UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INSTRUCTIONS AND OTHER INFORMATION

FOR COMPLETING FORM FOR
CONSENT OR REFUSAL OF MAGISTRATE JUDGE JURISDICTION

I.   AUTHORITY

The Court has entered a General Order (07-4), dated December 4, 2007 authorizing the assignment of civil cases to the Magistrate Judges sitting in Boston. That Order may be found on the Court's web page at www.mad.uscourts.gov

II.   PROCESS

As the party initiating the civil action, you are responsible for serving the Court's General Order of December 4, 2007 and the consent form on all opposing parties. You are also responsible for contacting these attorneys or parties to inquire as to their consent or refusal to proceed before the Magistrate Judge.

The document does not need to have a handwritten signature from each attorney or party. If the consent is unanimous you may enter an electronic signature on the consent form for each attorney or party in this style: '/s/ John Smith' (see the Court's CM/ECF Administrative Procedures for further information on electronic signatures). You may use multiple sheets if additional space is needed. The consent form is also available on the Court's web page. An example of a completed form is attached to these instructions.

Should any party not consent, you should electronically file the form, after completing just the bottom part of the form.

NOTE: The Court is not to be made aware of which party or parties did not consent to the Magistrate Judge's jurisdiction.

The consent or refusal is to be filed electronically in the Court's CM/ECF system, using one of these items, found under the 'Other Documents' menu: '**Consent to Jurisdiction by US Magistrate Judge**,' or '**Refusal of Consent to Proceed Before a US Magistrate Judge**.'

III.   CONSENT AND FURTHER PROCEEDINGS

Should all parties consent to the Magistrate Judge's jurisdiction, the case will continue before the Magistrate Judge as any other civil case, including bench or jury trial, and the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed. See 28 U.S.C. § 636(c).

IV. REFUSAL OF CONSENT

Should any party not consent to the Magistrate Judge's jurisdiction, you are responsible for completing the lower portion of the consent/refusal form and electronically filing it with the Court through its CM/ECF system.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing to consent, submission of the executed form, memorializing consent or refusal to consent to final assignment to the Magistrate Judge, is <u>mandatory</u>.

Should any party not consent to the Magistrate Judge's jurisdiction, or should the parties fail to submit the document at all, the courtroom deputy clerk will transmit the case file to the Clerk to have the case randomly assigned to a District Judge of this Court. If the District Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to the previously assigned Magistrate Judge

V. ADDITIONAL PARTIES

Counsel or *pro se* parties filing a pleading that adds additional parties to the civil action are responsible for serving the General Order and the consent form with that pleading, and then filing the consent form.

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABC TRUCKING COMPANY
                                    Plaintiff

                    v.   Civil Action No. _____08-10356_____

MARY ALICE JONES
                                    Defendant

NOTICE

This case has been assigned to Magistrate Judge _____ for all purposes. Please read the attached General Order for further information regarding this assignment. Plaintiff, or defendant if the case is initiated by a Notice of Removal, is responsible for submitting this form to the Court advising that all parties consent to the Magistrate Judge's jurisdiction, or indicating that the consent is not unanimous. One document is to be filed.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing consent, submission of this executed form, memorializing consent or refusal to the final assignment to the Magistrate Judge is mandatory. This document is to be electronically filed with the Court within thirty days after the date of service on the last party.

CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE
(To Be Completed Only If All Parties Consent)

In accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the undersigned *pro se* party or counsel of record consent to have the above named Magistrate Judge conduct all further proceedings in this case, including bench or jury trial, and order the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed.

Party Represented	Signature	Date
ABC Trucking Company	/s/ Phyllis Q. Harrison	1/15/08
Mary Alice Jones	/s/ George S. Britt	1/16/08

(If additional space is needed, additional forms may be attached)

- - OR - -

REFUSAL TO CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE
(To Be Completed If Any Party Declines to Consent - Please DO NOT Identify the Party)

In accordance with General Order 07-4 , dated December 4, 2007, the parties advise the Court that at least one party does not consent to the Magistrate Judge's jurisdiction.

The case will be randomly assigned to a U.S. District Judge for further proceedings. If you elect to have the case proceed before a U.S. District Judge, the above named Magistrate Judge shall continue to be assigned to this case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

Dated: _____   _____
                                                  Plaintiff or Removing Party
                                                  (through counsel, if appropriate)

                    BBO #   _____
                    Address: _____
                                                   _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ABC TRUCKING COMPANY
                    Plaintiff

v.   Civil Action No.   08-10356

MARY ALICE JONES
                    Defendant

NOTICE

This case has been assigned to Magistrate Judge _____ for all purposes. Please read the attached General Order for further information regarding this assignment. Plaintiff, or defendant if the case is initiated by a Notice of Removal, is responsible for submitting this form to the Court advising that all parties consent to the Magistrate Judge's jurisdiction, or indicating that the consent is not unanimous. One document is to be filed.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing consent, submission of this executed form, memorializing consent or refusal to the final assignment to the Magistrate Judge is mandatory. This document is to be electronically filed with the Court within thirty days after the date of service on the last party.

CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE
(To Be Completed Only If All Parties Consent)

In accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the undersigned *pro se* party or counsel of record consent to have the above named Magistrate Judge conduct all further proceedings in this case, including bench or jury trial, and order the entry of final judgment, with direct review by the First Circuit Court of Appeals if any appeal is filed.

Party Represented	Signature	Date

(If additional space is needed, additional forms may be attached)

- - OR - -

REFUSAL TO CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE
(To Be Completed If Any Party Declines to Consent - Please DO NOT Identify the Party)

In accordance with General Order 07-4, dated December 4 , 2007, the parties advise the Court that at least one party does not consent to the Magistrate Judge's jurisdiction.

The case will be randomly assigned to a U.S. District Judge for further proceedings. If you elect to have the case proceed before a U.S. District Judge, the above named Magistrate Judge shall continue to be assigned to this case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

Dated: 1/15/08   /s/ Phyllis Q. Harrison
                                                          Plaintiff or Removing Party
                                                          (through counsel, if appropriate)

                              BBO #   123456
                              Address: 9004 Main Street
                                             Cambridge, MA 02138

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GENERAL ORDER - 07-4
December 4, 2007

In order to increase the utilization of the Magistrate Judges and increase the availability of civil trials, the Court has approved a pilot program to randomly assign, at the time of filing, a limited number of civil cases directly to the Magistrate Judges sitting in Boston. This new process is modeled after a successful program implemented in Springfield. This pilot project will continue for two years, absent further Order of the Court.

It is hereby ORDERED that, effective January 1, 2008, the automated case assignment system for civil cases will be modified so that one out of twelve civil cases will be randomly assigned to one of the Magistrate Judges sitting in Boston. Exceptions to this program will be bankruptcy appeals, cases seeking an immediate Temporary Restraining Order and cases filed pursuant to 28 U.S.C. § 2255.

The Clerk shall provide this Order and a form for designating the parties' consent or refusal to the Magistrate Judge's jurisdiction to counsel, or to a party appearing *pro se*, upon the filing of a new civil action. It will be the responsibility of that attorney or *pro se* litigant to serve this notice along with the Summons and Complaint or Notice of Removal. That person will also be responsible for obtaining the other parties' decisions concerning proceeding before the Magistrate Judge and for filing the document within thirty days after the date of service on the last party. The document shall indicate either unanimous consent to final referral of the case to the Magistrate Judge for all purposes including jury or non-jury trial, or that consent to the referral to the Magistrate Judge has been declined. In the latter event, the case will be randomly re-drawn to a District Judge. The previously assigned Magistrate Judge shall continue to be assigned to the case to hear matters referred by the District Judge, in accordance with 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure.

While consent to the assignment of the case to the Magistrate Judge is entirely voluntary, and no adverse substantive consequences of any kind will redound to an attorney or party refusing to consent, submission of the executed form, memorializing consent or refusal to consent to final assignment to the Magistrate Judge, is mandatory.

Until the Court receives for filing either a consent to the Magistrate Judge's jurisdiction or the reassignment of the case to a District Judge, the initial assignment of a civil case to the Magistrate Judge is a referral to the Magistrate Judge under 28 U.S.C. § 636(b) for all pretrial non-dispositive matters other than the Rule 16(b) scheduling conference.