

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA

**Consent Procedure For
Full Utilization of Magistrate Judges**

1. Introduction. The purpose of these procedures is to implement the Judicial Conference policy statement encouraging district courts to utilize Magistrate Judges fully. The term “primary assignment” means that a case is presumptively assigned to a Magistrate Judge for *all* purposes and will be so assigned upon the consent of a party. The term “regular civil case” means civil cases which are not prisoner or bankruptcy cases. The term is used to identify with precision a category of cases and is not used to disparage any particular type of case or to indicate that the Court views certain types of cases as having less importance. The Court will implement these procedures by entering a general order. These procedures supplement *and do not replace* consent referrals to Magistrate Judges in other cases.

2. Case Assignment. Beginning on the date set forth in the Court's general order implementing these procedures, the Clerk of the Court shall initiate procedures which accomplish the following:

A. The identification of thirty percent (30%) of the “ regular civil cases” for primary assignment to a Magistrate Judge and the random assignment of those cases to one of the Court's four Magistrate Judges.

B. The random assignment of *all* cases to a District Judge and, in those cases identified for primary assignment to a Magistrate Judge, creation of a mechanism which identifies only for the court and the court staff the district judge to whom a case is assigned.

3. Initial District Judge Screening. The District Judges reserve the right to remove any case at the time of its filing from primary assignment to a Magistrate Judge. When a regular civil case is identified for primary assignment to a Magistrate Judge the Clerk shall insure that first the case is sent to the assigned District Judge for screening. The attached memorandum (Attachment A) shall be used by the Clerk for this purpose. If a District Judge does not approve the primary assignment of the case to a Magistrate Judge, the case shall be placed on the District Judge's docket and the case referred to a Magistrate Judge for discovery and other appropriate pretrial purposes in accordance with the existing practices of the court.

4. Consent Procedures.

A. Initial Procedures. Upon approval by the assigned District Judge of primary assignment of a regular civil case to a Magistrate Judge, the Clerk of the Court shall send to the plaintiff and each party at the time of the party's first appearance the written notice at Attachment B. The transmittal of this notice shall be docketed. This notice advises the party about the primary assignment of the case to a Magistrate Judge, the party's right to consent to the jurisdiction of a Magistrate Judge, and the method of declining consent to a Magistrate Judge by requesting reassignment of the case to a District Judge. Each party has 21 days from the date of the notice to request reassignment.

B. Reassignment Procedures. If any party requests reassignment the case shall be reassigned to the District Judge. The Clerk shall not disclose to any judge the identify of any party requesting reassignment.

C. Written Consent Procedures. If no party requests reassignment within 21 days from the date of the last Attachment B notice, the assigned Magistrate Judge shall set a Rule 16(b) scheduling conference and shall require the parties to send to the Clerk seven days prior to the date of the conference a written confirmation of consent as shown on Attachment C. When the Clerk has received a written confirmation of consent from all parties, the forms shall be filed and tabbed. If at the time of the scheduling conference, the consent forms have not been filed, the Magistrate Judge shall proceed with the conference. However, the Magistrate Judge shall remind the parties that the written confirmation of consent forms must be filed before a scheduling order may be entered and shall also inform the parties that the case will be transferred on a random basis to a District Judge if the written confirmation of consent form is not sent to the Clerk within 7 days after the scheduling conference.

5. Addition of Parties. If parties are later added to a case, these parties must be afforded the same notice and opportunity to decline consent to a Magistrate Judge. If an added party declines at the time a case is more than 180 days old, the Magistrate Judge shall confer with the assigned District Judge to determine which judicial officer is in the best position to resolve dispositive motions.

6. Authority of the Magistrate Judge. The rules of this court fully implement the consent jurisdiction of the Magistrate Judges conferred pursuant to 28 U.S.C. § 636(c). Upon the consent of all parties to a case, the Magistrate Judge shall exercise complete judicial authority over a case including but not limited to entry of final judgment.