

# Resources for Public Speaking: U.S. Magistrate Judges

## Topic at a Glance

**Introduction.** This summary covers the history of the U.S. magistrate judge position. Magistrate judges serve as judicial officers of the U.S. district courts and exercise the jurisdiction delegated to them by law and assigned by the district judges. Magistrate judges may be authorized to preside in almost every type of federal trial proceeding except felony cases. The overall number of U.S. magistrate positions has not increased greatly since the system went into full effect in 1971. Over the years, however, part-time positions have steadily been converted to full-time positions, so while part-time positions once constituted a large majority, the opposite is now true. In September 2022, there were 589 authorized U.S. magistrate judge positions, 562 of which were full-time.

**U.S. Commissioners.** In 1793, Congress authorized the U.S. circuit courts to appoint officials—called “commissioners” as of 1817—to take bail in criminal cases. Congress expanded the commissioners’ authority over the years, permitting them to take affidavits in civil cases, take depositions of witnesses, and, by 1842, to arrest and imprison the accused. Commissioners later gained authority to enforce specific federal laws, such as the Fugitive Slave Act of 1850, the Civil Rights Act of 1866, and the Chinese exclusion acts of the 1880s. Congress formally established the office of U.S. commissioner in 1896, and the position’s authority continued to grow in the twentieth century. In 1940, for example, commissioners were authorized to try and sentence individuals accused of petty crimes on federal reservations, although defendants could request a district court trial.

**Federal Magistrates Act of 1968.** In the 1960s, rising caseloads resulted in efforts to ease docket congestion and increase efficiency. The Federal Magistrates Act was designed to accomplish these goals by giving the commissioners—now called U.S. magistrates—broader responsibilities, increasing their ability to aid U.S. district judges. Magistrates were empowered to conduct most misdemeanor trials, if the defendant waived the right to appear before a U.S. district judge; to serve as special masters in civil cases; and to assist district judges in pretrial proceedings (including arrest warrants, bail, and preliminary hearings), discovery, and appeals for posttrial relief. The district courts were to appoint magistrates to renewable eight-year terms (or four years if part-time) and could assign them other duties not inconsistent with the Constitution. After a pilot program, the magistrate system was in full operation by 1971.

**Post-1971 Developments.** In 1976, five years after the magistrate system began operating throughout the judiciary, Congress authorized magistrates to conduct habeas corpus proceedings. The Federal Magistrates Act of 1979 was the most significant expansion of magistrates’ authority, empowering magistrates to preside over all misdemeanor criminal trials, with the defendant’s consent (eliminating prior statutory exceptions to such jurisdiction); establishing magistrates’ authority to conduct all civil trials with the parties’ consent; and creating merit selection panels to assist district judges in appointing magistrates. The Judicial Improvements Act of 1990 changed the position’s title to U.S. magistrate judge.