

**§ 254. Single-judge trials**

Except as otherwise provided in section 255 of this title, the judicial power of the Court of International Trade with respect to any action, suit or proceeding shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges.

(June 25, 1948, ch. 646, 62 Stat. 900; May 24, 1949, ch. 139, §66, 63 Stat. 99; Pub. L. 91-271, title I, §106, June 2, 1970, 84 Stat. 277; Pub. L. 96-417, title V, §501(4), Oct. 10, 1980, 94 Stat. 1742.)

## HISTORICAL AND REVISION NOTES

## 1948 ACT

Based on title 28, U.S.C., 1940 ed., §296 (Mar. 3, 1911, ch. 231, 187(a), as added Oct. 10, 1940, ch. 843, §1, 54 Stat. 1101).

This section contains a part of section 296 of title 28, U.S.C., 1940 ed. Other provisions of such section are incorporated in sections 251, 252, 253, 456, 1581, 2071, 2639, and 2640 of this title.

Words "when in the opinion of such division or judge the ends of justice so require," which followed the phrase "grant a rehearing or retrial," were omitted as surplusage.

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

The phrase "petitions for remission of additional duties" was added to the first paragraph at the suggestion of the court to conform to existing practice.

Reappraisal appeals are heard by a single judge and reviewed by a division. (See sections 2631 and 2636 of this title.)

The provision of section 296 of title 28, U.S.C., 1940 ed., that the presiding judge shall designate one of the three judges of a division to preside over such division was omitted as in conflict with section 253 of this title (also taken from section 296 of title 28 U.S.C., 1940 ed.), which provides that judges shall preside according to the seniority of their commissions. The latter provision is in accord with present practice.

Changes were made in arrangement and phraseology.

## 1949 ACT

This amendment clarifies section 254 of title 28, U.S.C., by restoring language of the original law.

## PRIOR PROVISIONS

Provisions similar to those relating to the assignment of judges to hear and determine cases, and provisions similar to those authorizing the chief judge to designate judges to hear and determine cases within the jurisdiction of the United States, formerly contained in this section, are covered by sections 255 and 256 of this title, respectively.

## AMENDMENTS

1980—Pub. L. 96-417 redesignated the Customs Court as the Court of International Trade.

1970—Pub. L. 91-271 substituted in section catchline "Single-judge trials" for "Divisions; powers and assignments" and substituted provisions in text requiring the judicial power of the Customs Court with respect to any action, suit, or proceeding to be exercised by a single judge, for provisions setting forth the powers of the chief judge of the Customs Court with respect to the organization of such Court into divisions, and the assignment of judges to hear and determine pending cases.

1949—Act May 24, 1949, inserted "to hear or" before "to hear and determine" in third par.

## 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. 91-271 effective Oct. 1, 1970, see section 122 of Pub. L. 91-271, set out as a note under section 256 of this title.

**§ 255. Three-judge trials**

(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Court of International Trade shall designate any three judges of the court to hear and determine any civil action which the chief judge finds: (1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President or an Executive order; or (2) has broad or significant implications in the administration or interpretation of the customs laws.

(b) A majority of the three judges designated may hear and determine the civil action and all questions pending therein.

(Added Pub. L. 91-271, title I, §108, June 2, 1970, 84 Stat. 277; amended Pub. L. 96-417, title V, §501(5), Oct. 10, 1980, 94 Stat. 1742.)

## PRIOR PROVISIONS

A prior section 255 was renumbered section 257 of this title.

## AMENDMENTS

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

## 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

Section effective Oct. 1, 1970, see section 122 of Pub. L. 91-271, set out as a note under section 256 of this title.

**§ 256. Trials at ports other than New York**

(a) The chief judge may designate any judge or judges of the court to proceed, together with necessary assistants, to any port or to any place within the jurisdiction of the United States to preside at a trial or hearing at the port or place.

(b) Upon application of a party or upon his own initiative, and upon a showing that the interests of economy, efficiency, and justice will be served, the chief judge may issue an order authorizing a judge of the court to preside in an evidentiary hearing in a foreign country whose laws do not prohibit such a hearing: *Provided, however,* That an interlocutory appeal may be taken from such an order pursuant to the provisions of section 1292(d)(1) of this title, and the United States Court of Appeals for the Federal Circuit may, in its discretion, consider the appeal.

(Added Pub. L. 91-271, title I, §109, June 2, 1970, 84 Stat. 277; amended Pub. L. 97-164, title I, §107, Apr. 2, 1982, 96 Stat. 28.)

## AMENDMENTS

1982—Subsec. (b). Pub. L. 97-164 substituted "section 1292(d)(1) of this title, and the United States Court of