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Conference Action on President's Proposal



SENIOR
STATUS AND
RETIREMENT
FOR
ARTICLE III
JUDGES

Judges
Information
Series
No. 4



ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
Leonidas Ralph Mecham, Director

- the chief judge of the Court of International Trade (in the case of another judge of that court).

A judge who takes senior status on disability and has 10 or more years of Article III service will continue to receive the full salary of the judicial office, including any future COLAs and other salary increases. If a judge takes senior status on disability and has less than 10 years of Article III service, the judge receives one-half the salary of the judicial office, plus future COLAs and other salary increases.

A circuit judicial council or the Judicial Conference of the United States may request that a judge who is 65 years of age or older retire voluntarily from office or from regular active service without being required to satisfy the "Rule of 80" as to length of service if the judge is found to be disabled or to have committed an act of misconduct. See 28 U.S.C. §§ 372(c)(6)(B) (iii) & (c)(8)(A).

The disability of a circuit or district judge who does not retire voluntarily may be certified by a majority of the members of the circuit judicial council. In this case, the President may appoint an additional judge to the respective court if the judge in question is found to be unable to discharge all judicial duties efficiently and appointment of another judge is necessary for the efficient dispatch of business. The judge certified as disabled remains in active status but loses seniority in relation to all other active judges of the respective court for purposes of precedence, service as chief judge, or temporary performance of chief judge duties. See 28 U.S.C. § 372(b).

OFFICIAL NOTIFICATIONS

In March 1988, the Judicial Conference considered the subject of judgeship vacancies and determined that "vacancies place significant burdens on the courts by increasing the workloads of those judges available for duty and diminishing the courts' ability to discharge their responsibilities." As a result, the Conference adopted a policy urging all judges nearing retirement to notify the President and the Administrative Office, if possible, six to twelve months before the contemplated change in status. This policy is further reflected in the *Long Range Plan for the Federal Courts* approved by the Conference in 1995 (see Recommendation 67).

A judge who decides to take senior status under 28 U.S.C. § 371(b) must notify the President in writing of the intention to leave active service and take senior status. Sample letters are included in Appendix G. Copies of that letter (or a similar notification) should be sent to the following: