

-CITE-

28 USC Sec. 48

02/01/2010

-EXPCITE-

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART I - ORGANIZATION OF COURTS

CHAPTER 3 - COURTS OF APPEALS

-HEAD-

Sec. 48. Terms of court

-STATUTE-

(a) The courts of appeals shall hold regular sessions at the places listed below, and at such other places within the respective circuit as each court may designate by rule.

Circuits	Places
District of Columbia	Washington.
First	Boston.
Second	New York.
Third	Philadelphia.
Fourth	Richmond, Asheville.
Fifth	New Orleans, Fort Worth, Jackson.
Sixth	Cincinnati.
Seventh	Chicago.
Eighth	St. Louis, Kansas City, Omaha, St. Paul.
Ninth	San Francisco, Los Angeles, Portland, Seattle.

Tenth	Denver, Wichita, Oklahoma City.
Eleventh	Atlanta, Jacksonville, Montgomery.
Federal	District of Columbia, and in any other place listed above as the court by rule directs.

(b) Each court of appeals may hold special sessions at any place within its circuit as the nature of the business may require, and upon such notice as the court orders. The court may transact any business at a special session which it might transact at a regular session.

(c) Any court of appeals may pretermitt any regular session of court at any place for insufficient business or other good cause.

(d) The times and places of the sessions of the Court of Appeals for the Federal Circuit shall be prescribed with a view to securing reasonable opportunity to citizens to appear before the court with as little inconvenience and expense to citizens as is practicable.

(e) Each court of appeals may hold special sessions at any place within the United States outside the circuit 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 court of appeals (or, if the chief judge is unavailable, the most senior available active judge of the court of appeals) or the judicial council of the circuit that, because of emergency conditions, no location within the circuit is reasonably available where such special sessions

could be held. The court may transact any business at a special session outside the circuit which it might transact at a regular session.

(f) If a court of appeals issues an order exercising its authority under subsection (e), the court -

(1) through the Administrative Office of the United States Courts, shall -

(A) 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

(B) 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

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

(June 25, 1948, ch. 646, 62 Stat. 872; Oct. 31, 1951, ch. 655, Sec. 36, 65 Stat. 723; Pub. L. 96-452, Sec. 4, Oct. 14, 1980, 94 Stat. 1994; Pub. L. 97-164, title I, Sec. 104, Apr. 2, 1982, 96 Stat. 26; Pub. L. 102-572, title V, Sec. 501, Oct. 29, 1992, 106 Stat. 4512; Pub. L. 109-63, Sec. 2(a), Sept. 9, 2005, 119 Stat. 1993.)

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HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., Sec. 223 and Sec. 11-205 District of Columbia Code, 1940 ed. (Feb. 9, 1893, ch. 74, Sec. 6, 27 Stat. 435; July 30, 1894, ch. 172, Sec. 2, 28 Stat. 161; Mar. 3, 1901, ch. 854, Sec. 225, 31 Stat. 1225; Mar. 3, 1911, ch. 231, Sec. 126, 36 Stat. 1132; July 17, 1916, ch. 246, 39 Stat. 385; Jan. 8, 1925, ch. 57, 43 Stat. 729; July 3, 1926, ch. 735, 44 Stat. 809; Feb. 28, 1929, ch. 363, Sec. 3, 45 Stat. 1347; May 17, 1932, ch. 190, 47 Stat. 158).

This section consolidates section 223 of title 28, U.S.C., 1940 ed., with part of section 11-205 of the District of Columbia Code.

Reference to San Juan as **a** place for holding court in the First Circuit was omitted. The revised section will permit the holding of terms at San Juan when the public interest requires.

The phrase "and at such other places within the respective circuits as may be designated by rule of court" was added to enable each court of appeals to hold such additional regular terms as changing circumstances might require.

The provisions of such section 223, for furnishing suitable rooms

and accommodation at Oakland City, were omitted as obsolete since the erection of **a** new Federal building there.

The provisions as to fixed times for holding court in the Fifth Circuit was omitted as inconsistent with the practice in the other circuits. Words "San Francisco, Los Angeles, Portland, Seattle" were substituted for "San Francisco and two other places designated by the court" to conform with the practice in the Ninth Circuit.

Changes were made in phraseology.

SENATE REVISION AMENDMENT

By Senate amendment, Jacksonville (Fla.) was added as **a** place for holding **a** regular session of the Court of Appeals for the Fifth Circuit. See 80th Congress Senate Report No. 1559.

AMENDMENTS

2005 - Subsecs. (e), (f). Pub. L. 109-63 added subsecs. (e) and (f).

1992 - Subsec. (c). Pub. L. 102-572 struck out ", with the consent of the Judicial Conference of the United States," after "pretermite".

1982 - Subsec. (**a**). Pub. L. 97-164, Sec. 104(**a**), (b), designated introductory provisions and table of circuits as subsec. (**a**) and substituted provisions directing the courts of appeals to hold regular sessions at the places listed in the table and at such other places within the circuits as each court might designate by rule, for provisions which directed that terms or sessions of courts of appeals be held annually at the places listed in the

table and at such other places as the courts might designate by rule and authorized each court of appeals to hold special terms at any place within its circuit, and added to the table an item for the Federal circuit, with sessions to be held in the District of Columbia and in any other place listed elsewhere in the table as the Federal circuit court might by rule direct.

Subsec. (b). Pub. L. 97-164, Sec. 104(c), added subsec. (b).

Subsec. (c). Pub. L. 97-164, Sec. 104(c), designated existing provisions following table of circuits as subsec. (c) and substituted "regular session" for "regular term or session".

Subsec. (d). Pub. L. 97-164, Sec. 104(c), added subsec. (d).

1980 - Pub. L. 96-452 substituted "New Orleans, Fort Worth, Jackson" for "New Orleans, Atlanta, Fort Worth, Jacksonville, Montgomery" in item relating to fifth circuit, and added item relating to eleventh circuit.

1951 - Act Oct. 31, 1951, inserted last par.

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.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-452 effective Oct. 1, 1981, see section 12 of Pub. L. 96-452, set out as a note under section 41 of this title.

SURVEY OF JUDICIAL BUSINESS IN ALASKA

Section 23(a) of Pub. L. 86-70, June 25, 1959, 73 Stat. 147, provided that: "The Judicial Conference of the United States, with the assistance of the Administrative Office of the United States Courts, shall conduct a study, including a field survey, of the Federal judicial business arising in the State of Alaska with a view toward directing the United States Court of Appeals for the Ninth Circuit to hold such terms of court in Anchorage or such other Alaskan cities as may be necessary for the prompt and efficient administration of justice."