



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

Howard H. Baker Jr. United States Courthouse
800 Market Street, Suite 130
Knoxville, Tennessee 37902
(865) 545-4228
www.tned.uscourts.gov

LEANNA R. WILSON
Clerk of the Court

CHRIS FIELD
Chief Deputy Clerk

NOTICE

Pursuant to 28 U.S.C. § 2071(b), the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's proposal to amend sections (b), (c) and (d) of the Eastern District of Tennessee Local Rule LR 72.3 (Magistrate Judges—Civil Proceedings). Additions are underlined and deletions are struck through.

...

(b) Notice. The Clerk shall notify the parties in cases of their option to consent to have a magistrate judge conduct all proceedings as provided by law and shall provide the parties with a form allowing the parties jointly to indicate their consent or non-consent.

(c) Execution of Consent. ~~No consent form will be made available, nor will its contents be made known, to any district judge or magistrate judge, unless all parties have consented to the reference to a magistrate judge.~~ Within forty-five (45) days from the entry of an order notifying the parties of the availability of a magistrate judge, the parties jointly shall file a completed consent form indicating that either (i) all of the parties consent to proceed before a magistrate judge or (ii) not all of the parties consent to proceed before a magistrate judge without revealing any single party's choice. If all parties consent to proceed before a magistrate judge, the joint consent form must contain the signature of each unrepresented party and a representative signature for each represented party. The consent form may be executed in counterpart; however, it shall be filed jointly. The Clerk's Office will reject and return to the offering party any consent form that does not comply with this rule.

No magistrate judge or other court official may attempt to persuade or induce any party to consent to the reference of any matter to a magistrate judge. This rule, however, shall not preclude a district judge or magistrate judge from informing the parties that they have the option of referring a case to a magistrate judge.

(d) Reference. After a consent form has been executed and filed by all parties, the Clerk shall transmit the form to the district judge to whom the case has been assigned for approval and referral of the case to a magistrate judge. Once the case has been assigned to a magistrate judge, the magistrate judge shall have the authority to conduct any and all proceedings to which the parties have consented and to direct the Clerk to enter a final judgment in the same manner as if a district judge has presided.

...

Comments should be directed in writing to Leanna R. Wilson, Clerk of Court, by August 22, 2022, at the above address.

Comments:

Federal Rule of Civil Procedure 73(b)(1) prohibits informing a judge of a party's response. The prior procedure allowed for the inadvertent disclosure of a pro se party's decision whether to consent. The proposed revision is designed so that the party's decision is never discernable to the Court unless all parties have consented.