

## CONSENTING TO MAGISTRATE JUDGE JURISDICTION

The District of Idaho is now fortunate to have three United States Magistrate Judges, each playing a unique and indispensable role in the assignment, management, and trial of civil cases.

Since 1979, parties in civil actions have had the opportunity to consent to Magistrate Judge Jurisdiction; that is, consenting to a Magistrate Judge's handling of all aspects of their case, including discovery, dispositive motions, trial, and post-trial motions.

When a civil action is filed in this District, ordinarily it will be randomly assigned for all purposes to one of the two District Judges or full time Magistrate Judges. By local practice, the full time Magistrate Judges are randomly assigned approximately 36% of the standard civil cases, recognizing a Magistrate Judge's separate duties, such as presiding over settlement conferences, handling preliminary proceedings in criminal cases and taking felony guilty pleas with consent of the defendants.

Due to the success of Magistrate Judge Jurisdiction, the percentage of cases randomly assigned to full time Magistrate Judges has increased over the years. This, in turn, allows our District Judges to manage their criminal trial dockets without disrupting civil trial settings.

### A. The "Consent" in Consenting to Magistrate Judge Jurisdiction

When a case is randomly assigned to a Magistrate Judge, the Clerk of the Court will electronically send via CM/ECF (or by mail if a party is appearing *pro se*) a *Notice of Assignment to a United States Magistrate Judge and Consent Form* to all known parties upon the first defendant's appearance. While each party should make a decision regarding Magistrate Judge Jurisdiction as soon as possible to get their civil case timely assigned to the appropriate judge, the parties will have 60 days to consent. If all parties do not consent within the 60-day period, or if any party submits a request for reassignment to a District Judge, the case will be reassigned to one of the District Judges without further notice.

Even after reassignment to a District Judge, however, the parties may stipulate to Magistrate Judge Jurisdiction - up until the final disposition of the case (subject to a District Judge's approval). Likewise, a civil case initially assigned to a District Judge may also be reassigned to a Magistrate Judge if all parties consent to Magistrate Judge Jurisdiction. In either situation, the case will then be reassigned to a Magistrate Judge for all further proceedings.

Note: The District Judge to whom the matter is reassigned (or where an action was originally assigned to a District Judge) may still refer *all* pre-trial proceedings to a Magistrate Judge pursuant to 28 U.S.C. § 636(b), FRCP 73, and Local Rule 72.1, independent of the consent process.

Therefore, only if all parties consent to Magistrate Judge Jurisdiction will the Magistrate Judge to whom the case is assigned preside over all aspects of the case. Any appeal from that Magistrate Judge's rulings is made to the Ninth Circuit Court of Appeals, exactly as if the rulings were from a District Judge.

#### 1. What Happens to the Case During the 60-Day Period to Consent?

Where parties neither consent to Magistrate Judge Jurisdiction nor request reassignment to a District Judge, the Magistrate Judge to whom the case has been randomly assigned can proceed over the case between the time of original assignment and expiration of the 60-day consent period. During this time,

the Magistrate Judge is authorized to conduct Rule 16.1 scheduling conferences and take other non-dispositive actions. Also during this time, the docketing clerk (separate and independent from a judge's chambers) may contact the parties to determine the status of the consent process and answer any questions.

If the case is ultimately reassigned after a Magistrate Judge issues a scheduling order or other non-dispositive order in the case, the District Judge typically will adopt the scheduling order, possibly making a few minor modifications pursuant to the District Judge's preferences.

## 2. What Happens if the Case is Reassigned?

If your case is originally assigned to a Magistrate Judge, it will be reassigned to a District Judge when either of the following takes place within the 60-day consent period:

- Any party requests reassignment to a District Judge; or
- No party acts to either consent to Magistrate Judge Jurisdiction or request reassignment.

At that point, the matter proceeds as if the case was originally assigned to a District Judge. Keep in mind, however, that the District Judge to whom the matter is reassigned may still refer all pre-trial proceedings, including dispositive motions, to a Magistrate Judge pursuant to 28 U.S.C. § 636(b), FRCP 73, and Local Rule 72.1. For any dispositive matters and/or motions so referred, the Magistrate Judge will enter a Report and Recommendation for the District Judge's consideration. If objections are filed, the review process by a District Judge generally takes 60 days.

## 3. Will the Court Know if I Consent or Request Reassignment?

No. All consents and requests for reassignment are handled separately by the CM/ECF case docket clerks. The District's docketing procedures are structured to keep the consent process confidential. Therefore, your decision to consent or request reassignment will have no effect on the timely and fair resolution of your case.

## **B. Why Magistrate Judge Jurisdiction is Important to You**

Speedy trial rights require the District's two District Judges to give priority to trying those cases, sometimes requiring that civil trial dates be moved. Unlike District Judges, Magistrate Judges do not preside over felony criminal trials. As a result, a Magistrate Judge's trial docket is generally less crowded than those of the District Judges.

Therefore, Magistrate Judges usually are able to provide earlier and firmer dates for both hearings and trials than might otherwise be possible for a District Judge. Because this District is very busy, along with a growing criminal docket, consenting to proceed before a Magistrate Judge often means your civil case will be resolved more quickly than if it remained before a District Judge.

In the event the parties fail to consent, the District Judge to whom the matter is reassigned may nonetheless refer all pre-trial proceedings to a Magistrate Judge pursuant to 28 U.S.C. § 636(b), FRCP 73 and Local Rule 72.1. For dispositive matters and/or motions so referred, the Magistrate Judge will enter a Report and Recommendation for the District Judge's consideration. If objections are filed, the review process by a District Judge generally takes 60 days. Thus, by consenting to Magistrate Judge

Jurisdiction at the outset, the parties can also avoid the delays and expense of this review process, while still preserving their appeal rights.

If all parties consent to Magistrate Judge Jurisdiction, the Magistrate Judge to whom the case is assigned will have the same jurisdictional authority as a District Judge and will preside over all aspects of the case, through trial, pursuant to FRCP 73. This includes the authority to:

- Schedule, hear, and decide all dispositive and non-dispositive matters;
- Schedule, hear, and decide all interlocutory matters;
- Conduct jury or non-jury trials;
- Enter final orders and judgement; and
- Decide all post-trial motions

An appeal from any final order or judgment entered by a Magistrate Judge is taken directly to the United States Court of Appeals for the Ninth Circuit. *See* 28 U.S.C. § 636(c)(3), Fed. R. Civ. P. 73(c).

### **C. The Magistrate Judge Assigned to Your Case**

The District of Idaho's Magistrate Judges undergo a highly competitive and rigorous selection process by a merit selection panel before appointment. The selection panel ensures they have extensive civil litigation experience before their respective appointments.

The full time Magistrate Judges of the district are included in the civil case assignment system in the same manner as active District Judges, and receive all prisoner civil cases, civil cases filed by pro se litigants and social security appeals.

The courtrooms assigned to the Magistrate Judges in each division within the District - Boise, Pocatello, and Coeur d'Alene - are designed to accommodate civil jury trials of all size and complexity. These courtrooms have state-of-the-art evidence presentation equipment and technology, similar to those available in the courtrooms assigned to the District Judges. Moreover, each Magistrate Judge has a designated staff, including deputy clerk and staff attorneys, to assist with your case from beginning to end.