



## UNITED STATES DISTRICT COURT DISTRICT OF OREGON

### CONSENTING TO MAGISTRATE JUDGE JURISDICTION IN THE DISTRICT OF OREGON

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Oregon's Magistrate Judges play a unique and indispensable role in the assignment, management and trial of civil cases. Since 1979, the parties in a civil action have had the opportunity of consenting to have all aspects of their case, including trial, handled by a Magistrate Judge. In 1984, Oregon was the first federal district court to assign the full range of civil cases directly to Magistrate Judges upon filing. Because of our success, many other district courts have followed in our footsteps.

You are encouraged to consent to a Magistrate Judge handling all aspects of your case, up to and including trial and entry of judgment. Because this court is very busy, consenting to proceed before a Magistrate Judge often means that your civil case will be resolved more quickly than if it remained before a District Judge.

#### How Consent Jurisdiction Works

When a civil action is filed in this District, it is randomly assigned for all purposes to either a District Judge or a Magistrate Judge in the appropriate division as the presiding judge.<sup>1</sup> District Judges are appointed by the President, confirmed with the advice and consent of the Senate and hold their position for life. Magistrate Judges are appointed by the District Judges of each district following a merit selection process and serve for a period of eight years, subject to reappointment.

When a case is initially assigned to a Magistrate Judge, the plaintiff is given a consent form to serve on all parties. The consent form affords each party an initial opportunity to consent to having a Magistrate Judge assume complete jurisdiction over the case, including trial and entry of judgment. Each party should make a decision whether to consent to Magistrate Judge jurisdiction as soon as possible. Although a party may decide to consent to a Magistrate Judge at any point in the proceedings up until the final disposition of the case, you are strongly encouraged to consent to disposition by a Magistrate Judge as early as possible and preferably prior to the filing of dispositive motions.

If all parties consent to Magistrate Judge jurisdiction, then pursuant to Fed.R.Civ.P. 73(b) the Magistrate Judge will have the same jurisdictional authority as a District Judge, including authority to:

- Schedule, hear and decide all dispositive and non-dispositive matters;
- Schedule, hear and decide all interlocutory matters;

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<sup>1</sup> All cases arising in the Pendleton Division are initially assigned to the part-time Magistrate Judge presiding in Pendleton.

- Conduct jury or non-jury trials;
- Enter final orders and judgment; and
- Decide all post-trial motions.

The appeal route from any final order or judgment entered by a Magistrate Judge is directly to the United States Court of Appeals for the Ninth Circuit. See 28 U.S.C. § 636(c)(3) and Fed. R. Civ. P. 73(c).

Even if all parties do not consent to Magistrate Judge jurisdiction, the assigned Magistrate Judge will be responsible for all case management and scheduling activities, will hear and decide all non-dispositive pretrial and discovery matters, and will consider dispositive motions by issuing Findings and Recommendations. See also Fed. R. Civ. P. 72.

### **Benefits of Consenting to Magistrate Judge Jurisdiction**

The District Judges have always appointed experienced trial attorneys and state court judges of the highest caliber as Magistrate Judges. Every one of our Magistrate Judges has undergone a highly competitive merit selection process. **Resumes for each of Oregon's Magistrate Judges are available on the court's website, [www.ord.uscourts.gov](http://www.ord.uscourts.gov).** As these resumes demonstrate, each has been and remains active in the legal community. Many have completed at least one eight-year term as a Magistrate Judge and been reappointed based on detailed, confidential feedback from the lawyers establishing satisfaction with their work. Combined, Oregon's active and recalled Magistrate Judges bring a total of over 80 years of federal judicial experience to their work at our court. Each is well-equipped to preside over all types of civil litigation.

Parties that consent to Magistrate Judge jurisdiction will receive a date certain for trial. The right to a speedy trial in felony criminal cases requires District Judges to give statutory priority to trying those cases, which can sometimes require that civil trial dates be moved. Unlike District Judges, Magistrate Judges do not preside over felony criminal trials. As a result, their trial dockets are generally less crowded than those of the District Judges, and they usually are able to provide earlier and firmer trial dates than might otherwise be possible for a District Judge.

Absent consent from all parties, a Magistrate Judge must enter Findings and Recommendations on dispositive matters and motions for consideration by a District Judge. If objections are filed, the review process by a District Judge generally takes 60 days. By consenting to Magistrate Judge jurisdiction, the parties can avoid the delays and expense of this review process, while preserving the right of appeal directly to the Ninth Circuit Court of Appeals.

**SHERYL S. MCCONNELL**  
**Clerk of Court**