

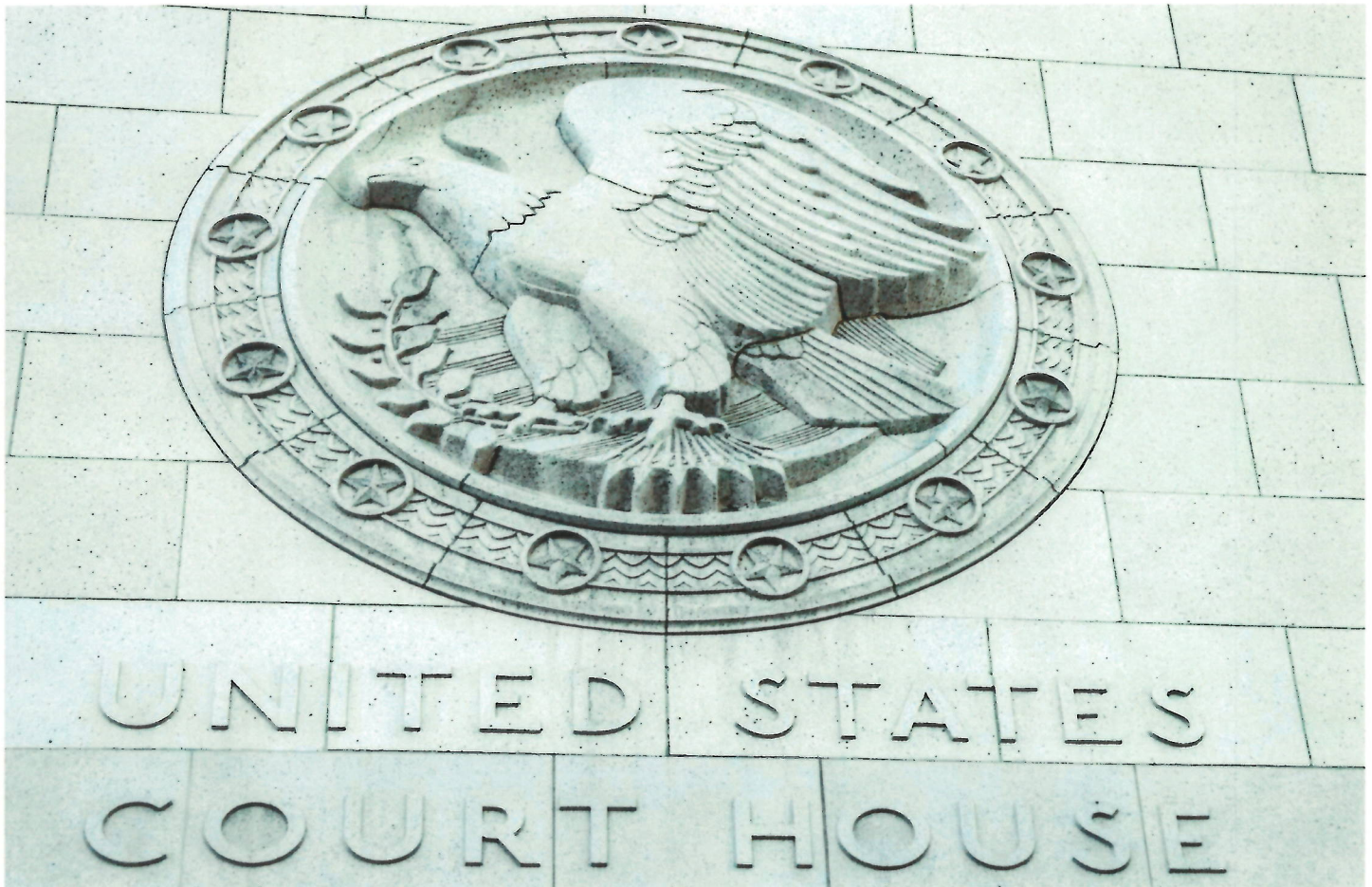


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Consenting to magistrate judges in federal civil actions

MAGISTRATE JUDGES REGULARLY PRESIDE OVER TORT, INJURY, AND EMPLOYMENT ACTIONS, WHETHER REMOVED FROM STATE COURT OR INVOLVING A FEDERAL DEFENDANT

When litigants file most civil actions in the United States District Court for the Central District of California, they have the opportunity to participate in programs that allow them to consent to have magistrate judges handle the cases. Under these programs, the selected magistrate judge becomes the assigned judge for all purposes in the district court. The Ninth Circuit reviews final judgments from consent cases in the same manner as any other appeal from the district court.

This article briefly describes the Central District's two consent programs,

their procedures, and further resources available for practitioners to review.

Traditional case assignment

Most civil cases in this district are randomly assigned to a district judge and a magistrate judge. The district judge sets the schedule for the action, rules on dispositive motions, and conducts the trial in the case. The assigned magistrate judge typically resolves discovery motions and can handle settlement conferences and other litigation issues at the district judge's direction.

Voluntary Consent List

At any time before trial, litigants may consent to transfer the case to the initially assigned magistrate judge *or* any magistrate judge listed on the Court's Voluntary Consent List. The parties jointly fill out a short consent form (CV-11D), file it with the assigned district judge for consideration, and then the clerk's office presents the form to the magistrate judge.

Note that the parties may request a transfer to any magistrate judge on

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the Voluntary Consent List, not just the originally assigned magistrate judge. Also, parties are encouraged to jointly contact the magistrate judges or their courtroom deputy clerks before making a transfer request – they are often available to speak with the parties to discuss potential trial dates and other case-specific scheduling issues early in the transfer process. Attorneys may find that this accessibility and interaction (not available in a typical judicial assignment scenario) to be valuable in deciding whether to consent to a magistrate judge.

After a case is transferred to a magistrate judge, that judge has authority to set all dates (discovery, pretrial, trial, etc.) in the action. Additionally, the magistrate judge will rule on all issues, including discovery disputes, dispositive motions, and motions in limine, and will preside over any jury or bench trial in the case. If appropriate, the assigned magistrate judge may ask another magistrate judge to hold a settlement conference in the reassigned matter.

There are currently 16 magistrate judges in the Court's three divisions who are on the Voluntary Consent List. For more information, please visit the Court's website at cacd.uscourts.gov, click on the Judges' Requirements tab, and navigate to the Court Programs section, where there is a tab on the left for the "Voluntary Consent List of Civil Cases to Magistrate Judges Program." The full Voluntary Consent List, a link to Form CV-11D, the Court's most recent General Order regarding the Consent Program, and brief biographies of the magistrate judges are also available there.

Direct Assignment Program

The Court also directly assigns certain civil actions to magistrate judges without designating any district judge. To encourage consents under the Direct Assignment Program, these cases typically involve a single plaintiff and single

defendant, and do not include class actions.

In Direct Assignment actions, the parties generally have 42 days from service of process (or in cases originally filed in state court, 14 days from removal to federal court) to jointly consent to the assigned magistrate judge. If the parties consent to magistrate judge jurisdiction, the case will remain with the assigned magistrate judge from start to finish. As with the Voluntary Consent program, the magistrate judge in a Direct Assignment case will handle all motions, scheduling issues, and the trial in the case. Litigants are free to withhold consent without adverse consequences.

If the parties do not timely consent to the Direct Assignment magistrate judge (or decline magistrate judge jurisdiction), the case will be randomly reassigned to a district judge and a magistrate judge as if it was a newly filed case.

More information about the Direct Assignment Program is available at the Court Programs section of the website ([www. http://www.cacd.uscourts.gov/judges-requirements/court-programs](http://www.cacd.uscourts.gov/judges-requirements/court-programs)) at the Direct Assignment link.

About the magistrate judges

U.S. magistrate judges are selected to renewable eight-year terms in a local, non-political, merit-based process. As a result, there are generally no long-term vacancies on the magistrate judges' bench.

Our district's magistrate judges are experienced trial and appellate court litigators. The magistrate judges have developed considerable familiarity with our Court's expanding caseload of ADA, civil rights, state lemon law, and other consumer-law-oriented actions. Additionally, magistrate judges regularly preside over a substantial number of tort, injury, and employment actions, whether removed from state court or involving a federal defendant. Many also have substantial expertise – whether in pre-judicial practice or through their extensive

judicial service – in areas such as intellectual property, antitrust, and commercial law.

The Central District's magistrate judges are eager to bring their decades of experience to these consent cases. The magistrate judges volunteer for consent cases in addition to their other responsibilities in administering the Court's civil and criminal caseload. The magistrate judges have considerable flexibility in managing consent cases. Many of the magistrate judges use e-mail and video- and audio-conferencing to resolve disputes quickly. Magistrate judges do not hear felony criminal trials, so civil consent actions generally receive priority when setting firm trial and pretrial dates. Additionally, many magistrate judges start jury and bench trials on Mondays, which can often lead to trials that conclude within a single week. We are proud to work on these cases and bring them to trial as fairly and efficiently as possible.

More information

For more information about the Central District's magistrate judges and these consent programs, lawyers should consult the Judges' Procedures and Schedules section of the Court's website. Many of the magistrate judges post specific information about their pretrial and trial procedures.

Michael R. Wilner was appointed as a United States Magistrate Judge in 2011. Prior to his appointment, he served as an Assistant U.S. Attorney and a Deputy Chief in the Major Frauds Section of the United States Attorney's Office in Los Angeles. Before joining the U.S. Attorney's Office in 2000, he served as a civil enforcement attorney with the Securities and Exchange Commission in Los Angeles and was appointed as a Special Assistant U.S. Attorney. Prior to entering federal service, he was a litigation associate at Proskauer Rose LLP in Century City. ☑