

UNITED STATES DISTRICT COURT

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March 1, 2010

**NOTICE OF CHANGE TO LOCAL RULES OF PROCEDURE:
Revised Procedures Regarding the Assignment of Civil Cases
to the Magistrate Judge Pursuant to Local Rule 73**

The District of Vermont's Local Rules of Procedure, specifically **Local Rule 73, Direct Assignment of Civil Cases to the Magistrate Judge; Notification of Assignment; Voluntary Consent; Objections; Magistrate Judge's Authority Direct Assignment of Civil Cases to the Magistrate Judge**, have been amended with an effective date of **March 1, 2010**. The revised rule is a technical correction of Local Rule of Procedure 73(a) regarding the direct assignment of civil cases to the Magistrate Judge and also allows for the addition of Local Rule 73(f) which identifies the type of cases that are automatically referred to the Magistrate Judge. Rule 73(f) was erroneously omitted from the recent publication and this corrects that omission.

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

**JEFFREY S. EATON
CLERK OF COURT**

Attachment

Rule 73. Direct Assignment of Civil Cases to the Magistrate Judge; Notification of Assignment; Voluntary Consent; Objections; Magistrate Judge's Authority; Automatic Referrals to 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 given by service of the "Notice of Assignment" form. The clerk's office will return to the plaintiff sufficient copies of the form for each party, which the plaintiff must then serve with the complaint. Each party must execute the form, indicating their consent or objection, and return it to the clerk's office.

(c) Voluntary Consent. Consent to assignment 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. Return of the executed form to the clerk's office is *mandatory* however whether the party chooses 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 a new case will be directly assigned to the magistrate judge as a replacement.

(e) Magistrate Judge's Authority. The magistrate judge will exercise all authority under 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).

(f) Automatic Referrals to Magistrate Judge. Referral of any case or matter to the magistrate judge is by court order, except that the following cases are automatically referred when filed:

- (1) complaints under § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for benefits under Titles II, XVI and XVIII of the Act; and
- (2) actions arising under 28 U.S.C. §§ 2254 and 2255 or challenging the conditions of confinement of prisoners.