices and judges. Other provisions of said sections 375 and 375a, appear in sections 136, 371, and 756 of this title.

The term "chief judge" was substituted for "presiding judge or senior judge." (See Reviser's Note under section 136 of this title.)

Changes were made in phraseology.

AMENDMENTS

1978 - Subsecs. (c), (d). Pub. L. 95-598 directed the amendment of subsec. (c) by substituting "district or bankruptcy judge" for "or district" and the amendment of subsec. (d) by substituting "district judge or bankruptcy judge" for "or district judge", which amendments did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1958 - Subsec. (a). Pub. L. 85-755 reenacted subsec. (a) without change.

Subsecs. (b) to (d). Pub. L. 85-755 revised and rearranged subject matter to apply "senior judge" to all judges who retire from regular active service under sections 371(b) and 372(a) of this title, while retaining their commissions, rather than merely to those who ask to be placed on the Chief Justice's roster, to lodge solely in the chief judge and judicial council of the circuit concerned the intracircuit assignment power, and in the Chief Justice the power to assign retired judges beyond their circuits or special courts.

Subsec. (e). Pub. L. 85-755 reenacted subsec. (e) without change.

1957 - Subsec. (d). Pub. L. 85-219 added subsec. (d).

1956 - Subsec. (b). Act July 9, 1956, inserted provisions relating to assignment of retired judges of the Court of Claims.

To look up a section, use this format: **28 USC Sec. #**

JURISDICTION OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Amendment by Pub. L. 85-755 not limiting or altering the jurisdiction of the United States Court of Customs and Patent Appeals [now United States Court of Appeals for the Federal Circuit], see section 7 of Pub. L. 85-755, set out as a note under section 291 of this title.

-End-

-CITE-

28 USC Sec. 295

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

-HEAD-

Sec. 295. Conditions upon designation and assignment

-STATUTE-

No designation and assignment of a circuit or district judge in active service shall be made without the consent of the chief judge or judicial council of the circuit from which the judge is to be designated and assigned. No designation and assignment of a judge of any other court of the United States in active service shall be made without the consent of the chief judge of such court.

All designations and assignments of justices and judges shall be filed with the clerks and entered on the minutes of the courts from and to which made.

The Chief Justice of the United States, a circuit justice or a chief judge of a circuit may make new designation and assignments in accordance with the provisions of this chapter and may revoke those previously made by him.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 901; Sept. 3, 1954, ch. 1263, Sec. 39(d), 68 Stat. 1240; July 14, 1956, ch. 589, Sec. 3(b), 70 Stat. 532; Pub. L. 85-755, Sec. 6, Aug. 25, 1958, 72 Stat. 850; Pub. L. 95-598, title II, Sec. 207, Nov. 6, 1978, 92 Stat. 2660.)

-MISC1-

HISTORICAL AND REVISION NOTES

To look up a section, use this format: **28 USC Sec. #**

Based on title 28, U.S.C., 1940 ed., Secs. 17, 20 (Mar. 3, 1911, ch. 231, Secs. 13, 16, 36 Stat. 1089; Sept. 14, 1922, ch. 306, Sec. 3, 42 Stat. 839; Aug. 24, 1937, ch. 754, Sec. 4, 50 Stat. 753; Dec. 29, 1942, ch. 835, Secs. 1, 4, 56 Stat. 1094, 1095).

This section consolidates and simplifies provisions of sections 17 and 20 of title 28, U.S.C., 1940 ed., relating to conditions upon designation and assignment as well as those applicable to filing, revoking and making new designations.

Other provisions of section 17 of title 28, U.S.C., 1940 ed., are incorporated in section 291, 292, and 296 of this title.

The reference in said section 20 to senior Associate Judge was omitted. (See Reviser's Note under section 291 of this title.)

The terms "chief judge" and "chief judge of a circuit" were substituted for "senior circuit judge". (See Reviser's Note under section 136 of this title.)

The alternative provision for approval by the judicial council of the circuit was inserted to conform with section 332 of this title.

Changes were made in phraseology.

AMENDMENTS

1978 - Pub. L. 95-598 directed the amendment of section by substituting "district, or bankruptcy" for "or district", which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1958 - Pub. L. 85-755 substituted "of any other court of the United States" for "of the Customs Court" in first par.

1956 - Act July 14, 1956, provided that no designation and assignment of a judge of the Customs Court in active service shall be made without the consent of the chief judge of the court.

1954 - Act Sept. 3, 1954, made it clear that the section applies only to the assignment of circuit and district judges in active service.

JURISDICTION OF UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

Amendment by Pub. L. 85-755 not limiting or altering the jurisdiction of the United States Court of Customs and Patent Appeals [now United States Court of Appeals for the Federal Circuit], see section 7 of Pub. L. 85-755, set out as a note under section 291 of this title.

LIMITATION OR ALTERATION OF JURISDICTION

Amendment by act July 14, 1956, not to be construed as limiting or altering the jurisdiction heretofore conferred upon the Customs Court [now United States Court of International Trade], see section 4 of act July 14, 1956, set out as a note under section 251 of this

To look up a section, use this format: **28 USC Sec. #**

title.

-End-

-CITE-

28 USC Sec. 296

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

-HEAD-

Sec. 296. Powers upon designation and assignment

-STATUTE-

A justice or judge shall discharge, during the period of his designation and assignment, all judicial duties for which he is designated and assigned. He may be required to perform any duty which might be required of a judge of the court or district or circuit to which he is designated and assigned.

Such justice or judge shall have all the powers of a judge of the court, circuit or district to which he is designated and assigned, except the power to appoint any person to a statutory position or to designate permanently a depository of funds or a newspaper for publication of legal notices.

A justice or judge who has sat by designation and assignment in another district or circuit may, notwithstanding his absence from such district or circuit or the expiration of the period of his designation and assignment, decide or join in the decision and final disposition of all matters submitted to him during such period and in the consideration and disposition of applications for rehearing or further proceedings in such matters.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 901.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Secs. 17, 18, 22, 23, 301 (Mar. 3, 1911, ch. 231, Secs. 13, 14, 18, 19, 188, 36 Stat. 1089, 1143; Oct. 3, 1913, ch. 18, 38 Stat. 203; Feb. 25, 1919, ch. 29, Secs. 2, 5, 40 Stat. 1156, 1157; Sept. 14, 1922, ch. 306, Secs. 3,

To look up a section, use this format: **28 USC Sec. #**

4, 5, 42 Stat. 839; Dec. 13, 1926, ch. 6, Sec. 1, 44 Stat. 919; Mar. 2, 1929, ch. 488, Sec. 1, 45 Stat. 1475; June 7, 1934, ch. 426, 48 Stat. 926; June 25, 1936, ch. 804, 49 Stat. 1921; Aug. 24, 1937, ch. 754, Sec. 4, 50 Stat. 753; Dec. 29, 1942, ch. 835, Secs. 1, 2, 5, 6, 56 Stat. 1094, 1095).

Section simplifies provisions of sections 17, 18, paragraphs (b) and (c) of section 22, and sections 23 and 301 of title 28, U.S.C., 1940 ed., relating to powers and duties of designated judges.

Other provisions of said sections 17 and 22 of title 28, U.S.C., 1940 ed., are incorporated in sections 291, 292, and 295 of this title.

Other provisions of said section 301 of title 28, U.S.C., 1940 ed., are incorporated in sections 211-213, 215, and 293 of this title.

Section is made applicable to retired justices of the Supreme Court by inclusion of reference to "justice," on the theory that a justice should have the same powers and duties and be subject to the same limitations as designated and assigned circuit and district judges.

The second sentence of the revised section was substituted for the provision of section 18 of title 28, U.S.C., 1940 ed., which subjected circuit judges to the same assignments of duty as the circuit judges of the circuit to which they are designated and assigned. The revised section extends this requirement and makes it applicable to all designated and assigned judges.

The provision in the last paragraph of said section 22 that the action of the assigned judge in writing filed with the clerk of court where the trial or hearing was held shall be valid as if such action had been taken by him within the district and within the period of his designation, was omitted as surplusage. See section 295 of this title.

-End-

-CITE-

28 USC Sec. 297

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 13 - ASSIGNMENT OF JUDGES TO OTHER COURTS

-HEAD-

Sec. 297. Assignment of judges to courts of the freely associated

To look up a section, use this format: **28 USC Sec. #**

compact states

-STATUTE-

(a) The Chief Justice or the chief judge of the United States Court of Appeals for the Ninth Circuit may assign any circuit or district judge of the Ninth Circuit, with the consent of the judge so assigned, to serve temporarily as a judge of any duly constituted court of the freely associated compact states whenever an official duly authorized by the laws of the respective compact state requests such assignment and such assignment is necessary for the proper dispatch of the business of the respective court.

(b) The Congress consents to the acceptance and retention by any judge so authorized of reimbursement from the countries referred to in subsection (a) of all necessary travel expenses, including transportation, and of subsistence, or of a reasonable per diem allowance in lieu of subsistence. The judge shall report to the Administrative Office of the United States Courts any amount received pursuant to this subsection.

-SOURCE-

(Added Pub. L. 100-702, title X, Sec. 1022(1), Nov. 19, 1988, 102 Stat. 4672.)

-End-

-CITE-

28 USC CHAPTER 15 - CONFERENCES AND COUNCILS OF JUDGES 01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 15 - CONFERENCES AND COUNCILS OF JUDGES

-HEAD-

CHAPTER 15 - CONFERENCES AND COUNCILS OF JUDGES

-MISC1-

Sec.
331. Judicial Conference of the United States.
332. Judicial councils of circuits.
333. Judicial conferences of circuits.
334. Institutes and joint councils on sentencing.
335. Judicial Conference of the Court of International Trade.

To look up a section, use this format: **28 USC Sec. #**

AMENDMENTS

1986 - Pub. L. 99-466, Sec. 2(b), Oct. 14, 1986, 100 Stat. 1190, added item 335.

1980 - Pub. L. 96-458, Sec. 2(d)(2), Oct. 15, 1980, 94 Stat. 2036, inserted "of circuits" in item 332.

1958 - Pub. L. 85-752, Sec. 2, Aug. 25, 1958, 72 Stat. 845, added item 334.

-End-

-CITE-

28 USC Sec. 331

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 15 - CONFERENCES AND COUNCILS OF JUDGES

-HEAD-

Sec. 331. Judicial Conference of the United States

-STATUTE-

The Chief Justice of the United States shall summon annually the chief judge of each judicial circuit, the chief judge of the Court of International Trade, and a district judge from each judicial circuit to a conference at such time and place in the United States as he may designate. He shall preside at such conference which shall be known as the Judicial Conference of the United States. Special sessions of the Conference may be called by the Chief Justice at such times and places as he may designate.

The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.

If the chief judge of any circuit, the chief judge of the Court of International Trade, or the district judge chosen by the judges of the circuit is unable to attend, the Chief Justice may summon any other circuit or district judge from such circuit or any other judge of the Court of International Trade, as the case may be.

To look up a section, use this format: **28 USC Sec. #**

Every judge summoned shall attend and, unless excused by the Chief Justice, shall remain throughout the sessions of the conference and advise as to the needs of his circuit or court and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

The Conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary. It shall also submit suggestions and recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business. The Conference is authorized to exercise the authority provided in chapter 16 of this title as the Conference, or through a standing committee. If the Conference elects to establish a standing committee, it shall be appointed by the Chief Justice and all petitions for review shall be reviewed by that committee. The Conference or the standing committee may hold hearings, take sworn testimony, issue subpoenas and subpoenas duces tecum, and make necessary and appropriate orders in the exercise of its authority. Subpoenas and subpoenas duces tecum shall be issued by the clerk of the Supreme Court or by the clerk of any court of appeals, at the direction of the Chief Justice or his designee and under the seal of the court, and shall be served in the manner provided in rule 45(c) of the Federal Rules of Civil Procedure for subpoenas and subpoenas duces tecum issued on behalf of the United States or an officer or any agency thereof. The Conference may also prescribe and modify rules for the exercise of the authority provided in chapter 16 of this title. All judicial officers and employees of the United States shall promptly carry into effect all orders of the Judicial Conference or the standing committee established pursuant to this section.

The Conference shall also carry on a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use as prescribed by the Supreme Court for the other courts of the United States pursuant to law. Such changes in and additions to those rules as the Conference may deem desirable to promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expense and delay shall be recommended by the Conference from time to time to the Supreme Court for its consideration and adoption, modification or rejection, in accordance with law.

The Judicial Conference shall review rules prescribed under section 2071 of this title by the courts, other than the Supreme Court and the district courts, for consistency with Federal law. The Judicial Conference may modify or abrogate any such rule so reviewed found inconsistent in the course of such a review.

To look up a section, use this format: **28 USC Sec. #**

The Attorney General shall, upon request of the Chief Justice, report to such Conference on matters relating to the business of the several courts of the United States, with particular reference to cases to which the United States is a party.

The Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 902; July 9, 1956, ch. 517, Sec. 1(d), 70 Stat. 497; Pub. L. 85-202, Aug. 28, 1957, 71 Stat. 476; Pub. L. 85-513, July 11, 1958, 72 Stat. 356; Pub. L. 87-253, Secs. 1, 2, Sept. 19, 1961, 75 Stat. 521; Pub. L. 95-598, title II, Sec. 208, Nov. 6, 1978, 92 Stat. 2660; Pub. L. 96-458, Sec. 4, Oct. 15, 1980, 94 Stat. 2040; Pub. L. 97-164, title I, Sec. 111, Apr. 2, 1982, 96 Stat. 29; Pub. L. 99-466, Sec. 1, Oct. 14, 1986, 100 Stat. 1190; Pub. L. 100-702, title IV, Sec. 402(b), Nov. 19, 1988, 102 Stat. 4650; Pub. L. 104-317, title VI, Sec. 601(a), Oct. 19, 1996, 110 Stat. 3857; Pub. L. 107-273, div. C, title I, Sec. 11043(b), Nov. 2, 2002, 116 Stat. 1855.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 218 (Sept. 14, 1922, ch. 306, Sec. 2, 42 Stat. 838; July 5, 1937, ch. 427, 50 Stat. 473).

Provisions as to associate justice acting when Chief Justice is disabled are omitted as unnecessary in view of section 3 of this title giving senior associate justice power to act upon the disability of the Chief Justice.

The provision of section 218 of title 28, U.S.C., 1940 ed., as to traveling expenses is incorporated in section 456 of this title.

Provision as to time and place for holding conference was omitted as unnecessary since the Chief Justice is vested with discretionary power to designate the time and place under the language retained.

The references to "chief judge" are in harmony with other sections of this title. (See Reviser's Note under section 136 of this title.)

Provision for stated annual reports by the chief judge of the district was omitted as obsolete and unnecessary in view of sections 332 and 333 of this title.

The last paragraph is new and is inserted to authorize the communication to Congress of information which now reaches that body only because incorporated in the annual report of the Attorney General.

To look up a section, use this format: **28 USC Sec. #**

Numerous changes were made in phraseology and arrangement.

-REFTEXT-

REFERENCES IN TEXT

Rule 45(c) of the Federal Rules of Civil Procedure, referred to in fourth paragraph, is set out in the Appendix to this title.

-MISC2-

AMENDMENTS

2002 - Pub. L. 107-273 substituted "chapter 16" for "section 372(c)" in two places in fourth par.

1996 - Pub. L. 104-317 added second par. and struck out former second par. which read as follows: "The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit at the annual judicial conference of the circuit held pursuant to section 333 of this title and shall serve as a member of the conference for three successive years, except that in the year following the enactment of this amended section the judges in the first, fourth, seventh, and tenth circuits shall choose a district judge to serve for one year, the judges in the second, fifth, and eighth circuits shall choose a district judge to serve for two years and the judges in the third, sixth, ninth, and District of Columbia circuits shall choose a district judge to serve for three years."

1988 - Pub. L. 100-702 inserted paragraph requiring Judicial Conference review of section 2071 rules prescribed by courts other than Supreme court or district courts for consistency with Federal law.

1986 - Pub. L. 99-466, Sec. 1(a), inserted ", the chief judge of the Court of International Trade," and substituted "Conference may" for "conference may" in first par.

Pub. L. 99-466, Sec. 1(b), inserted ", the chief judge of the Court of International Trade," and "or any other judge of the Court of International Trade, as the case may be" in first sentence of third par.

Pub. L. 99-466, Sec. 1(c), substituted "Conference" for "conference" in sixth par.

1982 - Pub. L. 97-164, in first par., struck out references to the chief judge of the Court of Claims and to the chief judge of the Court of Customs and Patent Appeals in the enumeration of judges which the Chief Justice must summon each year for a conference and, in third par., struck out provision that authorized the Chief Justice to summon an associate judge of the Court of Claims or the Court of Customs and Patent Appeals if the chief judge of either of those courts could not attend.

To look up a section, use this format: **28 USC Sec. #**

1980 - Pub. L. 96-458, in fourth par., substituted "It shall also submit suggestions and recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business." for "and shall submit suggestions to the various courts, in the interest of uniformity and expedition of business.", and inserted provisions relating to exercise of authority under section 372(c) as the Conference or through standing committee, the holding of hearings, taking of testimony, and the issuance of subpoenas pursuant to rule 45(c) of the Federal Rules of Civil Procedure.

1978 - Pub. L. 95-598 directed the amendment of section by inserting references to bankruptcy judges, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1961 - Pub. L. 87-253 provided for the summoning to the judicial conference of the chief judge of the Court of Customs and Patent Appeals, and if he is unable to attend, for the summoning of an associate judge of such court.

1958 - Pub. L. 85-513 inserted paragraph requiring a continuous study of the operation and effect of the general rules of practice and procedure.

1957 - Pub. L. 85-202 provided generally in first three paragraphs for the representation of district judges on the Judicial Conference.

1956 - Act July 9, 1956, inserted provisions relating to participation of Court of Claims judges.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-702 effective Dec. 1, 1988, see section 407 of Pub. L. 100-702, set out as a note under section 2071 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 4 of Pub. L. 99-466 provided that: "This Act and the amendments made by this Act [enacting section 335 of this title, amending this section and section 569 of this title, renumbering section 873 of this title as 872, and repealing former section 872 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 14, 1986]."

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

To look up a section, use this format: **28 USC Sec. #**

EFFECTIVE DATE OF 1980 AMENDMENT

Section 7 of Pub. L. 96-458 provided that: "This Act [amending this section and sections 332, 372, and 604 of this title and enacting provisions set out as notes under this section and section 1 of this title] shall become effective on October 1, 1981."

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in this section relating to requirement that the Chief Justice submit to Congress an annual report of proceedings of the Judicial Conference and recommendations for legislation, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 13 of House Document No. 103-7.

DEPOSIT OF FEES FOR PROCESSING OF VIOLATIONS THROUGH CENTRAL VIOLATIONS BUREAU CASES

Pub. L. 108-447, div. B, title III, Sec. 308, Dec. 8, 2004, 118 Stat. 2895, provided that: "For fiscal year 2005 and hereafter, such fees as shall be collected for the processing of violations through the Central Violations Bureau cases as prescribed by the Judicial Conference of the United States shall be deposited to the 'Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses' appropriation to be used for salaries and other expenses."

POLICIES, PROCEDURES, AND METHODOLOGIES USED IN RECOMMENDATION FOR

CREATION OF ADDITIONAL FEDERAL JUDGESHIPS; STUDY BY GENERAL ACCOUNTING OFFICE AND REPORT TO CONGRESS

Pub. L. 101-650, title II, Sec. 205, Dec. 1, 1990, 104 Stat. 5103, provided that the Comptroller General was to review the policies, procedures, and methodologies used by the Judicial Conference of the United States in recommending to Congress the creation of additional Federal judgeships and, not later than 18 months after Dec. 1, 1990, report the results of the review, with recommendations, to the appropriate congressional committees.

FEDERAL COURTS STUDY COMMITTEE

Title I of Pub. L. 100-702, known as the "Federal Courts Study Act", established within the Judicial Conference of the United States, a Federal Courts Study Committee on the future of the Federal Judiciary, which was directed to examine problems and issues currently facing the courts of the United States, develop a long-range plan for the future of the Federal Judiciary, including assessments involving alternative methods of dispute resolution, the structure and administration of the Federal court system,

To look up a section, use this format: **28 USC Sec. #**

methods of resolving intracircuit and intercircuit conflicts in the courts of appeals, and the types of disputes resolved by the Federal courts, and to submit, within 15 months after Jan. 1, 1989, a report to the Judicial Conference of the United States, the President, the Congress, the Conference of Chief Justices, and the State Justice Institute on the revisions, if any, in the laws of the United States which the Committee, based on its study and evaluation, deemed advisable, and further provided for membership of the Committee, duties, powers and functions, compensation of members, appropriations, and expiration of the Committee 60 days after submission of report.

-End-

-CITE-

28 USC Sec. 332

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 15 - CONFERENCES AND COUNCILS OF JUDGES

-HEAD-

Sec. 332. Judicial councils of circuits

-STATUTE-

(a)(1) The chief judge of each judicial circuit shall call, at least twice in each year and at such places as he or she may designate, a meeting of the judicial council of the circuit, consisting of the chief judge of the circuit, who shall preside, and an equal number of circuit judges and district judges of the circuit, as such number is determined by majority vote of all such judges of the circuit in regular active service.

(2) Members of the council shall serve for terms established by a majority vote of all judges of the circuit in regular active service.

(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council. Service as a member of a judicial council by a judge retired from regular active service under section 371(b) may not be considered for meeting the requirements of section 371(f)(1)(A), (B), or (C).(11)

To look up a section, use this format: **28 USC Sec. #**

(4) No more than one district judge from any one district shall serve simultaneously on the council, unless at least one district judge from each district within the circuit is already serving as a member of the council.

(5) In the event of the death, resignation, retirement under section 371(a) or 372(a) of this title, or disability of a member of the council, a replacement member shall be designated to serve the remainder of the unexpired term by the chief judge of the circuit.

(6) Each member of the council shall attend each council meeting unless excused by the chief judge of the circuit.

(b) The council shall be known as the Judicial Council of the circuit.

(c) The chief judge shall submit to the council the semiannual reports of the Director of the Administrative Office of the United States Courts. The council shall take such action thereon as may be necessary.

(d)(1) Each judicial council shall make all necessary and appropriate orders for the effective and expeditious administration of justice within its circuit. Any general order relating to practice and procedure shall be made or amended only after giving appropriate public notice and an opportunity for comment. Any such order so relating shall take effect upon the date specified by such judicial council. Copies of such orders so relating shall be furnished to the Judicial Conference and the Administrative Office of the United States Courts and be made available to the public. Each council is authorized to hold hearings, to take sworn testimony, and to issue subpoenas and subpoenas duces tecum. Subpoenas and subpoenas duces tecum shall be issued by the clerk of the court of appeals, at the direction of the chief judge of the circuit or his designee and under the seal of the court, and shall be served in the manner provided in rule 45(c) of the Federal Rules of Civil Procedure for subpoenas and subpoenas duces tecum issued on behalf of the United States or an officer or agency thereof.

(2) All judicial officers and employees of the circuit shall promptly carry into effect all orders of the judicial council. In the case of failure to comply with an order made under this subsection or a subpoena issued under chapter 16 of this title, a judicial council or a special committee appointed under section 353 of this title may institute a contempt proceeding in any district court in which the judicial officer or employee of the circuit who fails to comply with the order made under this subsection shall be ordered to show cause before the court why he or she should not be held in contempt of court.

(3) Unless an impediment to the administration of justice is involved, regular business of the courts need not be referred to

To look up a section, use this format: **28 USC Sec. #**

the council.

(4) Each judicial council shall periodically review the rules which are prescribed under section 2071 of this title by district courts within its circuit for consistency with rules prescribed under section 2072 of this title. Each council may modify or abrogate any such rule found inconsistent in the course of such a review.

(e) The judicial council of each circuit may appoint a circuit executive. In appointing a circuit executive, the judicial council shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated to him by the circuit council. The duties delegated to the circuit executive of each circuit may include but need not be limited to:

(1) Exercising administrative control of all nonjudicial activities of the court of appeals of the circuit in which he is appointed.

(2) Administering the personnel system of the court of appeals of the circuit.

(3) Administering the budget of the court of appeals of the circuit.

(4) Maintaining a modern accounting system.

(5) Establishing and maintaining property control records and undertaking a space management program.

(6) Conducting studies relating to the business and administration of the courts within the circuit and preparing appropriate recommendations and reports to the chief judge, the circuit council, and the Judicial Conference.

(7) Collecting, compiling, and analyzing statistical data with a view to the preparation and presentation of reports based on such data as may be directed by the chief judge, the circuit council, and the Administrative Office of the United States Courts.

(8) Representing the circuit as its liaison to the courts of the various States in which the circuit is located, the marshal's office, State and local bar associations, civic groups, news media, and other private and public groups having a reasonable interest in the administration of the circuit.

(9) Arranging and attending meetings of the judges of the circuit and of the circuit council, including preparing the agenda and serving as secretary in all such meetings.

(10) Preparing an annual report to the circuit and to the Administrative Office of the United States Courts for the preceding calendar year, including recommendations for more expeditious disposition of the business of the circuit.

All duties delegated to the circuit executive shall be subject to

To look up a section, use this format: **28 USC Sec. #**

the general supervision of the chief judge of the circuit.

(f)(1) Each circuit executive shall be paid at a salary to be established by the Judicial Conference of the United States not to exceed the annual rate of level IV of the Executive Schedule pay rates under section 5315 of title 5.

(2) The circuit executive shall serve at the pleasure of the judicial council of the circuit.

(3) The circuit executive may appoint, with the approval of the council, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

(4) The circuit executive and his staff shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees' life insurance program), and chapter 89 (relating to Federal employees' health benefits program) of title 5, United States Code.

(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.

(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include the duties specified in subsection (e) of this section, insofar as such duties are applicable to the Court of Appeals for the Federal Circuit.

(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.

To look up a section, use this format: **28 USC Sec. #**

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 902; Pub. L. 88-176, Sec. 3, Nov. 13, 1963, 77 Stat. 331; Pub. L. 91-647, Jan. 5, 1971, 84 Stat. 1907; Pub. L. 95-598, title II, Sec. 209, Nov. 6, 1978, 92 Stat. 2661; Pub. L. 96-458, Sec. 2(a)-(d)(1), Oct. 15, 1980, 94 Stat. 2035, 2036; Pub. L. 100-459, title IV, Sec. 407, Oct. 1, 1988, 102 Stat. 2213; Pub. L. 100-702, title IV, Sec. 403(a)(2), (b), title X, Secs. 1018, 1020(a)(1), Nov. 19, 1988, 102 Stat. 4651, 4670, 4671; Pub. L. 101-650, title III, Secs. 323, 325(b)(1), title IV, Sec. 403, Dec. 1, 1990, 104 Stat. 5120, 5121, 5124; Pub. L. 102-198, Sec. 1, Dec. 9, 1991, 105 Stat. 1623; Pub. L. 104-317, title II, Sec. 208, Oct. 19, 1996, 110 Stat. 3851; Pub. L. 106-518, title II, Sec. 205, title III, Sec. 306, Nov. 13, 2000, 114 Stat. 2414, 2418; Pub. L. 106-553, Sec. 1(a)(2) [title III, Sec. 306], Dec. 21, 2000, 114 Stat. 2762, 2762A-85; Pub. L. 107-273, div. C, title I, Sec. 11043(c), Nov. 2, 2002, 116 Stat. 1855.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 448 (Mar. 3, 1911, ch. 231, Sec. 306, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

The final sentence of section 448 of title 28, U.S.C., 1940 ed., excepting from the operation of said section the provisions of existing law as to assignment of district judges outside their districts, was omitted as surplusage, since there is nothing in this section in conflict with section 292 of this title providing for such assignments.

The requirement for attendance of circuit judges, unless excused by the chief judge, was included in conformity with a similar provision of section 331 of this title.

Changes in phraseology were made.

-REFTEXT-

REFERENCES IN TEXT

Section 371(f) of this title, referred to in subsec. (a)(3), was redesignated section 371(e) of this title by Pub. L. 106-398, Sec. 1[[div. A], title VI, Sec. 654(a)(1)(B)], Oct. 30, 2000, 114 Stat. 1654, 1654A-165.

The Federal Rules of Civil Procedure, referred to in subsec. (d)(1), are set out in the Appendix to this title.

-MISC2-

AMENDMENTS

To look up a section, use this format: **28 USC Sec. #**

2002 - Subsec. (d)(2). Pub. L. 107-273, Sec. 11043(c)(1), substituted "chapter 16 of this title" for "section 372(c) of this title" and "section 353 of this title" for "section 372(c)(4) of this title".

Subsec. (h). Pub. L. 107-273, Sec. 11043(c)(2), struck out subsec. (h) as added by Pub. L. 106-553, which read as follows:

"(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include but need not be limited to the duties specified in subsection (e) of this section, insofar as they are applicable to the Court of Appeals for the Federal Circuit.

"(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

"(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

"(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive."

2000 - Subsec. (a)(3). Pub. L. 106-518, Sec. 205(1), added par. (3) and struck out former par. (3) which read as follows: "Only circuit and district judges in regular active service shall serve as members of the council."

Subsec. (a)(5). Pub. L. 106-518, Sec. 205(2), substituted "retirement under section 371(a) or 372(a) of this title," for "retirement,".

Subsec. (h). Pub. L. 106-553 added subsec. (h) relating to circuit executive for United States Court of Appeals for the Federal Circuit, set out second.

Pub. L. 106-518, Sec. 306, added subsec. (h) relating to circuit executive for United States Court of Appeals for the Federal Circuit, set out first.

1996 - Subsec. (g). Pub. L. 104-317 added subsec. (g).

1991 - Subsec. (a)(1). Pub. L. 102-198 substituted "such number" for "such member" and "service" for "services".

1990 - Subsec. (a)(1). Pub. L. 101-650, Sec. 323(a), amended par.

To look up a section, use this format: **28 USC Sec. #**

(1) generally. Prior to amendment, par. (1) read as follows: "The chief judge of each judicial circuit shall call, at least twice in each year and at such places as he may designate, a meeting of the judicial council of the circuit, consisting of -

"(A) the chief judge of the circuit, who shall preside;

"(B) that number of circuit judges fixed by majority vote of all such judges in regular active service; and

"(C) that number of district judges of the circuit fixed by majority vote of all circuit judges in regular active service, except that -

"(i) if the number of circuit judges fixed in accordance with subparagraph (B) of this paragraph is less than six, the number of district judges fixed in accordance with this subparagraph shall be no less than two; and

"(ii) if the number of circuit judges fixed in accordance with subparagraph (B) of this paragraph is six or more, the number of district judges fixed in accordance with this subparagraph shall be no less than three."

Subsec. (a)(3) to (7). Pub. L. 101-650, Sec. 323(b), redesignated pars. (4) to (7) as (3) to (6), respectively, and struck out former par. (3) which read as follows: "The number of circuit and district judges fixed in accordance with paragraphs (1)(B) and (1)(C) of this subsection shall be set by order of the court of appeals for the circuit no less than six months prior to a scheduled meeting of the council so constituted."

Subsec. (d)(2). Pub. L. 101-650, Sec. 403, inserted at end "In the case of failure to comply with an order made under this subsection or a subpoena issued under section 372(c) of this title, a judicial council or a special committee appointed under section 372(c)(4) of this title may institute a contempt proceeding in any district court in which the judicial officer or employee of the circuit who fails to comply with the order made under this subsection shall be ordered to show cause before the court why he or she should not be held in contempt of court."

Subsec. (f)(1). Pub. L. 101-650, Sec. 325(b)(1), substituted "under section 5315 of title 5" for "(5 U.S.C. 5316)".

1988 - Subsec. (c). Pub. L. 100-702, Sec. 1020(a)(1), substituted "semiannual" for "semi-annually".

Subsec. (d)(1). Pub. L. 100-702, Sec. 403(b), inserted after first sentence "Any general order relating to practice and procedure shall be made or amended only after giving appropriate public notice and an opportunity for comment. Any such order so relating shall take effect upon the date specified by such judicial council. Copies of such orders so relating shall be furnished to the Judicial Conference and the Administrative Office of the United States Courts and be made available to the public."

To look up a section, use this format: **28 USC Sec. #**

Subsec. (d)(4). Pub. L. 100-702, Sec. 403(a)(2), added par. (4).

Subsec. (e). Pub. L. 100-702, Sec. 1018(1), substituted "executive. In appointing a circuit executive, the judicial council shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training." for "executive from among persons who shall be certified by the Board of Certification." in first sentence.

Subsec. (f). Pub. L. 100-702, Sec. 1018(2), designated last four undesignated pars. as pars. (1) to (4), respectively, and struck out former first undesignated par. which related to establishment, functions, and staffing of Board of Certification and setting standards for certification as qualified to be circuit executive.

Pub. L. 100-459 substituted "level IV" for "level V".

1980 - Pub. L. 96-458, Sec. 2(d)(1), substituted "Judicial councils of circuits" for "Judicial councils" in section catchline.

Subsec. (a). Pub. L. 96-458, Sec. 2(a), in par. (1) designated existing provisions as introductory provision and in such introductory provision substituted "each judicial circuit" for "each circuit", substituted "a meeting of the judicial council of the circuit, consisting of - " for "a council of the circuit judges for the circuit, in regular active service, at which he shall preside. Each circuit judge, unless excused by the chief judge, shall attend all sessions of the council.", and added subpars. (A) to (C) and pars. (2) to (7).

Subsec. (c). Pub. L. 96-458, Sec. 2(b), substituted "semiannually" for "quarterly".

Subsec. (d). Pub. L. 96-458, Sec. 2(c), amended subsec. (d) generally, designating existing provisions as par. (1), inserting "and appropriate" after "all necessary", substituting "justice within its circuit" for "the business of the courts within its circuit", striking out "The district judges shall promptly carry into effect all orders of the judicial council." after "within its circuit.", inserting provisions relating to the holding of hearings, taking of testimony, the issuance of subpoenas and service thereof under the Federal Rules of Civil Procedure, and adding pars. (2) and (3).

1978 - Subsec. (d). Pub. L. 95-598 directed the amendment of subsec. (d) by inserting "and bankruptcy judges" after "The district judges", which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1971 - Pub. L. 91-647 designated existing four paragraphs as subsecs. (a), (b), (c), and (d), respectively, and added subsecs. (e) and (f).

1963 - Pub. L. 88-176 inserted "regular" before "active service" in first sentence.

To look up a section, use this format: **28 USC Sec. #**

EFFECTIVE DATE OF 1990 AMENDMENT

Section 407 of Pub. L. 101-650 provided that: "The amendments made by this subtitle [subtitle I (Secs. 402-407) of title IV of Pub. L. 101-650, amending this section, sections 372, 453, and 2077 of this title, and provisions set out in the Appendix to Title 5, Government Organization and Employees] shall take effect 90 days after the date of the enactment of this Act [Dec. 1, 1990]."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 403(a)(2), (b) of Pub. L. 100-702 effective Dec. 1, 1988, see section 407 of Pub. L. 100-702, set out as a note under section 2071 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-458 effective Oct. 1, 1981, see section 7 of Pub. L. 96-458, set out as a note under section 331 of this title.

-FOOTNOTE-

(1) See References in Text note below.

-End-

-CITE-

28 USC Sec. 333

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 15 - CONFERENCES AND COUNCILS OF JUDGES

-HEAD-

Sec. 333. Judicial conferences of circuits

-STATUTE-

The chief judge of each circuit may summon biennially, and may summon annually, the circuit, district, and bankruptcy judges of the circuit, in active service, to a conference at a time and place that he designates, for the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit. He may preside at such conference, which shall be known as the Judicial Conference of the circuit. The

To look up a section, use this format: **28 USC Sec. #**

judges of the District Court of Guam, the District Court of the Virgin Islands, and the District Court of the Northern Mariana Islands may also be summoned biennially, and may be summoned annually, to the conferences of their respective circuits.

Every judge summoned may attend.

The court of appeals for each circuit shall provide by its rules for representation and active participation at such conference by members of the bar of such circuit.

-SOURCE-

(June 25, 1948, ch. 646, 62 Stat. 903; Dec. 29, 1950, ch. 1185, 64 Stat. 1128; Oct. 31, 1951, ch. 655, Sec. 38, 65 Stat. 723; Pub. L. 85-508, Sec. 12(e), July 7, 1958, 72 Stat. 348; Pub. L. 95-598, title II, Sec. 210, Nov. 6, 1978, 92 Stat. 2661; Pub. L. 101-650, title III, Sec. 320, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 104-134, title I, Sec. 101[(a)] [title III, Sec. 305], Apr. 26, 1996, 110 Stat. 1321, 1321-36; renumbered title I, Pub. L. 104-140, Sec. 1(a), May 2, 1996, 110 Stat. 1327.)

-MISC1-

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Secs. 449, 450 (Mar. 3, 1911, ch. 231, Secs. 307, 308, as added Aug. 7, 1939, ch. 501, Sec. 1, 53 Stat. 1223).

Section consolidates parts of sections 449 and 450 of title 28, U.S.C., 1940 ed.

Said section 450 contained definitions of "courts" and "continental United States," and directions that sections 444-450 of title 28, U.S.C., 1940 ed., relating to the administration of United States courts, should apply to the courts of appeals, the United States Court of Appeals for the District of Columbia and to the several enumerated district courts of the United States, including those in the Territories and Possessions as well as the Court of Claims, Court of Customs and Patent Appeals, and Customs Court. It also provided that the Chief Justice and associate justices of the Court of Appeals for the District of Columbia should have the powers of the senior judge and circuit judges, respectively, of a circuit court of appeals.

The revised section omits, as surplusage, the definition of "continental United States." Other provisions of section 450 of title 28, U.S.C., 1940 ed., referred to were omitted as unnecessary in view of section 604 of this title which provides for the powers and duties of the Director of the Administrative Office of the United States Courts. Remaining provisions of said section 450 are incorporated in said section 604 and section 610 of this title.

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The provision as to travel and subsistence which was contained in said section 449 of title 28, U.S.C., 1940 ed., is incorporated in section 456 of this title.

AMENDMENTS

1996 - Pub. L. 104-134, Sec. 101[(a)] [title III, Sec. 305(1)], in first par. substituted "may" for "shall" before "summon biennially", "preside at such", and "also be summoned".

Pub. L. 104-134, Sec. 101[(a)] [title III, Sec. 305(2)], in second par. substituted "may" for "shall" before "attend" and struck out ", and unless excused by the chief judge, shall remain throughout the conference" before period at end.

1990 - Pub. L. 101-650 substituted "biennially, and may summon annually," for "annually", struck out "the United States District Court for the District of the Canal Zone," after "The judges of", and substituted "the District Court of the Virgin Islands, and the District Court of the Northern Mariana Islands shall also be summoned biennially, and may be summoned annually," for "and the District Court of the Virgin Islands shall also be summoned annually".

1978 - Pub. L. 95-598 inserted reference to bankruptcy judges.

1958 - Pub. L. 85-508 struck out provisions which required judge of District Court for Territory of Alaska to be summoned annually to the conference of his circuit. See section 81A of this title which establishes a United States District Court for the State of Alaska.

1951 - Act Oct. 31, 1951, inserted reference to judge of District Court of Guam in first par.

1950 - Act Dec., 29, 1950, provided for the presence of judges of District Courts of Alaska, Canal Zone, and the Virgin Islands at annual conferences within their respective circuits.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-508 effective Jan. 3, 1959, on admission of Alaska into the Union pursuant to Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, see notes set out under section 81A of this title and preceding section 21 of Title 48, Territories and Insular Possessions.

To look up a section, use this format: **28 USC Sec. #**

-TRANS-

TERMINATION OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE
CANAL ZONE

For termination of the United States District Court for the District of the Canal Zone at end of the "transition period", being the 30-month period beginning Oct. 1, 1979, and ending midnight Mar. 31, 1982, see Paragraph 5 of Article XI of the Panama Canal Treaty of 1977 and sections 2101 and 2201 to 2203 of Pub. L. 96-70, title II, Sept. 27, 1979, 93 Stat. 493, formerly classified to sections 3831 and 3841 to 3843, respectively, of Title 22, Foreign Relations and Intercourse.

-End-

-CITE-

28 USC Sec. 334

01/03/05

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 15 - CONFERENCES AND COUNCILS OF JUDGES

-HEAD-

Sec. 334. Institutes and joint councils on sentencing

-STATUTE-

(a) In the interest of uniformity in sentencing procedures, there is hereby authorized to be established under the auspices of the Judicial Conference of the United States, institutes and joint councils on sentencing. The Attorney General and/or the chief judge of each circuit may at any time request, through the Director of the Administrative Office of the United States Courts, the Judicial Conference to convene such institutes and joint councils for the purpose of studying, discussing, and formulating the objectives, policies, standards, and criteria for sentencing those convicted of crimes and offenses in the courts of the United States. The agenda of the institutes and joint councils may include but shall not be limited to: (1) The development of standards for the content and utilization of presentence reports; (2) the establishment of factors to be used in selecting cases for special study and observation in prescribed diagnostic clinics; (3) the determination of the importance of psychiatric, emotional, sociological and physiological factors involved in crime and their bearing upon sentences; (4) the discussion of special sentencing problems in

To look up a section, use this format: **28 USC Sec. #**

unusual cases such as treason, violation of public trust, subversion, or involving abnormal sex behavior, addiction to drugs or alcohol, and mental or physical handicaps; (5) the formulation of sentencing principles and criteria which will assist in promoting the equitable administration of the criminal laws of the United States.

(b) After the Judicial Conference has approved the time, place, participants, agenda, and other arrangements for such institutes and joint councils, the chief judge of each circuit is authorized to invite the attendance of district judges under conditions which he thinks proper and which will not unduly delay the work of the courts.

(c) The Attorney General is authorized to select and direct the attendance at such institutes and meetings of United States attorneys and other officials of the Department of Justice and may invite the participation of other interested Federal officers. He may also invite specialists in sentencing methods, criminologists, psychiatrists, penologists, and others to participate in the proceedings.

(d) The expenses of attendance of judges shall be paid from applicable appropriations for the judiciary of the United States. The expenses connected with the preparation of the plans and agenda for the conference and for the travel and other expenses incident to the attendance of officials and other participants invited by the Attorney General shall be paid from applicable appropriations of the Department of Justice.

-SOURCE-

(Added Pub. L. 85-752, Sec. 1, Aug. 25, 1958, 72 Stat. 845.)

-MISC1-

SENTENCING PROCEDURES

Section 7 of Pub. L. 85-752 provided that: "This Act [enacting this section, sections 4208 and 4209 of Title 18, Crimes and Criminal Procedure, and provisions set out as a note under section 4208 of Title 18] does not apply to any offense for which there is provided a mandatory penalty."

-End-

-CITE-

28 USC Sec. 335

01/03/05

To look up a section, use this format: **28 USC Sec. #**

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART I - ORGANIZATION OF COURTS
CHAPTER 15 - CONFERENCES AND COUNCILS OF JUDGES

-HEAD-

Sec. 335. Judicial Conference of the Court of International Trade

-STATUTE-

(a) The chief judge of the Court of International Trade is authorized to summon annually the judges of such court to a judicial conference, at a time and place that such chief judge designates, for the purpose of considering the business of such court and improvements in the administration of justice in such court.

(b) The Court of International Trade shall provide by its rules for representation and active participation at such conference by members of the bar.

-SOURCE-

(Added Pub. L. 99-466, Sec. 2(a), Oct. 14, 1986, 100 Stat. 1190.)

-MISC1-

EFFECTIVE DATE

Section effective 60 days after Oct. 14, 1986, see section 4 of Pub. L. 99-466, set out as an Effective Date of 1986 Amendment note under section 331 of this title.

-End-