



United States District Court
Eastern District of California
Fresno Division



CONSENTING TO
MAGISTRATE JUDGE JURISDICTION

**UNITED STATES DISTRICT COURT
Eastern District of California**

SACRAMENTO

501 I Street
Sacramento, California 95814
Phone: (916) 930-4000
Fax: (916) 930-4015

FRESNO

2500 Tulare Street
Fresno, California 95501
Phone: (559) 499-5600
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REDDING

2986 Bechelli Lane
Redding, California 96002
Phone: (530) 246-5416
Fax: (530) 246-5419

BAKERSFIELD

1200 Truxtun Avenue, Suite 120
Bakersfield, California 95113
Phone: (661) 326-6620
Fax: (661) 327-4921

YOSEMITE NATIONAL PARK

9004 Castle Cliffs Court
Yosemite, California 95389
Phone: (209) 372-0320
Fax: (209) 372-0324

Clerk of Court
Victoria C. Minor
916-930-4000



**A Message from the Honorable Anthony W. Ishii
Chief Judge of the United States District Court
for the Eastern District of California.**

As your civil lawsuit proceeds in the Eastern District of California, I encourage you to consider consenting to have a Magistrate Judge handle all aspects of the case. Doing so offers many advantages to the parties and their attorneys and will help the District deal with its crushing caseload.

Our Overwhelming Caseload

The Eastern District of California is the busiest District Court in the nation. We have two District Court Judges and approximately 3600 pending cases—1800 each. This is almost three times the next busiest District Court which has approximately 600 cases per judge.

Since criminal defendants have a statutory right to a speedy trial, District Judges often must give priority to criminal cases. These circumstances prevent our District Judges from assuring firm trial dates in civil cases, and can substantially delay trial and final disposition of cases.

Our Magistrate Judges

We currently have seven very experienced Magistrate Judges working through the Fresno Division of the Eastern District. Their caseloads and calendar assignments are substantially smaller than our District Court Judges' caseloads. Magistrate Judges can assign civil litigants a trial date much sooner (generally, within one year of the initial scheduling conference) and with more certainty than our District Court Judges.

Each of our Magistrate Judges came to our Court with many years of trial experience. Many had extensive judicial experience as well. While serving in the Eastern District they have presided over all aspects, from beginning to end, of those civil cases in which parties have consented to Magistrate Judge jurisdiction. They have taken evidence and issued Findings and Recommendations to District Judges on all issues including summary judgment and other dispositive motions.

Each Magistrate Judge was appointed only after undergoing a highly competitive and exhaustive selection process. First, each was screened by a merit selection panel made up of legal and business community leaders. Only the top few candidates were referred to and interviewed by the District Judges who, after seeking additional confidential input from

coworkers, judges, adversaries and others, made the final selection. Those appointed were selected because we felt each was extremely well-qualified to handle the full range of matters and issues presented to this Court. Experience has proven us correct.

Biographical sketches of the current Magistrate Judges are set forth below. As you will see, each brings skills and experiences that make him or her uniquely qualified to see your case through from beginning to end.

Advantages of Consent

Since Magistrate Judges do not try felony cases, the trial date they assign can be considered a firm date which will not be preempted by a criminal case. Magistrate Judges often assign trial dates, if desired, within one year of initial scheduling conferences. Moreover, their more limited dockets give them the flexibility to dispose of most pre-trial matters much more quickly than the District Judges.

Most experienced attorneys will confirm that the longer a case is pending before trial, the greater its costs to the litigants. If a scheduled trial is postponed because of a criminal case or other conflict, the parties may experience a substantial duplication of attorney time, effort and costs as the new trial date approaches.

Our Magistrate Judges already handle pre-trial scheduling and discovery matters and non-dispositive motions in cases such as yours. Consent to their jurisdiction for all purposes will enable you to have a single judge monitor and maintain familiarity with your case throughout its existence. This too can increase efficiency and reduce delay.

Each Magistrate Judge in our District has an assigned Courtroom in the new Robert E. Coyle Courthouse with all of its advanced and sophisticated electronic and other accommodations for parties, witnesses and evidence.

Magistrate Judge efficiency and lighter workload should enable a party to obtain rulings and decisions much more quickly than could be expected from a District Judge. Some Magistrate Judges may be able to promise to issue rulings, even trial decisions in cases without juries, within thirty days after the hearing date.

Magistrate Judges draw from the same jury pool as the District Judges. An appeal from a Magistrate Judge's ruling in a civil case is made to the Ninth Circuit Court of Appeals in exactly the same way as a District Judge's ruling.

I hope that after considering the foregoing and your own best interests, you too will conclude that consenting to Magistrate Judge jurisdiction for all purposes is a prudent choice. Forms on which you may indicate your choice are attached.



Anthony W. Ishii
Chief Judge

MAGISTRATE JUDGES

SACRAMENTO

Magistrate Judge Dale A. Drozd
Magistrate Judge Gregory G. Hollows
Magistrate Judge Edmund F. Brennnan
Magistrate Judge Kendall J. Newman
Magistrate Judge Carolyn K. Delaney
Magistrate Judge John F. Moulds

FRESNO

Magistrate Judge Dennis L. Beck
Magistrate Judge Sandra M. Snyder
Magistrate Judge Gary S. Austin
Magistrate Judge Sheila K. Oberto
Magistrate Judge Barbara A. McAuliffe

REDDING

Magistrate Judge Craig M. Kellison

BAKERSFIELD

Magistrate Judge Jennifer L. Thurston

YOSEMITE NATIONAL PARK

Magistrate Judge Michael J. Seng



**MAGISTRATE JUDGE
DENNIS L. BECK**
(Fresno)

Magistrate Judge Dennis L. Beck was appointed in 1990. He has presided over numerous civil cases through trial or other disposition, including employment, civil rights and environmental cases. He has also conducted hundreds of settlement conferences, handled criminal matters, civil case management duties and resolved discovery disputes.

He is a graduate of the College of William & Mary's Marshall Wythe School of Law. Prior to the Federal bench Judge Beck served as a California Superior Court Judge, practiced in the area of business litigation and served as a prosecutor in state court.

Judge Beck is a recent past Chair of the Federal Judicial Center's Magistrate Judge Education Committee. He has given classes for judges and participated on CLE panels for lawyers on the subjects of e-discovery, civil motion practice, work product and attorney client privilege, mediation, and criminal proceedings, as well as other subjects. He has also served as a mentor judge to new Magistrate Judges across the nation.

Judge Beck previously served as Chief Magistrate Judge in the Eastern District and has been a member of several court committees. He recruited and trained the first ADR panel members in the Fresno Division.



**MAGISTRATE JUDGE
SANDRA M. SNYDER**
(Fresno)

Appointed as a Magistrate Judge for the United States District Court in 1993, Judge Sandra M. Snyder came to the Federal Court directly from serving as a California State Court Judge, first as a Municipal Court Judge and thereafter with the Fresno County Superior Court where she served as a general trial judge as well as one of the presiding Family Law judges. Her 22 years as a judicial officer provides an extensive background with criminal misdemeanor and felony as well as civil jury and bench trials, criminal and extensive civil law and motion, in excess of 400 settlement/mediation conferences, all focusing on a wide variety of cases including civil rights, employment discrimination, ADA litigation, environmental, land use and endangered species lawsuits, contractual/business disputes, tax fraud and other complex federal statutory issues.

A graduate of Golden Gate University School of Law in San Francisco, Judge Snyder worked for the Fresno County District Attorney's office as a prosecutor, and thereafter as a civil law litigator handling insurance defense as well as plaintiff's personal injury cases.

Actively involved with the Ninth Circuit Executive Offices, Judge Snyder was chair of the Magistrate Judge Executive Board, served on the State/Federal Judicial Council, the Ninth Circuit Standing Committee on Gender, Race, Religious and Ethnic Fairness, the Magistrate Judges' Education Committee, the Ninth Circuit Wellness Committee, and the Ninth Circuit Conference Executive Committee as the program chair and then Conference chair, the first Magistrate Judge to chair the Conference in its history.

Judge Snyder served a term as Chief Magistrate Judge for the Eastern District. After 18½ years as a Magistrate Judge, she will retire on September 30, 2011. However, Judge Snyder is remaining with the court on recall status, handling a limited civil caseload as well as social security appeals.



**MAGISTRATE JUDGE
GARY S. AUSTIN**
(Fresno)

Magistrate Judge Gary S. Austin was appointed in 2007. Before joining the Federal Court, he served over 21 years on the California State Court bench. He began his judicial career in 1986 when he was appointed to the Fresno County Municipal Court. Approximately two years later in 1988, he was elevated to the Fresno County Superior Court and remained there until his appointment to the Federal bench.

While on the State Court bench Magistrate Judge Austin presided over a wide range of civil and criminal trials, including death penalty cases. He also served in both the Family Law and Juvenile Court assignments. During his almost three year tenure with the Juvenile Court he was the presiding Judge of that division.

Magistrate Judge Austin began his legal career as a law clerk/crier to Federal District Court Judge Myron Donovan Crocker of the Eastern District of California. He then served as a staff attorney for the Federal Defender's Office in the Eastern District. Thereafter, he joined the District Attorney's Office and remained there until his appointment to the State Court bench. Prior to his appointment to Municipal Court, Magistrate Judge Austin was the Lead attorney on the Career Criminal Unit of the Fresno County District Attorney's Office and had attained the rank of senior prosecutor.

He is a 1972 graduate of California State University, Fresno and a 1976 graduate of San Joaquin College of Law where he served as Student Body President in his final year. He is currently serving as Chair of the 9th Circuit Magistrate Judge's Education Committee. While on the State Court bench he served a term as Chair of Continuing Judicial Studies (CJS), a California Judicial Education and Research program of the State Administrative Office of the Courts. The mission of CJS was to provide educational programs for experienced California State Court judges.



**MAGISTRATE JUDGE
JENNIFER L. THURSTON**
(Bakersfield/Fresno)

Magistrate Judge Jennifer L. Thurston was appointed in 2009. Since this time, she has presided over numerous criminal bench trials and two civil jury trials. She has extensive experience with discovery matters and case-dispositive and non-dispositive law and motion practice. She has conducted many settlement conferences and has successfully settled cases involving complicated and highly technical issues.

Before appointment, Judge Thurston was an active litigator and handled a huge variety of cases including, for example, civil rights matters, personal injury claims, wrongful death actions, premises liability claims, elections law challenges, subrogation actions and employment disputes, among other topics. She became a Certified Appellate Specialist in 2005 and, before her appointment, had handled more than 100 appeals and writs in the Ninth Circuit Court of Appeals, the Fifth District Court of Appeal and the California Supreme Court.

In addition to her role as the ADR Judge for the Fresno Division of the Eastern District of California and a member of the District's Technology User Group Committee, she is a member on the Ninth Circuit Conference's Magistrate Judge Education Committee. As a former Board Member, Treasurer and Vice President of the Kern County Bar Association, Judge Thurston remains an active member of the Editorial Board and columnist for the Kern County Bar Association's magazine.

Judge Thurston sits in Bakersfield but hears cases there and in Fresno.



**MAGISTRATE JUDGE
SHEILA K. OBERTO**
(Fresno)

Magistrate Judge Sheila K. Oberto was appointed in 2010. Judge Oberto has extensive federal court litigation experience and has handled over 20 federal jury trials in civil and criminal cases. She has also briefed and argued numerous appeals before the Ninth Circuit Court of Appeals.

Prior to her appointment, Judge Oberto served as an Assistant United States Attorney in the Eastern District of California from 1990 until her appointment in 2010. From 1990 to 1999, she litigated a wide range of civil cases on behalf of the United States and federal parties, representing both plaintiffs and defendants. She has substantial experience handling personal injury and other tort cases, contract actions, employment discrimination and civil rights cases, ADA litigation, environmental and land use actions, tax cases, asset forfeiture matters, bankruptcy actions, and civil enforcement and civil fraud cases. In 1999, Judge Oberto joined the criminal division as a federal prosecutor where she prosecuted complex white collar cases and served as Deputy Chief of the Fresno Office and Chief of the White Collar Crime Unit.

Judge Oberto began her career as a law clerk for Justice Armand Arabian with the California Court of Appeals, Second Appellate District. She was in private practice at Irell & Manella in Los Angeles from 1985 to 1987 and at Baker, Manock & Jensen in Fresno from 1988 to 1989. Judge Oberto received her B.S. from the University of Southern California, her M.S. from UCLA, and graduated from the University of Southern California School of Law in 1985.

Through her twenty years of public service and her private practice experience, Judge Oberto brings to the bench a wealth of federal court litigation and trial experience, and is committed to the fair, efficient and economical resolution of all actions.



MAGISTRATE JUDGE
MICHAEL J. SENG
(Yosemite/Fresno)

Michael J. Seng was appointed a Magistrate Judge on April 2, 2010, after having practiced as a civil litigator for thirty years and then a Federal Administrative Law Judge for two years.

From 1978 until 2008 Judge Seng practiced as a partner in three successive Fresno firms bearing his name. He represented both plaintiffs and defendants. His practice focused on litigation and trial of complex business, professional liability, banking, crop loss and personal injury litigation. The “case-within-a-case” nature of his legal malpractice practice necessitated his gaining a level of expertise in a wide diversity of legal fields. He also served as a Judge Pro Tem, Mediator and Arbitrator for the Fresno County Superior Court.

While serving as an Administrative Law Judge with the Sacramento Office of Disability Adjudication and Review from early 2008 until spring 2010, he adjudicated approximately 1000 medical/disability cases.

Judge Seng previously served as an Adjunct Professor of Professional Responsibility at the San Joaquin College of law and taught Civil Procedure to paralegals at the College. He has lectured and written extensively on professional liability issues. He has served as a California State Bar Court Probation Monitor and a Special Counsel to the State Bar Court.

Judge Seng is a graduate of the University of Tennessee School of Business (1969) and the University of Tennessee College of Law (1975). He served in the United States Army from 1971 to 1973.



MAGISTRATE JUDGE
Barbara A. McAuliffe
(Fresno)

Magistrate Judge Barbara A. McAuliffe was appointed in 2011. Judge McAuliffe is a 1989 graduate of the University of San Diego School of Law, Magna Cum Laude, where she was the Executive Editor of the Law Review.

Over Judge McAuliffe's 22-year legal career, she has worked on both sides of the bar. She is an experienced litigation partner from a prominent local law firm. A successful eleven-year private practice, from 1989 to 2000, involved complex civil litigation in employment, construction and business litigation. She has extensive experience in law and motion, settlement conferences, trial, post-trial and judgment enforcement matters in both federal and state courts.

Judge McAuliffe joined the chambers of then-Magistrate Judge, now District Judge Lawrence J. O'Neill. As his law clerk for eleven years, she was responsible for managing the high volume case load, including conducting legal research, participating in scheduling and pretrial conferences, drafting orders and opinions dealing with complex legal issues, communicating with counsel regarding case management and procedural requirements, and assisting in all aspects of courtroom proceedings.

Judge McAuliffe is also an Adjunct Professor at local educational institutions teaching various legal courses, such as Legal Research and Writing, Business Law, Business Ethics, Administrative Law, and International Law. She is also a member of the State Bar of California Committee on Professional Responsibility.

Through her years of public service, coupled with private practice and teaching experience, Judge McAuliffe brings to the bench a distinguished academic record, practical litigation experience, and applicable federal court knowledge. Having been in private practice for many years, Judge McAuliffe understands the importance of, and is committed to, the disposition of all cases as speedily and economically as possible.