

The provision of subsection (a) authorizing the district court, with the consent of the judicial council of the circuit, to prepermit any term of court for insufficient business or other good cause, is inserted to obviate the expense and inconvenience of convening and adjourning a term for which no need exists.

Editorial Notes

AMENDMENTS

1963—Subsecs. (a), (b). Pub. L. 88-139 substituted “session” for “term”.

§ 141. Special sessions; places; notice

(a)(1) Special sessions of the district court may be held at such places in the district as the nature of the business may require, and upon such notice as the court orders.

(2) Any business may be transacted at a special session which might be transacted at a regular session.

(b)(1) Special sessions of the district court may be held at such places within the United States outside the district as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the district court (or, if the chief judge is unavailable, the most senior available active judge of the district court) or the judicial council of the circuit that, because of emergency conditions, no location within the district is reasonably available where such special sessions could be held.

(2) Pursuant to this subsection, any business which may be transacted at a regular session of a district court may be transacted at a special session conducted outside the district, except that a criminal trial may not be conducted at a special session outside the State in which the crime has been committed unless the defendant consents to such a criminal trial.

(3) Notwithstanding any other provision of law, in any case in which special sessions are conducted pursuant to this section, the district court may summon jurors—

(A) in civil proceedings, from any part of the district in which the court ordinarily conducts business or the district in which it is holding a special session; and

(B) in criminal trials, from any part of the district in which the crime has been committed and, if the defendant so consents, from any district in which the court is conducting business pursuant to this section.

(4) If a district court issues an order exercising its authority under paragraph (1), the court—

(A) through the Administrative Office of the United States Courts, shall—

(i) send notice of such order, including the reasons for the issuance of such order, to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives; and

(ii) not later than 180 days after the expiration of such court order submit a brief report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives describing the impact of such order, including—

(I) the reasons for the issuance of such order;

(II) the duration of such order;

(III) the impact of such order on litigants; and

(IV) the costs to the judiciary resulting from such order; and

(B) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.

(5) If a district court issues an order exercising its authority under paragraph (1), the court shall direct the United States marshal of the district where the court is meeting to furnish transportation and subsistence to the same extent as that provided in sections 4282 and 4285 of title 18.

(June 25, 1948, ch. 646, 62 Stat. 897; Pub. L. 88-139, § 1, Oct. 16, 1963, 77 Stat. 248; Pub. L. 109-63, § 2(b), Sept. 9, 2005, 119 Stat. 1994; Pub. L. 109-162, title XI, § 1198(a), Jan. 5, 2006, 119 Stat. 3132.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 15 (Mar. 3, 1911, ch. 231, § 11, 36 Stat. 1089).

Section was rewritten to include provision that notice of special terms should conform to rules approved by the judicial council of the circuit, thus insuring a uniform practice among the courts for convening special terms.

Changes of phraseology were made.

Editorial Notes

AMENDMENTS

2006—Subsec. (b)(5). Pub. L. 109-162 added par. (5).

2005—Pub. L. 109-63 designated first and second undesignated pars. as pars. (1) and (2), respectively, of subsec. (a) and added subsec. (b).

1963—Pub. L. 88-139 substituted “sessions” for “terms” and “session” for “term” wherever appearing in text and section catchline, and struck out “pursuant to rules approved by the judicial council of the circuit” after “court orders” in text.

[§ 142. Repealed. Pub. L. 97-164, title I, § 115(c)(3), Apr. 2, 1982, 96 Stat. 32]

Section, acts June 25, 1948, ch. 646, 62 Stat. 898; Oct. 9, 1962, Pub. L. 87-764, 76 Stat. 762; Nov. 19, 1977, Pub. L. 95-196, 91 Stat. 1420, related to the providing of accommodations at places for holding court. See section 462 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

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

WAIVER OF LIMITATIONS AND RESTRICTIONS

The limitations and restrictions contained in this section prior to its repeal were waived with respect to the holding of court at certain places by the following Acts:

Pub. L. 87-833, Oct. 15, 1962, 76 Stat. 959, related to Akron, Ohio.

Pub. L. 87-699, Sept. 25, 1962, 76 Stat. 598, related to Richland, Washington.

Pub. L. 87-562, § 4, July 30, 1962, 76 Stat. 248, related to Fort Myers, Saint Petersburg, Fort Pierce, and West Palm Beach, Florida.

Pub. L. 87-560, July 27, 1962, 76 Stat. 247, related to Marshall, Texas.

Pub. L. 87-559, July 27, 1962, 76 Stat. 246, related to Decatur, Alabama.

Pub. L. 87-553, July 27, 1962, 76 Stat. 222, related to Winchester, Tennessee.

Pub. L. 87-551, July 27, 1962, 76 Stat. 221, related to Bridgeport, Connecticut.

Pub. L. 87-337, Oct. 3, 1961, 75 Stat. 750, related to Lafayette, Louisiana.

Pub. L. 87-36, §3(g), May 19, 1961, 75 Stat. 83, related to Kalamazoo, Michigan; Fayetteville, North Carolina; and Dyersburg, Tennessee.

Pub. L. 86-366, Sept. 22, 1959, 73 Stat. 647, related to Durant, Oklahoma.

Act July 20, 1956, ch. 657, 70 Stat. 594, related to Bryson City, North Carolina.

Act Sept. 23, 1950, ch. 1006, 64 Stat. 982, related to Klamath Falls, Oregon.

Act Aug. 21, 1950, ch. 767, 64 Stat. 469, related to Newnan, Georgia.

Act Aug. 10, 1950, ch. 675, §2, 64 Stat. 438, related to Rock Island, Illinois.

Act Oct. 26, 1949, ch. 744, 63 Stat. 923, related to Thomasville, Georgia.

Act Oct. 26, 1949, ch. 740, 63 Stat. 921, related to Brunswick, Georgia.

§ 143. Vacant judgeship as affecting proceedings

When the office of a district judge becomes vacant, all pending process, pleadings and proceedings shall, when necessary, be continued by the clerk until a judge is appointed or designated to hold such court.

(June 25, 1948, ch. 646, 62 Stat. 898.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §26 (Mar. 3, 1911, ch. 231, §22, 36 Stat. 1090).

The last clause of section 26 of title 28, U.S.C., 1940 ed., prescribing the powers of a designated judge was omitted as covered by section 296 of this title.

Minor changes were made in phraseology.

§ 144. Bias or prejudice of judge

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

(June 25, 1948, ch. 646, 62 Stat. 898; May 24, 1949, ch. 139, §65, 63 Stat. 99.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §25 (Mar. 3, 1911, ch. 231, §21, 36 Stat. 1090).

The provision that the same procedure shall be had when the presiding judge disqualifies himself was omitted as unnecessary. (See section 291 et seq. and section 455 of this title.)

Words, "at which the proceeding is to be heard," were added to clarify the meaning of words, "before the beginning of the term." (See *U.S. v. Costea*, D.C.Mich. 1943, 52 F.Supp. 3.)

Changes were made in phraseology and arrangement.

1949 ACT

This amendment clarifies the intent in section 144 of title 28, U.S.C., to conform to the law as it existed at the time of the enactment of the revision limiting the filing of affidavits of prejudice to one such affidavit in any case.

Editorial Notes

AMENDMENTS

1949—Act May. 24, 1949, substituted "in any case" for "as to any judge" in second sentence of second par.

Statutory Notes and Related Subsidiaries

ABOLITION OF TERMS

For abolition of formal terms of the court and replacement by sessions, see sections 138 and 139 of this title.

CHAPTER 6—BANKRUPTCY JUDGES

Sec.

- 151. Designation of bankruptcy courts.
- 152. Appointment of bankruptcy judges.
- 153. Salaries; character of service.
- 154. Division of business; chief judge.¹
- 155. Temporary transfer of bankruptcy judges.
- 156. Staff; expenses.
- 157. Procedures.
- 158. Appeals.
- 159. Bankruptcy statistics.

Editorial Notes

AMENDMENTS

2005—Pub. L. 109-8, title VI, §601(b), Apr. 20, 2005, 119 Stat. 120, added item 159.

PRIOR PROVISIONS

A prior chapter 6, consisting of sections 151 to 160, which was added by Pub. L. 95-598, title II, §201(a), Nov. 6, 1978, 92 Stat. 2657, as amended by Pub. L. 97-164, title I, §110(d), Apr. 2, 1982, 96 Stat. 29, and which related to bankruptcy courts, 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.

Statutory Notes and Related Subsidiaries

COURTS DURING TRANSITION

Pub. L. 95-598, title IV, §404, Nov. 6, 1978, 92 Stat. 2683, as amended by Pub. L. 98-249, §1(b), Mar. 31, 1984, 98 Stat. 116; Pub. L. 98-271, §1(b), Apr. 30, 1984, 98 Stat. 163; Pub. L. 98-299, §1(b), May 25, 1984, 98 Stat. 214; Pub. L. 98-325, §1(b), June 20, 1984, 98 Stat. 268; Pub. L. 98-353, title I, §121(b), July 10, 1984, 98 Stat. 345, which provided that, for purposes of Pub. L. 95-598, which enacted Title 11, Bankruptcy, and the amendments made by Pub. L. 95-598, the courts of bankruptcy as defined under section 1(10) of former Title 11, created under section 11(a) of former Title 11, and existing on Sept. 30, 1979, continue to be courts of bankruptcy during the transition period beginning Oct. 1, 1979, and ending July 9, 1984, made provision for extension of the term of office of referees in bankruptcy serving on Nov. 6, 1978, and for such a referee to have the title of United States bankruptcy judge, established for each State a merit screening committee to pass on qualifications of such a referee and determine if the term of such a referee should be extended, and set forth the rules and provisions applicable to United States bankruptcy judges during the

¹ So in original. Does not conform to section catchline.