

U.S. Magistrate Judges: An Overview

time, as well as recall service after retirement, is Peter R. Palermo, of the Southern District of Florida. He served for 42 years and 11 months, from 1971 to 1991 in active service, and from 1991 to the present on recall status. The longest period of active service by a Magistrate Judge is that of Philip R. Lane, Northern District of Texas, now retired. Judge Lane served for a total of 40 years and 4 months, from 1971 to 2010 as a part-time Magistrate Judge, and from 2010 to 2011 as a full-time Magistrate Judge. The longest serving Magistrate Judge in active service currently serving is John M. Roper of the Southern District of Mississippi, who has served from 1975 to present (38 years and 6 months), including service as a part-time Magistrate Judge. The longest-serving part-time Magistrate Judge who served only part-time, including recall service after retirement, is Richard D. Gist of the District of Wyoming, who served from 1971 to 2006 in active service and from 2006 to the present on recall, for a total of 43 years. The longest-serving female Magistrate Judge ever is Ila Jeanne Sensenich of the Western District of Pennsylvania. She served for 35 years, from 1971 to 2004 in active full-time service and from 2004 to 2006 on recall status. Judge Sensenich was also the first woman to serve as the President of the FMJA.¹⁷

5 In order to qualify for appointment as a Magistrate Judge, a candidate must have five years of membership in a state bar.¹⁸ It is therefore somewhat surprising to learn that the youngest appointees to the position of Magistrate Judge or Magistrate were appointed at the age of 26. There have been four of them—Charles K. McCotter, Jr., of the Eastern District of North Carolina; Glen Conrad, of the Western District of Virginia, subsequently elevated to serve as a U.S. District Judge; John M. Garcia-Nokonechna, of the District of Puerto Rico; and James B. Hodges, of the Northern District of Iowa. The youngest Magistrate Judge currently serving is K. Nicole Mitchell of the Eastern District of Texas.

4 The first woman appointed to serve as a Magistrate (she remained on the bench until after the title changed to Magistrate Judge) was Venetta Tassopulos, appointed to the Central District of California in 1971. Magistrate Judge Tassopulos remained on the bench until 1994. The first African-American woman to be appointed a Magistrate (she also stayed through the change of title) was Joyce London Alexander. Magistrate Judge Alexander served in the District of Massachusetts from 1979 to 2009.

3 Magistrate Judge authority emanates almost entirely from the authority expressly granted by the District Judges (28 U.S.C. § 636(b)), or resulting from the consent of the parties (28 U.S.C. § 636(c)), but Congress has seen fit to delegate certain authority directly to Magistrate Judges. Thus, under 28 U.S.C. § 636(a), a Magistrate Judge may, among other things, administer oaths and affirmations, and issue orders pertaining to the setting of bail or detention in criminal cases, without specific reference or authorization from a District Judge. Pursuant to 18 U.S.C. § 3041, judicial powers relating to arrest and commitment are vouchsafed to “any justice or judge of the United States, or ... any United States Magistrate Judge.” Despite this broad sharing of such responsibility, Federal Rules of Criminal Procedure 4.1 (Complaint, Warrant, or Summons by Telephone or Other Reliable Means), 5 (Initial Appearance), and 5.1 (Preliminary Hearing) only mention action to be taken by a Magistrate Judge, or by a state or local judicial officer in appropriate circumstances, without any reference to a District Judge. Similarly, 18 U.S.C. § 3045 requires

Full-time Magistrate Judges are appointed for eight-year terms, which may be subsequently renewed.¹ Although an acting Magistrate Judge may continue his or her term of service upon turning 70 years old, he or she cannot be reappointed after that time.²

A Magistrate Judge’s jurisdiction is set by 28 U.S.C. § 636. The local rules in each district outline the specific duties assigned to the Magistrate Judges in that district.³ These vary considerably from court to court, but in general, Magistrate Judges act in both criminal and civil cases. In the criminal realm, they have the authority to preside over trials in petty offense cases and in Class A misdemeanor cases with the consent of the parties.⁴ Magistrate Judges may assist in felony preliminary proceedings (e.g., search and arrest warrants, summonses, initial appearances, preliminary examinations, arraignments, and detention hearings) and in felony pretrial matters (e.g., pretrial motions, evidentiary hearings, probation/supervised release hearings, and guilty plea proceedings).⁵

In the civil realm, Magistrate Judges rule on nondispositive motions and resolve discovery disputes.⁶ They issue reports and recommendations to the District Judges on dispositive motions, Social Security disability appeals, and *habeas corpus* cases.⁷ They also conduct pretrial conferences, settlement conferences, and evidentiary hearings.⁸ In addition, Magistrate Judges have the authority to preside over an entire civil case or any civil matter with the consent of the parties.⁹

For more information about Magistrate Judges, please refer to the following articles: Hon. Dennis Cavanaugh, *Magistrate Judges Are Effective, Flexible Judiciary Resource*, 40 THE THIRD BRANCH 10 (2008); Hon. Morton Denlow, *Should You Consent to the Magistrate Judge? Absolutely, and Here’s Why*, 37 LITIG. 3 (2011); and R. Lawrence Dessem, *The Role of the Federal Magistrate Judge in Civil Justice Reform*, 67 ST. JOHN’S L. REV. 799 (1993). ☉

Endnotes

¹28 U.S.C. § 631(d).

²*Id.*

³28 U.S.C. § 636(b)(4).

⁴28 U.S.C. § 636(a)(4)-(5).

⁵Hon. Dennis Cavanaugh, *Magistrate Judges Are Effective, Flexible Judiciary Resource*, 40 THE THIRD BRANCH 10, at 1, 7, 9-11 (2008) (hereafter, *Magistrate Judges Are Effective*).

⁶28 U.S.C. § 636(b)(1).

⁷*Magistrate Judges Are Effective*, *supra* note 6, at 9-11.

⁸*Id.*

⁹28 U.S.C. § 636(c).

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