

such duties as may be assigned to him by the Chief Justice. The salary payable to the Counselor shall be fixed by the Chief Justice at a rate which shall not exceed the salary payable to the Director of the Administrative Office of the United States Courts. The Counselor may elect to bring himself within the same retirement program available to the Director of the Administrative Office of the United States Courts, as provided by section 611 of this title, by filing a written election with the Chief Justice within the time and in the manner prescribed by section 611.

(b) The Counselor, with the approval of the Chief Justice, may appoint and fix the compensation of necessary employees. The Counselor and his employees shall be deemed employees of the Supreme Court.

(c)(1) Notwithstanding section 1342 of title 31, the Counselor, with the approval of the Chief Justice, may accept voluntary personal services to assist with public and visitor programs.

(2) No person may volunteer personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5.

(3) No person volunteering personal services under this subsection shall be considered an employee of the United States for any purpose other than for purposes of—

- (A) chapter 81 of title 5; or
- (B) chapter 171 of this title.

(4) In the administration of this subsection, the Counselor shall ensure that the acceptance of personal services shall not result in the reduction of pay or displacement of any employee of the Supreme Court.

(Added Pub. L. 92-238, §1, Mar. 1, 1972, 86 Stat. 46; amended Pub. L. 105-233, §1, Aug. 13, 1998, 112 Stat. 1535; Pub. L. 110-402, §1(b)(3)(A), Oct. 13, 2008, 122 Stat. 4254.)

#### Editorial Notes

##### AMENDMENTS

2008—Pub. L. 110-402, §1(b)(3)(A)(i), substituted “Counselor” for “Administrative Assistant” in section catchline.

Subsec. (a). Pub. L. 110-402, §1(b)(3)(A)(ii), substituted “a Counselor” for “an Administrative Assistant” in first sentence and “Counselor” for “Administrative Assistant” in second and third sentences.

Subsecs. (b), (c). Pub. L. 110-402, §1(b)(3)(A)(iii), substituted “Counselor” for “Administrative Assistant” wherever appearing.

1998—Subsec. (c). Pub. L. 105-233 added subsec. (c).

#### CHAPTER 47—COURTS OF APPEALS

Sec.	
711.	Clerks and employees.
712.	Law clerks and secretaries.
713.	Librarians.
714.	Criers and messengers.
715.	Staff attorneys and technical assistants.

#### Editorial Notes

##### AMENDMENTS

1982—Pub. L. 97-164, title I, §120(b)(2), (c)(2), Apr. 2, 1982, 96 Stat. 33, substituted “Librarians” for “Criers,

bailliffs and messengers” in item 713 and added items 714 and 715.

#### § 711. Clerks and employees

(a) Each court of appeals may appoint a clerk who shall be subject to removal by the court.

(b) The clerk, with the approval of the court, may appoint necessary deputies, clerical assistants and employees in such number as may be approved by the Director of the Administrative Office of the United States Courts. Such deputies, clerical assistants and employees shall be subject to removal by the clerk with the approval of the court.

(c) The clerk shall pay into the Treasury all fees, costs and other moneys collected by him and make returns thereof to the Director of the Administrative Office of the United States Courts under regulations prescribed by him.

(June 25, 1948, ch. 646, 62 Stat. 920.)

##### HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§221 and 222, 544 and 546 and District of Columbia Code, 1940 ed., §11-204 (Mar. 3, 1891, ch. 517, §2, 26 Stat. 826; Feb. 9, 1893, ch. 74, §4, 27 Stat. 435; July 30, 1894, ch. 172, §1, 28 Stat. 160; June 6, 1900, ch. 791, §1, 31 Stat. 639; Mar. 3, 1901, ch. 854, §224, 31 Stat. 1224; June 30, 1902, ch. 1329, 32 Stat. 528; Mar. 3, 1911, ch. 231, §§124, 125, 36 Stat. 1132; Aug. 23, 1912, ch. 350, 37 Stat. 412; Feb. 22, 1921, ch. 70, §7, 41 Stat. 1144; June 1, 1922, ch. 204, title II, 42 Stat. 616; Mar. 4, 1923, ch. 265, 42 Stat. 1488; May 21, 1928, ch. 659, 45 Stat. 645).

This section consolidates section 546 of title 28, U.S.C., 1940 ed., with parts of sections 221, 222, and 544 of such title and a part of section 11-204 of the District of Columbia Code, 1940 ed. Other provisions of such sections are incorporated in sections 604, 713, 954, 956, 961, and 962 of this title. Some provisions of section 11-204 of the District of Columbia Code, 1940 ed., were retained in that code. (See reviser's note under section 604 of this title.)

Discrepancies between such section 11-204 of District of Columbia Code, 1940 ed., and the more general provisions of title 28 were eliminated by adopting the more general provisions.

Words “Director of the Administrative Office of the United States Courts” were substituted for “Attorney General,” in view of the act of Aug. 7, 1939, ch. 501, §6, 53 Stat. 1226, 28 U.S.C., 1940 ed., following §446.

A provision that the returns should be filed annually was changed to place the times of accounting within the discretion of the Director of the Administrative Office of the United States Courts, who has supervision over such accounts. (See section 604 of this title.)

This section is in harmony with section 671 of this title as to accounting similarly by the Clerk of the Supreme Court.

“Court of appeals” was substituted for “circuit court of appeals” to conform to section 43 of this title.

The provision that each clerk shall be removable by the court is new. Section 222 of title 28, U.S.C., 1940 ed., provided that deputies might be removed at the pleasure of the clerk, subject to the court's approval, and there was no term of office specified for the clerk and no provision for his removal.

The words “and other necessary employees” were added in subsection (b) to supply an omission of existing law and to give statutory authority for the appointment of necessary employees for which compensation is annually appropriated.

Changes were made in phraseology.

#### § 712. Law clerks and secretaries

Circuit judges may appoint necessary law clerks and secretaries. A law clerk appointed