

# Putting Magistrate Judges on the Wheel<sup>1</sup>

## Project Status - June 2007

### Discussion with the Bar - FBA Lunch May 31, 2007

During the well attended lunch meeting, Judges Campbell, Cassell, Wells and Chief Magistrate Judge Larry Boyle from Idaho addressed several of the questions which have arisen in connection with the project of fully utilizing our magistrate judges by promoting consent jurisdiction in civil cases.

Judge Boyle provided valuable information about the process which was followed in Idaho. The experience in Idaho is that directly assigning magistrate judges to civil cases has been well received by members of the Idaho bar. The program results in an effective use of judicial resources. While some types of cases are exempt from direct assignment, the majority of civil filings are appropriate for inclusion in the program. The court in Idaho has found that attorneys do tend to stay with the judge assigned at case opening. He noted that the magistrate judge system was every flexible and that each court can tailor the relative responsibilities of Article III judges and magistrate judges to maximize the efficient use of the magistrate judge authority. He felt that the court in Idaho was able to attract high quality judges for both district and magistrate judge positions due to the variety of duties.

Judge Boyle mentioned a few areas that will need to be studied as the Utah court moves into putting the magistrate judges on the initial assignment wheel. One is the processing of consents in a procedure that expedites the return of the form, either consenting or declining to consent, and maintains the confidentiality of the process so that judges do not know which party did not consent. The magistrate judges especially should be isolated from the mechanics of the consent process. In Idaho, all the prisoner cases are exempt because of the court discovered that the prisoners generally did not consent.

Judge Campbell discussed the reasons why the court is going to explore this option. Judge Cassell discussed the current plans to initiate the program on an experimental basis by the end of the summer. The court will work with the Rules Committee to study whether any local rule changes need to be enacted. The court anticipates that approximately one in every six new cases will be assigned to a magistrate judge. Only if the parties do not consent to the magistrate judge exercising full jurisdiction over the case, will the matter be reassigned to a district judge.

The attorneys at the lunch asked several questions about the program. One concern expressed was the potential for "judge shopping." The confidentiality of the processing

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<sup>1</sup>Someone in a recent meeting thought this phrase suggested some form of medieval punishment for magistrate judges and wondered why the magistrate judges were so enthusiastic about the program.

consents was important to the lawyers attending the lunch. The attorneys were also interested in having a simple, convenient process to submit consents to the court. Judge Boyle noted that the District of Idaho required that consents be sent to the court within 60 days of receipt of the notice of the availability of the magistrate judge to hear the case.

The judges and the attorneys all felt that the discussion was very helpful.

The clerk's office told the attorneys that updated information would be available on the court's website and that comments or concerns could be addressed to [Louise\\_York@utd.uscourts.gov](mailto:Louise_York@utd.uscourts.gov)