

Evidence, referred to in text, are set out in the Appendix to this title.

The Federal Rules of Criminal Procedure, referred to in text, are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

§ 363. Court of Federal Claims, Court of International Trade, Court of Appeals for the Federal Circuit

The United States Court of Federal Claims, the Court of International Trade, and the Court of Appeals for the Federal Circuit shall each prescribe rules, consistent with the provisions of this chapter, establishing procedures for the filing of complaints with respect to the conduct of any judge of such court and for the investigation and resolution of such complaints. In investigating and taking action with respect to any such complaint, each such court shall have the powers granted to a judicial council under this chapter.

(Added Pub. L. 107-273, div. C, title I, §11042(a), Nov. 2, 2002, 116 Stat. 1854.)

§ 364. Effect of felony conviction

In the case of any judge or judge of a court referred to in section 363 who is convicted of a felony under State or Federal law and has exhausted all means of obtaining direct review of the conviction, or the time for seeking further direct review of the conviction has passed and no such review has been sought, the following shall apply:

(1) The judge shall not hear or decide cases unless the judicial council of the circuit (or, in the case of a judge of a court referred to in section 363, that court) determines otherwise.

(2) Any service as such judge or judge of a court referred to in section 363, after the conviction is final and all time for filing appeals thereof has expired, shall not be included for purposes of determining years of service under section 371(c), 377, or 178 of this title or creditable service under subchapter III of chapter 83, or chapter 84, of title 5.

(Added Pub. L. 107-273, div. C, title I, §11042(a), Nov. 2, 2002, 116 Stat. 1855.)

CHAPTER 17—RESIGNATION AND RETIREMENT OF JUSTICES AND JUDGES

Table with 2 columns: Sec. and description. Rows include 371. Retirement on salary; retirement in senior status, 372. Retirement for disability; substitute judge on failure to retire, 373. Judges in Territories and Possessions, 374. Residence of retired judges; official station, 375. Recall of certain judges and magistrate judges, 376. Annuities for survivors of certain judicial officials of the United States, 377. Retirement of bankruptcy judges and magistrate judges.

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-273, div. C, title I, §11043(a)(2), Nov. 2, 2002, 116 Stat. 1855, struck out “; judicial discipline” after “failure to retire” in item 372.

<sup>1</sup>Section catchline amended by Pub. L. 99-396 without corresponding amendment of analysis.

1988—Pub. L. 100-702, title X, §1020(a)(9), Nov. 19, 1988, 102 Stat. 4672, substituted “Annuities for survivors of certain judicial officials of the United States” for “Annuities to widows and surviving dependent children of justices and judges of the United States” in item 376.

Pub. L. 100-659, §2(b), Nov. 15, 1988, 102 Stat. 3916, added item 377.

1986—Pub. L. 99-651, title II, §201(b)(2), Nov. 14, 1986, 100 Stat. 3648, amended item 375 generally.

1984—Pub. L. 98-353, title II, §204(b), July 10, 1984, 98 Stat. 350, substituted “Retirement on salary; retirement in senior status” for “Resignation or retirement for age” in item 371.

1980—Pub. L. 96-458, §3(c), Oct. 15, 1980, 94 Stat. 2040, inserted reference to “judicial discipline” in item 372.

1972—Pub. L. 92-397, §3(a), (b), Aug. 22, 1972, 86 Stat. 579, substituted “JUSTICES AND JUDGES” for “JUDGES” in chapter heading, and substituted “justices and judges of the United States” for “judges” in item 376.

1959—Pub. L. 86-312, §2, Sept. 21, 1959, 73 Stat. 587, inserted “; official station” in item 374.

1956—Act Aug. 3, 1956, ch. 944, §1(a), 70 Stat. 1021, substituted “Annuities to widows of justices” for “Annuities to widows on the Chief Justice and Associate Justices of the Supreme Court of the United States” in item 375 and added item 376.

1954—Act Aug. 28, 1954, ch. 1053, §2, 68 Stat. 918, added item 375.

Act Feb. 10, 1954, ch. 6, §4(b), 68 Stat. 13, transferred “; substitute judge on failure to retire” from item 371 to item 372.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Words “magistrate judges” substituted for “magistrates” in items 375 and 377 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

§ 371. Retirement on salary; retirement in senior status

(a) Any justice or judge of the United States appointed to hold office during good behavior may retire from the office after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) and shall, during the remainder of his lifetime, receive an annuity equal to the salary he was receiving at the time he retired.

(b)(1) Any justice or judge of the United States appointed to hold office during good behavior may retain the office but retire from regular active service after attaining the age and meeting the service requirements, whether continuous or otherwise, of subsection (c) of this section and shall, during the remainder of his or her lifetime, continue to receive the salary of the office if he or she meets the requirements of subsection (e).

(2) In a case in which a justice or judge who retires under paragraph (1) does not meet the requirements of subsection (e), the justice or judge shall continue to receive the salary that he or she was receiving when he or she was last in active service or, if a certification under subsection (e) was made for such justice or judge, when such a certification was last in effect. The salary of such justice or judge shall be adjusted under section 461 of this title.

(c) The age and service requirements for retirement under this section are as follows:

Table with 2 columns: Attained age and Years of service. Row 1: 65 ..... 15