

GENERAL DISTINCTIONS BETWEEN U.S. DISTRICT JUDGES AND U.S. MAGISTRATE JUDGES

	DISTRICT JUDGES	MAGISTRATE JUDGES
STATUTORY SOURCE	<p>Article III of the Constitution invests the judicial power of the United States in the federal court system. Article III, Section 1 specifically creates the U.S. Supreme Court and gives Congress the authority to create the lower federal courts.</p>	<p>Magistrate Judge system created in 1968 to be an adjunct system to the district courts, and includes both full time and part-time MJs.</p> <p>28 U.S.C. § 636 – sets out the basic jurisdiction and power.</p> <p>Civil – jurisdiction stems from the referral of duties from the DJ or consent of the parties.</p> <p>Consent – assumes role of trial judge and presides at trial, regardless of subject matter or amount in controversy. Appeals go directly to Circuit Court.</p> <p>18 U.S.C. §§ 3401 and 3402 – criminal misdemeanor jurisdiction.</p> <p>Criminal – may issue warrants, conduct preliminary proceedings and exercise plenary jurisdiction in all federal misdemeanors (i.e., Central Violations Bureau: handles petty offenses committed on federal property).</p>
APPOINTMENT/ SELECTION	<p>Nominated by the President and confirmed by the Senate.</p>	<p>Selected by a citizen merit panel made up of local members who submit a list of qualified candidates to the DJs. DJs ultimately make MJ appointment by majority vote.</p>
TENURE/REMOVAL	<p>Hold office during good behavior, typically, for life.</p> <p>Through Congressional impeachment proceedings, may be removed from office for misbehavior.</p>	<p>8 years, subject to renewal with many serving extended terms until voluntary retirement.</p> <p>Removal of a MJ during term of office may only be made for specified cause, i.e., incompetence,</p>

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		misconduct, neglect of duty, or physical or mental disability.
WORK ALLOCATION/REFERRAL PRACTICES	Random Case Assignment; maintains primary control of case for its entirety.	<p>Pairing System with individual DJs for specified time.</p> <p>Random Assignment to various DJs based on case.</p> <p>Specified Categories of Cases (e.g. pro se prisoner cases).</p> <p>Rotating Criminal Duty Assignment (i.e., criminal pretrial proceedings, SWs).</p>
TYPES OF REFERRALS/CASES	<p>Cases that deal with the constitutionality of a law;</p> <p>Cases involving the laws and treaties of the U.S.;</p> <p>Cases involving ambassadors and public ministers;</p> <p>Disputes between two or more states;</p> <p>Admiralty law; Bankruptcy; and Habeas corpus issue</p>	<p>Referral from DJ of generalized assignments within a case (e.g., discovery).</p> <p>Referral of specific responsibility from DJ (e.g., motion to enforce settlement for R&R; conducting settlement conferences, social security cases, criminal motions in limine, jury selection).</p>