

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PUBLIC NOTICE

REGARDING

**AMENDMENT: OF RULE 8 OF THE LOCAL RULES FOR UNITED STATES
MAGISTRATE JUDGES**

Effective Immediately (July 8, 2003)

In light of the decision of the court to return to individual assignment of Magistrate Judges after the termination of the pairing initiative begun in 1993, the Judges of the United States District Court have amended Rule 8 of the Local Rules for United States Magistrate Judges. The court determined pursuant to 28 U.S.C. § 2071(e) that the Rule could be adopted forthwith, because it reflects the ongoing practice of the court. Those wishing to comment on the amendment of Rule 8 of the Local Rules for United States Magistrate Judges may do so in writing. All comments must be received on or before August 29, 2003 and should be addressed to:

Hon. Douglas P. Woodlock
Chairman, Rules Committee
c/o Helen M. Costello, Projects Manager
United States District Court
United States Courthouse - Suite 2300
1 Courthouse Way
Boston, MA 02210

Tony Anastas
Clerk of Court

Date: July 25, 2003

Rules for United States Magistrate Judges
in the United States District Court
for the District of Massachusetts

RULE 8. CIVIL CASES

(a) Method of Assignment.

(1) *Eastern Division.*

(A) *Cases filed After January 1, 2003.* Civil cases filed on or after January 1, 2003 shall be randomly assigned to both a district judge and a magistrate judge. The manner of referral to the magistrate judge of specific matters in a case shall be in accordance with the provisions of Rule 8(b) below.

~~(AB) Pairing--Generally.~~ *Cases Filed Before January 1, 2003.* Effective January 1, 1993 until December 31, 2002 each Eastern Division magistrate judge ~~is~~ was paired with two or more district judges for purposes of referral of matters and proceedings in civil cases, with pairing rotating every two years. The pairings in effect on December 31, 2002 shall continue to apply to cases filed before January 1, 2003 except where there has been a prior ruling by a magistrate judge as described in section 1(C) below.

~~The manner of pairing is established as follows: The Chief Judge, or the designee of the Chief Judge, after consultation with the judges of the court, and the Chief Magistrate Judge, determines which judges are paired with a magistrate judge. That determination is made so that all magistrate judges are assigned as nearly as possible the same civil case workload on a weighted basis.~~

~~Upon that determination, the Chief Judge, or the designee of the Chief Judge, then randomly assigns two or more district judges to each magistrate judge.~~

In the event that one or more district judges are were not paired, cases referred by those district judges must be were and will continue to be randomly drawn. ~~in such a manner that each magistrate judge is assigned as nearly as possible the same number of cases, except that~~

(C) *Effect of Prior Ruling.* ~~When~~ a magistrate judge has already ruled on a matter in a particular case, a subsequent referral in that case is assigned to the same magistrate judge.

~~(B) Pairing--Duration. Pairings established under the procedures set forth in Rule 8(a)(1)(A) are for a two-year rotational basis. Where, however, an increase or decrease of district judges or magistrate judges requires the assignment of a magistrate judge on a paired basis with a newly appointed district judge, or some other development significantly affects the equality, on a weighted basis, of cases assigned to magistrate judges, then the Chief Judge, or the designee of the Chief Judge, may established new pairings, within a two-year rotational period, under the procedures set forth in subsection(a)(1)(A) for the remainder of that rotational period. A magistrate judge and a district judge who are paired for any time in one rotational period will not be paired in the next rotational period.~~

~~(C) Pairing--Referral of Cases. Referrals of civil matters and referrals by the clerk must be consistent with the pairing~~

~~schedule established by the Court.~~

~~—— (D) Pairing--Effect of Rotation. A new pairing ordinarily will not affect cases previously referred to a magistrate judge. Unless otherwise determined by the Chief Judge, or the designee of the Chief Judge, for good cause, a case remains with a magistrate judge if that case or any part of it was previously referred to that magistrate judge.~~

~~—— (E) Pairing--Miscellaneous Business Docket Matters. Matters in the nature of civil cases but otherwise filed under the Miscellaneous Business Docket, including, but not limited to, Applications for Orders to Show Cause Under Internal Revenue Service Summonses, are not subject to the Rules concerning the pairing of magistrate judges; they must be filed with the Clerk of the Miscellaneous Business Docket and, if ordered referred to a magistrate judge, must be drawn to a magistrate judge on a random basis.~~

(FD) Pairing--Effect of Recusal. In the event that a the magistrate judge with whom a district judge is paired must is recused himself or herself under the provisions of 28 U.S.C. § 455(a) on a particular matter referred under the provisions of these Rules, the case must be returned to the Clerk to be redrawn to another magistrate judge on a random basis.

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[The balance of the Rule, beginning with § (a)(2) is unchanged.]