

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA**

**IN RE DIRECT ASSIGNMENT OF
CIVIL CASES TO FULL-TIME
UNITED STATES MAGISTRATE
JUDGES**

**PUBLIC
ADMINISTRATIVE ORDER
No. 17-AO-0015-P**

INTRODUCTION

The United States District Court for the Northern District of Iowa institutes this Direct Assignment Program (the “Program”) for the direct assignment of civil cases to the full-time Magistrate Judges to conduct any and all proceedings in jury and non-jury civil actions and order the entry of judgment under 28 U.S.C. § 636(c). The Magistrate Judges have further been designated, in accordance with 28 U.S.C. § 636(c), to enter final judgment in consent cases. The Magistrate Judges of this district may only exercise these powers upon consent of all parties. In such consent cases, an appeal from a judgment entered by a Magistrate Judge of this District may be taken directly to the United States Court of Appeals for the Eighth Circuit in the same manner as an appeal from any other judgment of a district court.

GENERAL OBJECTIVE

The objective of the Program is to maximize judicial resources within the Northern District of Iowa by recognizing the full extent of Magistrate Judge jurisdiction under 28 U.S.C. § 636 in civil cases to “secure the just, speedy, and inexpensive determination of every action and proceeding” consistent with Rule 1 of the Federal Rules of Civil Procedure. Because District Judges are responsible for presiding over felony criminal

matters, the trial dockets of Magistrate Judges are generally less crowded. Thus, Magistrate Judges may be able to provide earlier and more firm trial dates resulting in the efficient use of resources for both litigants and the judiciary. The Program also recognizes the high quality of the Magistrate Judges chosen to serve in the Northern District of Iowa, as reflected by their appointment following a highly competitive and thorough merit selection process. For all cases assigned to a District Judge, a Magistrate Judge will be randomly assigned to hear matters referred by the assigned District Judge pursuant to 28 U.S.C. § 636(b), Federal Rule of Civil Procedure 72, and the Local Rules.

ASSIGNMENT OF CIVIL CASES

Effective January 1, 2018, both full-time Magistrate Judges will be included in the random assignment of civil cases as approved by the Court in a public administrative order. The specific percentage of cases referred will be set by the District Judges and may be changed from time to time at their discretion.

The Clerk of Court will use the same method of randomly selecting civil cases for referral to the Magistrate Judges as is used for District Judges. Cases will be referred to Magistrate Judges randomly, with the total number referred not exceeding the percentage established by the District Judges.

A. Notice of Assignment

When a case is referred to a Magistrate Judge pursuant to this Public Administrative Order, the Clerk of Court will notify all parties who have appeared by sending a Notice of Assignment to Magistrate Judge. The case cannot remain as a Magistrate Judge consent case, however, unless all parties unanimously consent. If all parties consent to keeping the assigned Magistrate Judge, then they must execute and file a joint notice of consent (a form for which is located on the Court's website) either prior to or in conjunction with the proposed scheduling order and discovery plan, or within two weeks of the filing of a dispositive motion, whichever is earlier.

B. Right to Reassignment to a District Judge

Each party has the absolute right to refuse consent to proceed before a Magistrate Judge. There are two procedures through which a referred case may be reassigned to a District Judge.

1. Upon Request

A party to a referred case may obtain random reassignment to a District Judge by contacting the Clerk of Court and making such a request prior to the deadline for submitting a proposed scheduling order and discovery plan with the Court. The Clerk of Court will keep such requests confidential, and the identity of any party seeking reassignment will not be revealed to either the District Judge or the Magistrate Judge.

2. Lack of Unanimous Consent

Reassignment to a District Judge will occur automatically if the parties do not execute and file a joint consent form, demonstrating their unanimous consent to proceed before a Magistrate Judge, by the applicable deadline for filing the consent set forth in Section A above (the earlier of the filing the proposed scheduling order and discovery plan, or within two weeks of the filing of a dispositive motion).

C. Additional Parties

If the existing parties consent to the Magistrate Judge but additional parties are later added to this suit, the Clerk of Court will deliver the Notice to the additional parties. An additional party will have twenty-one (21) days after its deadline for filing a responsive pleading to file a written consent to proceed with the Magistrate Judge. If any additional party fails to file a written consent within that deadline, or contacts the Clerk of Court before the expiration of that deadline to request reassignment to a District Judge, then this case will be randomly reassigned to a District Judge.

D. Procedures for Reassignment


If the case is randomly reassigned to a District Judge, the parties will not have the opportunity to learn which District Judge the case will be assigned to prior to the


reassignment. If the case is reassigned to a District Judge and the parties later decide to consent unanimously to proceed before a Magistrate Judge, they must obtain leave of court to do so. Such leave may or may not be granted at the sole discretion of the District Judge. If leave is granted, the case will be randomly reassigned to a Magistrate Judge meaning it may or may not be reassigned to the same Magistrate Judge.

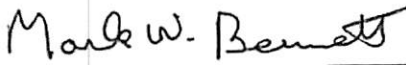
E. Duty to Provide Notice

Pursuant to Federal Rules of Civil Procedure 4 and 5, the plaintiff (or if the case is removed to federal court, the removing party) must serve a copy of the Notice immediately upon all other parties that have been served with the summons and complaint.


IT IS SO ORDERED this 18th day of December, 2017.


LEONARD T. STRAND
Chief Judge
United States District Court
Northern District of Iowa


LINDA R. READE
District Judge
United States District Court
Northern District of Iowa


MARK W. BENNETT
District Judge
United States District Court
Northern District of Iowa


C.J. WILLIAMS
Chief Magistrate Judge
United States District Court
Northern District of Iowa


KELLY K.E. MAHONEY
Magistrate Judge
United States District Court
Northern District of Iowa