

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

GENERAL ORDER

By direction of the full Court met in executive session on Thursday, 20 January 1994, a proposal to amend Rule 1.72 of the General Rules of this Court was published for comment and notice of the proposal and the availability of the text were published in the *Chicago Daily Law Bulletin*. Comments were received from Jack Joseph of Joseph and Myers and C. Steven Tomashefsky, Chairperson of the Federal Courts Committee of the Chicago Council of Lawyers regarding the proposal. The Advisory Committee on Rules and Procedures considered the proposal and the comments at its meeting on 2 June 1994. In its report on the proposal the Committee recommended the adoption of the proposal with some modification. The full Court considered the recommendation of the Advisory Committee at its meeting of 23 June 1994 and agreed to adopt the proposal as modified by the Advisory Committee together with additional modifications made by the Court. Therefore,

By direction of the full Court met in executive session on Thursday, 23 June 1994,

IT IS HEREBY ORDERED That the following is promulgated and adopted as Rule 1.72 of the General Rules of this Court annotated to show changes to the text of the proposal as published (additions shown **thus**, deletions shown ~~thus~~):

RULE 1.72 CONDUCT OF CIVIL PROCEEDINGS BY MAGISTRATE  
JUDGES WITH CONSENT OF PARTIES

A. ~~Notification of Right To Consent at Filing~~ **Notification of Availability of Magistrate Judge.**

Whenever a civil action is filed in this District, the clerk shall notify the parties of their ~~right to consent to proceeding before availability of~~ a magistrate judge **to exercise jurisdiction**. The form of such notice shall be approved by the

Executive Committee. The clerk shall notify the parties in the following manner:

(1) *Plaintiffs:* Where there is only one plaintiff or where all of the plaintiffs are represented by the same attorney or firm of attorneys, by providing the person filing the complaint with one copy of the form for each plaintiff. Where there is more than one plaintiff and the same attorney ~~or firm of attorneys~~ does not represent all of the plaintiffs, by mailing a copy of the notice to each of the plaintiffs listed in the complaints at the address indicated, or where the complaint is filed by counsel, to the attorney or attorneys.

(2) *Defendants:* The plaintiff shall attach a copy of such notice to the copy of the complaint and summons that are to be served on each defendant. The clerk will provide the plaintiff with a sufficient number of copies of the notice in order that the plaintiff can comply with this rule.

**B. Notification to Newly Joined Parties of ~~Right To Consent~~ Availability of Magistrate Judge.**

Whenever a party is added to a case the district judge or magistrate judge to whom the case is assigned will direct the clerk to mail ~~to the additional party~~ further consent notices to the parties of the availability of a magistrate judge to exercise jurisdiction. The direction to the clerk will specify a time limit by which the clerk is to notify the district judge or magistrate judge that the consent has or has not been filed. Where the consent is not filed within that time, the magistrate judge will promptly send the case to the Executive Committee for reassignment to the calendar of the district judge to whom the case was previously assigned.

**C. Consent Files: Notification to the District Judge**

Consents filed by parties following notification under sections ~~B-A~~ and ~~E~~

B of this Rule will be maintained by the clerk in a separate file until such time as consents have been filed by all parties or their counsel. Parties or attorneys representing parties in a given case may see only the consent filed by them or on their behalf. The clerk shall not reveal the contents of any consent form to any district judge or magistrate judge, unless all parties have consented to the reassignment to a magistrate judge. At such time as consents are filed by all of the parties, the clerk will notify the district judge to whom the case is assigned. The notice to the judge and the consents will be docketed and made part of the case file.

**D. Reassignment to a United States Magistrate Judge**

When a district judge is notified that all of the parties in a civil case assigned to that judge's calendar have filed consents to have a magistrate judge conduct any or all of the proceedings in that case, the district judge may transfer the case to the Executive Committee for reassignment to a ~~certified and designated~~ magistrate judge pursuant to General Rule 2.41.

**E. Entry of Consent Judgments by Magistrate Judges**

A magistrate judge is authorized to enter a final judgment for a sum certain to which all the parties have consented in writing or a judgment of dismissal to which all of the parties have stipulated in writing, provided that the parties indicate their consent to the entry of the judgment by the magistrate judge either in writing or in open court at the time of the entry of the judgment.

**F. Consent to Transfer Part of Proceeding**

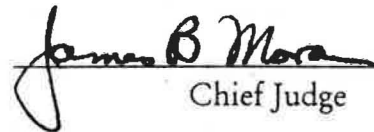
Parties may consent to the transfer of part of a proceeding to a magistrate judge to act pursuant to 28 U.S.C. § 636(c). For example, the parties may consent to the transfer of a dispositive motion to a magistrate judge. Such consents shall be filed in the same manner as the consents for a transfer of the entire proceeding. Upon notification of the filing of such consents by the parties, the district judge

may transfer that portion of the case covered by the consents for reassignment to the designated magistrate judge. Where such a reassignment is made, the case shall remain on the calendar of the district judge.



IT IS FURTHER ORDERED That this order shall become effective at 12:01 a.m. on Monday, 4 July 1994.

ENTER:  
FOR THE COURT

  
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Chief Judge

Dated at Chicago, Illinois, this 23<sup>rd</sup> day of June, 1994.