



United States District Court
Eastern District of California
Fresno Division



CONSENTING TO
MAGISTRATE JUDGE JURISDICTION

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

SACRAMENTO

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FRESNO

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YOSEMITE NATIONAL PARK

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Marianne Matherly
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**A Message from the Honorable Morrison C. England, Jr.,
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 having a Magistrate Judge handle all aspects of your case. Doing so offers many advantages to the parties and their attorneys and will help the District deal with an overwhelming caseload.

Our Caseload Crisis

The Eastern District of California has for years been one of the busiest District Courts in the nation. Over the last six years, our pending caseload per judge has remained nearly two and a half times the national average. The congestion in our court is particularly acute in the Fresno Division, where an Article III vacancy has existed for the past 18 months. To date no one has been nominated to fill this vacancy and given the current political climate, it is uncertain when an appointment will be made. As a result, the Fresno Division has only one active district judge and one senior judge to manage nearly 3000 pending civil and criminal felony cases.

Palliative Measures

We have instituted several measures to address the adverse effect of this case load crisis:

- 1) Out of District Reassignments. We are randomly assigning cases to volunteer judges from other districts. Such reassignments may occur at any time without advance notice;
- 2) Transfers to Sacramento. We are transferring a substantial number of randomly selected cases to our District Court Judges in Sacramento. Though those cases will remain assigned to Fresno Magistrate Judges for non-dispositive matters, all dispositive motion hearings, pretrial conferences and trial will be convened in Sacramento;
- 3) Trailing. Criminal defendants have a statutory right to a speedy trial. Accordingly, our District Judges often have to give priority to criminal cases. Where a civil case trial date is preempted or interrupted by a criminal case (or an earlier-filed civil case), our Fresno District Court judges will “trail” the newer civil case (instead of assigning a new trial date which postpones, but does not solve, the problem).

4) Consents. We are encouraging civil litigants to consider the advantages of consenting to Magistrate Judge jurisdiction for all purposes.

Our Magistrate Judges

We currently have six very experienced full time Magistrate Judges assigned to the Fresno Division of the Eastern District. Their caseloads and calendar assignments are substantially smaller 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 underwent 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 found each to be 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

Each party must determine if it is in its best interest to consent. It should do so with the knowledge that the decision will have no impact on the case except insofar as case load concerns expose it to one of the palliative procedures described here. However, we feel there are several advantages to consent:

- 1) Certainty. Consent provides certainty that your case will remain and be handled exclusively by a known judge in Fresno (or Bakersfield, if more appropriate to the case).
- 2) Economy. Most experienced attorneys will confirm that the longer a case is pending before trial, the greater it costs the litigants. Trailing exacerbates the situation since

the parties, their attorneys and their witnesses, lay and expert, must remain on call, available and ready to begin or resume trial on short notice.

3) Early, Firm Trial Dates. Magistrate Judges can assign civil litigants a trial date much sooner and with more certainty than our District Court Judges. Since Magistrate Judges do not try felony cases, a trial date assigned by one can be considered a firm date which will not be preempted by a criminal case.

4) Promptness. Magistrate Judge's more limited dockets give them the flexibility to dispose of most pre-trial matters much more quickly than the District Judges.

5) Experience. Our Magistrate Judges already handle pre-trial scheduling and discovery matters and non-dispositive motions in cases such as yours. They prepare and submit for District Judge approval Findings & Recommendations on many dispositive matters.

6) One Judge. Consent to Magistrate Judge jurisdiction for all purposes will enable you to have a single judge monitor and maintain familiarity with your case throughout its existence. This should increase efficiency and reduce delay.

7) No Downside. Each Magistrate Judge in our District has an assigned Courtroom in the Robert E. Coyle Courthouse with all of its advanced and sophisticated electronic and other accommodations for parties, witnesses and evidence. 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. Thank you for your consideration of our situation.

A handwritten signature in blue ink, appearing to read "Morrison C. England, Jr.", with a stylized flourish at the end.

Morrison C. England, Jr.
Chief Judge

MAGISTRATE JUDGES

SACRAMENTO

Magistrate Judge Dale A. Drozd
Magistrate Judge Gregory G. Hollows
Magistrate Judge Edmund F. Brennan
Magistrate Judge Kendall J. Newman
Magistrate Judge Carolyn K. Delaney
Magistrate Judge Allison Claire

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
Magistrate Judge Stanley A. Boone

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 bench trials and jury trials. She has extensive experience with discovery matters and case-dispositive and non-dispositive law and motion practice. She has conducted hundreds of 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 has significant experience and brings a unique, practical perspective to the cases brought before her. Judge Thurston sits in Bakersfield primarily but hears cases in Fresno as well.



**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 as a Federal Administrative Law Judge for two years. In his four years on the Eastern District Court bench he has presided over multiple civil jury trials and several criminal court trials and decided many case-dispositive motions while also tackling and resolving complex constitutional and habeas corpus issues.

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, banking, professional liability, crop loss and personal injury litigation. The “case-within-a-case” nature of his legal malpractice practice necessitated his gaining broadly diverse expertise in many different legal fields. He also served as a Judge Pro Temp, 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, Judge Seng 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 as Special Counsel (Prosecutor) with 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.

Parties are invited to present their motions and cases to Judge Seng in the Fresno courthouse or, at the litigants’ option, in our unique and very accommodating Yosemite Valley courthouse.



**MAGISTRATE JUDGE
BARBARA A. MCAULIFFE**
(Fresno)

Magistrate Judge Barbara A. McAuliffe was appointed in October 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.

Judge McAuliffe presides over various types of civil cases randomly assigned to her with the parties' consent, including business litigation, employment, class actions, excessive force civil rights and other civil rights cases. She has also presided over numerous jury trials involving complex legal issues and factual disputes. Judge McAuliffe regularly speaks and participates in panels concerning ethics and professionalism and is a Member of the ABA Judicial Division Ethics and Professionalism Committee and is a former member of the California State Bar's Standing Committee on Professional Responsibility.

Over Judge McAuliffe's 24-year legal career, she has worked on both sides of the bar. She is an experienced litigation partner from a prominent local law firm. An 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. After eleven years of successful practice, Judge McAuliffe joined the chambers of then-Magistrate Judge, now District Judge Lawrence J. O'Neill. As his elbow law clerk for eleven years, she was responsible for managing the high volume case load in the Eastern District.

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.

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.



**MAGISTRATE JUDGE
STANLEY A. BOONE**
(Fresno)

Judge Boone was appointed to the federal bench as a United States magistrate judge on December 31, 2012. Prior to his appointment, he served for almost twenty-three years in a variety of capacities, both civil and criminal, with the United States Department of Justice. In June 2010, Judge Boone became the Chief of the White Collar Crime unit in the Fresno United States Attorney's office where he handled cases and supervised Assistant U.S. Attorneys in the areas of economic fraud, identity theft, intellectual property, money laundering, taxation, child pornography and immigration. From 2009 to 2010, Judge Boone was stationed in Washington, D.C. as the White Collar Crime Coordinator for the Executive Office for United States Attorneys, United States Department of Justice. In that role, he represented the United States Attorney's community in reviewing and formulating policy and legislation involving white collar crime. From 1996 to 2009, Judge Boone was an Assistant United States Attorney in the Criminal Division of the Fresno U.S. Attorney's office handling a wide variety of cases, including white collar, national security, intellectual property, public corruption, identity theft, health care fraud and other federal crime cases. During this time, Judge Boone held positions as misdemeanor unit supervisor, Elections Officer, Bankruptcy Fraud Coordinator and International Coordinator. Throughout his tenure, Judge Boone wrote and argued a number of appeals before the Ninth Circuit Court of Appeals, including an en banc argument. From 1989 to 1995, Judge Boone was employed by the U.S. Department of Justice, Office of the United States Trustee, handling civil matters associated with financial audits and bankruptcy litigation. During a portion of that time, Judge Boone attended evening law school and, as a student certified attorney, handled civil law and motion, discovery litigation and civil bench trials.

Judge Boone is co-author of a chapter entitled "Disaster-Related Federal Crimes" for the Crisis Response and Related Litigation (2009 ed.) book, which is part of the U.S. Justice Department "Blue Book" series (practical "how to" books for prosecutors) and co-author on an article in the U.S. Attorney's Bulletin on financial fraud entitled "Mortgage Fraud Working Group."

Judge Boone has traveled to other countries, including Russia, Bulgaria and India, to help assess, train and lecture judges, prosecutors and law enforcement officials in criminal prosecution. He

was a frequent lecturer at the Justice Department's training facilities in South Carolina, Washington, D.C. and elsewhere, teaching trial advocacy and a variety of white collar crime subject matters (mortgage, bankruptcy and bank fraud, money laundering and identity theft). He has spoken for a variety of federal agencies, including the Federal Reserve, HUD, Secret Service and FBI, and was also a frequent lecturer for other federal, state and local law enforcement agencies on topics involving Fourth and Fifth Amendment jurisprudence and substantive law. For his work, Judge Boone received commendations from FBI Directors Louis J. Freeh and Robert S. Mueller, III, Secret Service Directors W. Ralph Basham and Mark J. Sullivan and others.

Judge Boone received his undergraduate degree at the University of California, Berkeley, majoring in Legal Studies with an Asian Studies minor. His undergraduate studies also included a concentration in business administration and accounting. He received his law degree at the University of the Pacific, McGeorge School of Law in Sacramento, California, where he received the Valedictorian Award for his evening class, Order of the Coif, the Roger J. Traynor Honor Society and American Jurisprudence awards in Constitutional Law and Criminal Procedure.

Judge Boone was a judicial law clerk to U.S. Magistrate Judge Peter A. Nowinski in Sacramento. He served as Federal Bar Association, San Joaquin Valley Chapter, President for part of 2009 and all of 2012.

Judge Boone is an adjunct professor at San Joaquin College of Law in Fresno, and has taught courses in appellate moot court, federal courts and evidence. He is presently chair of the Eastern District of California's Local Rules committee and serves as a member of the court's Technology User Group.

Judge Boone has extensive trial experience both as a litigator and a judge in both the civil and criminal arenas. To see more detailed information regarding his courtroom procedures, including trial, see the United States District Court for the Eastern District of California's website (<http://www.caed.uscourts.gov>) under Judges; United States Magistrate Judge Stanley A. Boone (SAB) in the area entitled "Case Management Procedures" with links to "Standard Information", "Courtroom Technology", "Pre-Trial and Trial Procedures/Deadlines", "Jury Selection" and "Trial Conduct and Decorum" as well as other areas.