

viction 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**

- Sec.
- 371. Retirement on salary; retirement in senior status.
- 372. Retirement for disability; substitute judge on failure to retire.
- 373. Judges in Territories and Possessions.<sup>1</sup>
- 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.

**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.

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.

**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

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

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:

Attained age:	Years of service:
65 .....	15
66 .....	14
67 .....	13
68 .....	12
69 .....	11
70 .....	10

(d) The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires under this section.

(e)(1) In order to continue receiving the salary of the office under subsection (b), a justice must be certified in each calendar year by the Chief Justice, and a judge must be certified by the chief judge of the circuit in which the judge sits, as having met the requirements set forth in at least one of the following subparagraphs:

(A) The justice or judge must have carried in the preceding calendar year a caseload involving courtroom participation which is equal to or greater than the amount of work involving courtroom participation which an average judge in active service would perform in three months. In the instance of a justice or judge who has sat on both district courts and courts of appeals, the caseload of appellate work and trial work shall be determined separately and the results of those determinations added together for purposes of this paragraph.

(B) The justice or judge performed in the preceding calendar year substantial judicial duties not involving courtroom participation under subparagraph (A), including settlement efforts, motion decisions, writing opinions in cases that have not been orally argued, and administrative duties for the court to which the justice or judge is assigned. Any certification under this subparagraph shall include a statement describing in detail the nature and amount of work and certifying that the work done is equal to or greater than the work described in this subparagraph which an average