

Rule 6.05 | TRIAL OF CIVIL CASES

(a) Pursuant to 28 U.S.C. Section 636(c)(1), and subject to the provisions of this rule, all full time United States Magistrate Judges in the District are hereby specially designated to conduct any or all proceedings in any jury or nonjury civil matter and order the entry of judgment in the case.

(b) Upon the filing of any civil case the Clerk shall deliver to the Plaintiff(s) written notice of the right of the parties to consent to disposition of the case by a United States Magistrate Judge pursuant to 28 U.S.C. Section 636(c) and the provisions of this rule. The Clerk shall also issue or supply at that time, for each Defendant in the case, copies of such notice which shall be attached to the summons and thereafter served upon the Defendant(s) in the manner provided by Rule 4, Fed.R.Civ.P.; provided, however, that a failure to serve a copy of such notice upon any Defendant shall not affect the validity of the service of process or the jurisdiction of the Court to proceed. If, after the initial filing of a civil case, new or additional parties enter or join in the action pursuant to the operation of any statute, rule or order of the Court, the Clerk shall immediately mail or otherwise deliver a copy of such notice to each such party.

(c) The written notice contemplated by subsection (b) of this rule shall be in such form as the judges of the Court from time to time direct. In addition, the Clerk shall maintain on hand, in a form or forms to be approved by the judges of the Court, written consent agreements for the use of the parties in communicating to the Clerk their unanimous and voluntary consent, upon entry of an order of reference by the presiding district judge, to have all further proceedings in the case, including trial with or without a jury, and the entry of judgment, conducted by a United States Magistrate Judge. One form of such consent agreements shall provide for appeal to the United States Court of Appeals (28 U.S.C. Section 636(c)(3)), and another shall provide for appeal to the presiding district judge (28 U.S.C. Section 636(c)(4)).

(d) If the parties in any civil case unanimously consent to disposition of the case by a United States Magistrate Judge pursuant to 28 U.S.C. Section 636(c) and this rule, such consent must be communicated to the Clerk on an appropriate form (provided by the Clerk in accordance with subsection (c) of this rule). The Clerk shall not accept or file any consent except in the form and manner, and within the time, prescribed by this rule.

(e) In the event the parties file a unanimous consent pursuant to subsection (d) of this rule, the Clerk shall immediately notify the presiding district judge who will promptly (1) enter an order of reference to a United States magistrate judge, or (2) enter an order declining to do so; provided, however, the judges of the Court shall not decline to make an order or orders of reference for the purpose of limiting the types of cases to be tried by the United States magistrate judges pursuant to this rule. In making or in declining to make an order of reference the presiding judge may consider, among other things, the current allocation of pending judicial business between the judges of the Court and the magistrate judges; the judicial economy, if any, to be gained by the reference as measured in part by the extent of prior judicial labor expended and familiarity accumulated in the case by the judge or the magistrate judge, as the case might be; the extent to which the magistrate judge(s) may have time available to devote to the case giving due regard to the necessity of diligent performance of other judicial duties regularly assigned to the magistrate judges; and any other features peculiar to the individual case which suggest, in the interest of justice or judicial economy, that a reference should or should not be made.

(f) In any case in which an order of reference has been made, the presiding judge may, for cause shown on his own motion, or under extraordinary circumstances shown by any party, vacate the order of reference and restore the case to the calendar of the presiding judge.

(g) In all cases in which an order of reference has been made on the basis of a consent agreement providing for appeal to the presiding judge of the District Court pursuant to 28 U.S.C. Section 636(c)(4), any such appeal shall be governed by the applicable Federal Rules of Appellate Procedure relating to appeals in civil cases from the District Court to the Court of Appeals, except that Rules 30, 31(b), and 32, Fed.R.App.P., shall not apply.

(h) Nothing in this rule shall be construed to limit or affect the right of any judge or judges of the Court to assign judicial duties or responsibilities to a United States magistrate judge or magistrate judges pursuant to Rule 6.01, or any standing order entered under that rule, with or without the consent of the parties.