

Current Non-Article III/Article I (also known as “Legislative”) Courts

Article I courts in the executive branch

United States Court of Appeals for the Armed Forces (formerly “United States Court of Military Appeals”), 10 U.S.C. §§ 941-946a

United States Tax Court (formerly “Tax Court of the United States” and “Board of Tax Appeals”), 26 U.S.C. §§ 7441-7487

United States Court of Appeals for Veterans Claims (formerly “United States Court of Veterans Appeals”), 38 U.S.C. §§ 7251-7299

Non-Article III courts in the judicial branch

United States Court of Federal Claims (formerly “United States Claims Court”), 28 U.S.C. §§ 171-179 & 791-798

This Article I court is an historical and institutional anomaly that resides within the judicial branch because non-Article III judicial officers who served in the former United States Court of Claims (an Article III court) and their associated trial jurisdiction were “spun off” when Congress merged the Court of Claims with the former United States Court of Customs and Patent Appeals (also an Article III court) to form the current United States Court of Appeals for the Federal Circuit.

Territorial district courts, 48 U.S.C. §§ 1424-1424c (District Court of Guam), §§ 1611-1617 (District Court of the Virgin Islands), and §§ 1821-1826 (District Court for the Northern Mariana Islands)

Sometimes described as “Article IV courts,” these three courts—which share the same federal jurisdiction with the 91 district courts created under Article III—were established under congressional authority to “make all needful rules and regulations respecting the territory or other property belonging to the United States,” *see* U.S. Const. art IV, § 3, cl. 2.

United States Bankruptcy Courts, 28 U.S.C. §§ 151-159

Though often referred to as an “Article I court,” each bankruptcy court is actually “a unit of the [Article III] district court” for the respective judicial district (*see id.* § 151) under complicated jurisdictional and structural arrangements necessitated by the United States Supreme Court decision in *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982) (declaring unconstitutional a system of freestanding Article I bankruptcy courts created by the Bankruptcy Reform Act of 1978).