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.

AMENDMENTS

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

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.

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.

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 transition period, was repealed by Pub. L. 98–353, title I, §§ 114, 122(a), July 10, 1984, 98 Stat. 343, 346, eff. July 10, 1984.

TRANSITION STUDY

Pub. L. 95–598, title IV, § 406, Nov. 6, 1978, 92 Stat. 2686, as amended by Pub. L. 98–249, § 1(c), Mar. 31, 1984, 98 Stat. 116; Pub. L. 98–271, § 1(c), Apr. 30, 1984, 98 Stat. 163; Pub. L. 98–299, § 1(c), May 25, 1984, 98 Stat. 214; Pub. L. 98–325, § 1(c), June 20, 1984, 98 Stat. 268; Pub. L. 98–353, title I, § 121(c), July 10, 1984, 98 Stat. 346, which provided that during the transition period, Oct. 1, 1979, to July 9, 1984, the Director of the Administrative Office of the United States Courts make continuing studies and surveys in the judicial districts to determine the number of bankruptcy judges needed after July 9, 1984, to provide for the expeditious and effective administration of justice, their regular places of offices, and the places where the court was to be held, and that the Director report to the judicial councils of the circuits and the Judicial Conference of the United States his recommendations, the judicial councils advise the Conference

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