

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK

DISTRICT OF VERMONT

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**March 15, 2009**

**NOTICE OF CHANGE TO LOCAL RULES OF PROCEDURE:  
Revised Procedures Regarding the Direct Assignment of Civil Cases  
to the Magistrate Judge Pursuant to Local Rule 73.1**

The District of Vermont's Local Rules of Procedure, specifically **section (e) of Local Rule 73.1, Direct Assignment of Civil Cases to the Magistrate Judge**, have been amended with an effective date of **March 15, 2009**. The revised rule eliminates the automatic referral to the magistrate judge when an objection to the direct assignment is filed. Under the new rule, if any party objects to the direct assignment of a case to the magistrate judge, the case will be reassigned to a district judge for all further proceedings and the magistrate judge will no longer automatically be assigned as the referral judge in that particular case.

A copy of the rule change is appended to this notice for information purposes.

**JEFFREY S. EATON  
CLERK OF COURT**

Attachment

### 73.1 Direct Assignment of Civil Cases to the Magistrate Judge

- (a) **Direct Assignments.** The Clerk's Office is directed to assign a percentage of civil cases directly to the magistrate judge, excluding bankruptcy appeals, complaints filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for benefits under Titles II, XVI and XVIII of the Act, cases filed pursuant to 28 U.S.C. §§ 2254 and 2255 or challenging the conditions of confinement of prisoners, and cases seeking an immediate temporary restraining order. The exact percentage of direct assignments shall be determined periodically by the judges of the court.
- (b) **Notification.** Notification of direct assignment will be by service of the "Notice of Assignment" form with the complaint. The Clerk's Office will return to the plaintiff a copy of the "Notice of Assignment" form for each party in the case, which the plaintiff shall serve with the complaint. Each party shall execute the form, indicating their consent or objection, and return it to the Clerk's Office.
- (c) **Consent Voluntary.** Consent to assignment of a case to the magistrate judge is strictly voluntary and no adverse consequences of any kind will come to any attorney or party who objects to an assignment. However, return of the executed form to the Clerk's Office is mandatory, whether the action taken is to consent or object to the assignment.
- (d) **Objections.** If any party objects to the assignment, the case will be reassigned to a district judge and another new case will be directly assigned to the magistrate judge as a replacement.
- (e) **Magistrate Judge Authority.** The magistrate judge will exercise all authority pursuant to 28 U.S.C. § 636(b) from the date the case is filed until all executed forms have been returned. Once it is confirmed that all forms have been returned and there are no objections to the assignment, the magistrate judge will exercise all authority pursuant to 28 U.S.C. § 636(c). ~~If there are any objections, the magistrate judge will become the referred judge in the matter and will continue to exercise authority pursuant to 28 U.S.C. § 636(b) and in accordance with Fed. R. Civ. P. 72(a) and (b).~~