

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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LAWRENCE J. O'NEILL
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A Case for Consent

Delay, congestion, uncertainty, and expense are concerns often expressed by civil litigants. These concerns have reached crisis level in the Eastern District of California.

Despite the population of our District nearly doubling since 1979 and a tremendous increase in case filings, for the past 40 years our entire Court has only 6 authorized District Judges. The U.S. Judicial Conference, the policy-making arm of the federal courts, has recommended for decades that Congress authorize between 5 and 11 new judgeships for this Court. Nevertheless, Congress has not done so, and political quagmire leaves little hope of new judgeships in the foreseeable future.

Instead, by the end of 2019, the Sacramento Division will lose Senior District Judge Garland E. Burrell to retirement and District Judge Morrison C. England will take senior status and reduce his caseload by half. Also, Chief District Judge Lawrence J. O'Neill will retire in January 2020, leaving the Fresno Division with only one active Article III judge and one senior Article III judge. The Court has been significantly congested in the past, but absent litigants consenting to magistrate judge jurisdiction, they will be forced to vie for less and less district judge time and attention for years to come.

The magistrate judge consent process brings about the "just, speedy, and inexpensive determination" of federal cases. Fed. R. Civ. P. 1. Magistrate judges have had a role in the federal courts since the Judiciary Act of 1789. Over time, Congress has expanded and enhanced the position in the quest for judicial efficiency.

Magistrate judges are authorized "to conduct any or all proceedings in a jury or non-jury civil matter and order the entry of judgment in the case" with the consent of the parties. 28 U.S.C. §636(c). Consent maximizes access to the courts and eases court congestion through effective use of judicial resources. It provides numerous benefits to litigants including offering the prospect of an early and firm trial date, which district judges cannot guarantee because they must give priority to criminal cases.

Furthermore, in all civil cases, the magistrate judge is responsible already for handling all non-dispositive motions and pre-trial proceedings and, as a result, is intimately familiar with the case history. Because consent allows the magistrate judge to also decide dispositive motions and handle the pretrial conference and trial, it avoids the legal limbo parties face as the district judge

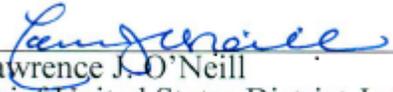
must take the time to become familiar with the case, the filings and the case history before being prepared to evaluate pending motions or to preside over trial. Just as with a judgment issued by a district judge, a judgment issued by a magistrate judge may be appealed directly to the United States Court of Appeals.

Magistrate judges are well-qualified to preside over the cases assigned them. Federal courts attract experienced, high-caliber attorneys and state court and administrative law judges, with diverse experiences in civil and criminal litigation to apply for magistrate judge positions. These applicants are evaluated based upon their education, experience, knowledge of the court system, personal attributes and other criteria. Unlike district judges, magistrate judges are selected on merit alone; political party affiliation plays no part in the selection process. This makes them as qualified as their district judge colleagues to preside over federal cases.

To consent to magistrate judge jurisdiction, the party simply signs and files a consent form. The form is available on the Court's website:

<http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>. Our district judges actively encourage consent to magistrate judge jurisdiction to allow parties to receive timely resolution of their disputes. However, parties may consent or withhold consent without any adverse consequences.

Litigants deserve justice delivered in a fair, prompt, and efficient manner. In the federal district court system in general and in this District in particular, magistrate judges play a critical role in providing this justice. Consenting to magistrate judge jurisdiction in civil cases represents one of the best ways to secure "just, speedy, and inexpensive determination" for your case.


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