

## The Role of Magistrate Judges

United States Magistrate Judges have a broad range of responsibilities. The evolution of the role of Magistrate Judges is demonstrated by the fact that they handled over one million matters in the Federal District Courts in 2010. District Judges who have chaired the committee charged with administration of the Magistrate Judges' system in the United States call Magistrate Judges "an indispensable resource" who are "fundamentally important" to the federal judicial system because they "perform critical duties to ensure the timely adjudication of both civil and criminal cases" filed in federal courts. While their duties may vary with the specific needs of each District Court, Magistrate Judges handle a wide array of federal civil and criminal cases nationwide.

*A sampling of the judicial functions performed by Magistrate Judges demonstrates the potential breadth of their authority:*

- Presiding at civil jury trials by consent of the parties and entering judgments;
- Presiding at criminal misdemeanor jury trials and imposing sentences;
- Presiding at initial appearances, bond hearings, arraignments and other pretrial proceedings in federal felony cases;
- Handling pretrial case management in complex civil cases;
- Conducting mediations and settlement conferences;
- Hearing and determining pretrial motions;
- Handling summary judgment and other case-dispositive motions and administrative appeals, such as Social Security determinations;
- Reviewing prisoner suits collaterally attacking convictions or complaining of conditions of confinement; and
- Issuing arrest and search warrants.

## An Historic Overview

The United States Magistrate Judge system evolved from the United States commissioner system established in 1793. Congress conducted an exhaustive examination of the commissioner system in 1965, during which witnesses overwhelmingly favored overhauling the system and enhancing the position. After hearings, Congress enacted legislation which replaced the position of "commissioner" with what is now that of "Magistrate Judge." As a result of that legislation, Magistrate Judges became judicial officers entrusted with expanded jurisdiction that authorizes them to handle a wider range of proceedings in civil and criminal cases.

*Since that time Congress has passed further amendments to:*

- Authorize Magistrate Judges to try any civil case with consent of the parties and to order the entry of final judgment;
- Expand trial jurisdiction of Magistrate Judges to all federal misdemeanors;
- Require that Magistrate Judges be selected and appointed in accordance with regulations promulgated by the Judicial Conference of the United States;
- Expand Magistrate Judges' civil and criminal contempt authority;
- Give Magistrate Judges plenary authority in Class B and C misdemeanor cases without consent of the defendant; and
- Give Magistrate Judges authority to sentence juvenile defendants to terms of imprisonment in misdemeanor cases.



## United States Magistrate Judges

Their Function  
and Purpose  
in Our  
Federal Courts



*A Publication of the Federal Magistrate Judges Association*

## Understanding the Function and Purpose of United States Magistrate Judges

In America's federal trial courts, justice is administered by life-tenured District Judges, and by judges who serve fixed terms: United States Magistrate Judges and United States Bankruptcy Judges.

This brochure illuminates the function and purposes of United States Magistrate Judges – independent judges who serve federal District Courts by conducting a wide range of judicial proceedings to help assure efficient disposition of the civil and criminal caseloads of the United States District Courts in cases, or parts of cases, assigned to them. In 2011, there were 527 full-time Magistrate Judges and 41 part-time Magistrate Judges in the United States.

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## Title and Manner of Addressing a United States Magistrate Judge

- The official title of these judges is “United States Magistrate Judge.”
- To be consistent with the position's judicial role and official title as prescribed by law, a United States Magistrate Judge should be addressed, orally and in writing, as “Judge.”
- Although some state courts have a judicial officer called a “magistrate,” that title as applied to a United States Magistrate Judge is obsolete. Because the word “magistrate” is merely descriptive of the type of judge, to address a Magistrate Judge simply as “Magistrate” is akin to improperly addressing a Lieutenant Colonel as “Lieutenant,” or a Bankruptcy Judge as “Bankruptcy.”

## Answers to some Commonly Asked Questions

**Q.** *What are the standards for selecting a United States Magistrate Judge?*

- A.** To be appointed as Magistrate Judge, an individual must:
- have been a member in good standing of the bar of the highest court of a State, District, Territory or Commonwealth of the United States for at least five years;
  - be determined by the appointing District Court to be competent to perform the duties of the office;
  - have actively practiced law for at least five years;
  - be unrelated to a judge of the appointing court; and
  - be selected under standards promulgated by the Judicial Conference of the United States, including screening by a Merit Selection Panel.

**Q.** *What's the difference between a District Court and a “magistrate judge's court”?*

- A.** There is no “magistrate court.” Both District and Magistrate Judges preside in United States District Courts created under Article III of the Constitution.

**Q.** *How do civil litigants request trials before Magistrate Judges?*

- A.** All parties must consent, and the case must be officially transferred by the District Judge. Forms are available from the clerk of court and on District Court websites.

**Q.** *Are a party's rights affected when litigants consent to have a Magistrate Judge bear a case?*

- A.** No. Consenting to jurisdiction of a Magistrate Judge does not eliminate substantive or procedural rights litigants would otherwise have before a District Judge. For example, parties retain their right to a jury trial and direct appeal to a United States Court of Appeals.

**Q.** *Do Magistrate Judges handle many civil jury cases?*

- A.** Yes. In 2010, Magistrate Judges entered judgments in 12,470 civil cases in the United States District Courts. When all parties consent, Magistrate Judges may conduct civil jury or bench trials and enter final judgments in civil cases of any type or size.

**Q.** *Do Magistrate Judges handle many criminal cases?*

- A.** Yes. Magistrate Judges may conduct trials and dispose of all petty offense cases, and in 2010 Magistrate Judges terminated 116,983 misdemeanor and petty offense cases. With consent of defendants, a Magistrate Judge may preside in Class A misdemeanor cases, including conducting jury trials. Although Magistrate Judges do not preside at felony trials, they are authorized to conduct preliminary and post-conviction proceedings in felony cases.