

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

Consenting To The Jurisdiction Of A Magistrate Judge



Oakland



San Francisco



San Jose



Eureka

Phyllis J. Hamilton, Chief Judge

Susan Y. Soong, Clerk of Court

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Phyllis J. Hamilton, Chief Judge

Susan Y. Soong, Clerk of Court

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3140 Boeing Avenue
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A MESSAGE FROM THE CHIEF JUDGE OF THE UNITED STATES DISTRICT COURT

As you embark on civil litigation in the United States District Court for the Northern District of California—whether as a party to a lawsuit or as an attorney—I encourage you to familiarize yourself with the range of services provided by the court’s magistrate judges and especially to consider consenting to have a magistrate judge handle all aspects of your case, up to and including dispositive motions, jury or court trial and the entry of judgment.

The Northern District was one of the first federal trial courts in the country to assign a wide range of civil cases directly to magistrate judges upon filing. As a consequence, the magistrate judges have direct experience with nearly all types of civil matters filed in our court. Because our court is very busy, agreeing to proceed before a magistrate judge often means that the case will be resolved more quickly than if the case remained before a district judge. If the case must be tried, your trial date will be more certain and less likely to be continued to accommodate a felony jury trial. While consent is customarily given soon after a case is filed, parties may consent to have a magistrate judge preside over their case at any point in the proceedings.

Every magistrate judge in the Northern District underwent a highly competitive selection process and had years of experience before being appointed to the bench.



As the biographies that follow demonstrate, each is active in law school teaching and continuing legal education for attorneys. Many have been appointed to important committees within the circuit and national governing bodies and all are active in local court governance.

Each has been appointed based on detailed, confidential feedback from the bar and the community; each is equipped to handle the full range of issues presented to our court. Combined, the Northern District’s magistrate judges bring thousands of hours of federal judicial experience to their work at our court.

Phyllis J. Hamilton
Chief Judge

HOW CONSENT JURISDICTION WORKS

Under a law passed by Congress in 1976, the parties in a civil action in federal district court have the option of consenting to have the case handled by a United States magistrate judge. Magistrate judges are appointed by the district judges of each district court following a competitive merit selection process and serve for terms of eight years. Magistrate judges may be reappointed only after a rigorous review of their work that includes community input. In contrast, district judges are appointed by the President and confirmed by the Senate and serve without term limits.

With the exception of certain types of cases (including capital habeas corpus cases, securities class actions and bankruptcy appeals), when a civil action is filed in the Northern District of California, it is randomly assigned to either a district judge or a magistrate judge. For every case assigned to a magistrate judge, all parties (that is, all plaintiffs and all defendants) are asked to consent to have the case handled by a magistrate judge all the way through trial. The parties are encouraged to make a decision regarding magistrate judge jurisdiction as soon as possible and no later than the first case manage-

ment conference (about 100 days after the case is filed). If any party does not consent, the case is reassigned to a district judge.

If all parties consent to magistrate judge jurisdiction, then the assigned magistrate judge presides over all aspects of the case and any appeals from magistrate judges' rulings are made directly to the Court of Appeals, as are rulings by district judges.

Sometimes cases initially assigned to district judges are reassigned to magistrate judges because all parties consent to magistrate judge jurisdiction. The district judge may invite the parties at the initial case management conference to consider consenting to the jurisdiction of a magistrate judge, and the parties may take that opportunity to do so.

The magistrate judges of the Northern District of California handle hundreds of civil cases every year. Each magistrate judge has an assigned courtroom and dedicated staff, including a courtroom deputy and law clerks. Because of their diverse professional experiences before and during their service as judges, this court's magistrate judges are well-qualified to preside over all types of civil litigation.

POTENTIAL BENEFITS OF CONSENTING TO A MAGISTRATE JUDGE

When parties consent to have their case tried before a magistrate judge, they receive a date certain for trial. Because district judges must give priority to holding trials in felony criminal matters, district judges must frequently postpone scheduled civil trials. Because magistrate judges do not preside over felony criminal matters, they need not move their trial dates to accommodate criminal trials. This is one of the advantages of having a case handled by a magistrate judge rather than a district judge. In fact, the court's magistrate judges nearly always meet their scheduled trial dates.

Also, civil cases assigned to magistrate judges generally move along at a quicker pace. Because magistrate judges' trial dockets are generally less crowded than those of district court judges, magistrate judges are often able to schedule trial within one year of the filing of the complaint.



Laws And Court Rules About United States Magistrate Judge Jurisdiction ...

- * Federal Magistrate Act of 1979, 28 U.S.C. § 636(c)(1)
- * Federal Rule of Civil Procedure 73
- * Northern District of California Civil Local Rule 73

MAGISTRATE JUDGE BIOGRAPHIES

San Francisco Courthouse

Magistrate Judge Laurel Beeler
Magistrate Judge Jacqueline Scott Corley
Magistrate Judge Maria-Elena James
Magistrate Judge Sallie Kim
Magistrate Judge Elizabeth Laporte
Chief Magistrate Judge Joseph Spero

Oakland Courthouse

Magistrate Judge Donna Ryu
Magistrate Judge Kandis Westmore

San Jose Courthouse

Magistrate Judge Nathanael Cousins
Magistrate Judge Howard Lloyd

Eureka Courthouse

Magistrate Judge Nandor Vadas

**MAGISTRATE JUDGE
LAUREL BEELER**
San Francisco Courthouse
Year Appointed: 2010



Magistrate Judge Laurel Beeler has presided over and settled hundreds of cases in many subject areas, including intellectual property, civil rights, employment, and business disputes.

Judge Beeler was an assistant U.S. attorney in the Northern District, prosecuting complex white-collar cases with parallel civil components. She was the Office's Professional Responsibility Officer and Deputy Chief of the Criminal Division. She was a law clerk to the Hon. Cecil F. Poole, United States Court of Appeals for the Ninth Circuit, and the Civil Appeals Division Chief at the Ninth Circuit's Office of Staff Attorneys. She trained as a mediator with the Northern District's ADR Program, the Federal Judicial Center, and Harvard Law School.

Judge Beeler is one of four national judicial liaisons to the U.S. Department of Justice/Office of Defender Services Joint Electronic Technology Working Group. She chairs the Northern District's Criminal Practice Committee. Judge Beeler was President of the Federal Bar Association, co-chair of the Lawyer Representatives to the Ninth Circuit, a board member of the Bar Association of San Francisco, and a member of the Ninth Circuit's Jury Trial Improvement Committee. In 2012, she was named one of The Recorder's "2012 Women Leaders in Law."

Judge Beeler teaches civil trial practice at U.C. Berkeley School of Law and taught Criminal Procedure at U.C. Hastings College of the Law. She led rule-of-law projects in Indonesia, Vietnam, Cambodia, Jordan, the Philippines, and Ukraine.

Judge Beeler graduated with honors from the University of Washington School of Law, where she was Order of the Coif and an Articles Editor on the *Washington Law Review*. She received her A.B. with honors from Bowdoin College.



**MAGISTRATE JUDGE
JACQUELINE SCOTT CORLEY**

San Francisco Courthouse

Year Appointed: 2011

Magistrate Judge Jacqueline Scott Corley has presided over a variety of civil cases at all stages of the proceedings, from motions to dismiss through jury trial. She has also served as a settlement judge in nearly every type of federal litigation.

Just prior to taking the bench, Judge Corley was a partner at Kerr & Wagstaffe, LLP in San Francisco as a civil litigator with an emphasis on federal practice. She represented individuals, government entities, and institutions as plaintiffs and defendants in a variety of matters that included trademark, copyright, patent, constitutional law, defamation, malicious prosecution, class actions, contract and probate.

From 1998 through 2009 Judge Corley served as a career law clerk to the Honorable Charles R. Breyer. She also served on the Northern District of California Alternative Dispute Resolution mediation and early neutral evaluation panels from 2006 through her appointment.

Judge Corley received her undergraduate degree from the University of California Berkeley and her J.D. from Harvard Law School, magna cum laude, where she was an editor and Articles Chair of the *Harvard Law Review*. Upon graduation she served as a law clerk to the Honorable Robert E. Keeton of the United States District Court for the District of Massachusetts. She then practiced complex commercial litigation and white collar criminal defense at Goodwin, Procter LLP in Boston and was a litigation associate at Coblenz, Patch, Duffy & Bass LLP in San Francisco before joining Judge Breyer in 1998.

**MAGISTRATE JUDGE
MARIA-ELENA JAMES**

San Francisco Courthouse

Year Appointed: 1994



Magistrate Judge Maria-Elena James has served with the Court for over 20 years. During that time, she has presided over numerous cases and conducted thousands of settlement conferences. Outside the courtroom, she teaches a number of classes at three Bay Area law schools: University of California Hastings, University of San Francisco, and Golden Gate University. She also taught at the California Judicial Education and Research College and the University of Paris, Nanterre.

A 1978 graduate of the University of San Francisco Law School, she served as director of the Small Claims Court Education Project in the Consumer Fraud Unit of the San Francisco District Attorney's Office. She went on to serve as a deputy public defender in San Francisco, staff attorney for the National Labor Relations Board, and a supervising attorney in the San Francisco City Attorney's Office.

Judge James then served as a Commissioner in the San Francisco Superior Court presiding over discovery and family law proceedings for six years. She was appointed as a magistrate judge to the Northern District in 1994. Judge James served as the Northern District's Chief Magistrate Judge from 2009-2012. In 2010, the San Francisco Trial Lawyers Association recognized Judge James with the "Federal Jurist of the Year" award. She currently serves as the Northern District's Alternative Dispute Resolution Magistrate Judge, in charge of coordinating the alternative dispute resolution program with the Court.

She also volunteers as a mock trial judge for all grades of students and serves as a mentor to law students.



**MAGISTRATE JUDGE
SALLIE KIM**

San Francisco Courthouse

Year Appointed: 2015

Magistrate Judge Sallie Kim brings a broad range of civil and criminal litigation experience to the bench, with a special emphasis on civil cases in federal court.

Judge Kim graduated from Princeton University and from Stanford Law School. Upon graduation from law school, she served as law clerk to United States District Judge Spencer Williams of this Court. She then entered private civil litigation practice in Palo Alto. From 1995-99, Judge Kim served as Associate and Assistant Dean for Student Affairs at Stanford Law School, after which she returned to private civil litigation practice and became a partner with the law firm of GCA Law Partners, LLP in 2002. She practiced at GCA Law Partners until she joined the Court in 2015.

Judge Kim's recent professional activities outside of regular civil litigation practice have included service in the following capacities: Co-Director of the Trial Advocacy Program and Lecturer in Law at Stanford Law School beginning in 2014; the Interim Title IX Coordinator for Stanford University in 2013 and 2014; Judge Pro Tem for Santa Clara County Superior Court from 2010 to the present; and Volunteer Deputy District Attorney for Santa Clara County for 14 weeks in 2010.

MAGISTRATE JUDGE
ELIZABETH D. LAPORTE
San Francisco Courthouse
Year Appointed: 1998



Magistrate Judge Elizabeth D. Laporte has presided over numerous civil cases through trial or other disposition, including patent, trademark, copyright, employment, civil rights and environmental cases and has conducted over 1000 settlement conferences.

A 1982 graduate of Yale Law School and a Marshall Scholar, she clerked for the Honorable Marilyn Hall Patel of this Court. She was a partner at the boutique litigation firm of Turner & Brorby and an Administrative Law Judge for the California Department of Insurance. In 1996, she began serving as Chief of Special Litigation for the San Francisco City Attorney's Office, and was named a Lawyer of the Year by California Lawyer.

Judge Laporte serves on the editorial board of the Federal Courts Law Review, the Board of Governors for the Northern California Chapter of the Association of Business Trial Lawyers and the Judicial Advisory Board of The Sedona Conference.

Judge Laporte is the immediate past Chief Magistrate Judge and has served as the Court's Alternative Dispute Resolution Magistrate Judge and chaired the Rules Committee's E-Discovery Subcommittee. At the Ninth Circuit Court of Appeals, Judge Laporte has chaired the Magistrate Judge Executive Board and served on the Jury Trial Improvement Committee. She regularly speaks at legal conferences and judicial education programs on patent litigation, jury trials, e-discovery, employment law, settlement, and other topics and has authored articles on patent litigation, settlement and e-discovery.



**CHIEF MAGISTRATE JUDGE
JOSEPH C. SPERO**

San Francisco Courthouse

Year Appointed: 1999

Chief Magistrate Judge Joseph C. Spero has presided as trial judge in criminal and civil cases in a variety of subject areas, including patent, employment, civil rights, commercial contract, trademark, and federal misdemeanor cases. He has also served as a settlement judge in over 1500 cases.

Judge Spero serves on the Court's Executive Committee, as Chair of the Court's Reentry Committee and of the Diversion Committee, and serves as Liaison Judge for Pretrial Services and Probation. He also serves on various circuit and national committees including the Magistrate Judges Advisory Group of the Administrative Office of the Courts, and on the Capital Case Committee of the Ninth Circuit.

A 1981 graduate of Columbia University School of Law, he clerked for the United States Court of Appeals for the Ninth Circuit. He worked as an associate at Skadden, Arps, Slate, Meagher & Flom, and as associate then partner at Coblentz, Cahen, McCabe & Breyer (now Coblentz, Patch, Duffy & Bass).

While in private practice, he trained as a mediator at Harvard Law School and served as a mediator in the Northern District's Alternative Dispute Resolution Program. He also served as a Judge Pro-Tem for the San Francisco County Superior Court.

Judge Spero served as pro bono counsel in a variety of cases. He received the Thurgood Marshall Award from the Bar Association of the City of New York.

MAGISTRATE JUDGE
DONNA M. RYU
Oakland Courthouse
Year Appointed: 2010



Magistrate Judge Donna M. Ryu has presided over consent cases in a wide variety of fields, including commercial disputes, patent and other intellectual property, employment, civil rights, insurance, personal injury, environmental, maritime, and constitutional law. She conducts settlement conferences in all major practice areas, and manages discovery in complex matters, including multi-district litigation. Judge Ryu has served on numerous court committees, including Local Rules, Subcommittee on E-Discovery, and Pro Bono Projects, among others.

Prior to taking the bench, Judge Ryu was a Clinical Professor of Law at U.C. Hastings, and before that at Golden Gate University Law School. Her courses included instruction in negotiation, pretrial and trial techniques, employment law, and legal ethics.

Judge Ryu began her career as a commercial litigator at a large San Francisco firm before joining an Oakland-based firm specializing in class actions, and later founding her own small firm. She has extensive experience in complex civil litigation, including discovery, motions and trials.

She has been honored as a California Lawyer of the Year in Employment Law. She is the recipient of the Asian American Bar Association's Joe Morozumi Award for Exceptional Legal Advocacy, the Rutter Award for Excellence in Teaching, and the National Asian Pacific American Bar Association's Trailblazers Award. She co-designed a national training institute on class actions, and has written and lectured in the areas of employment law, e-discovery, pretrial practice, attorneys' fees, class actions, and professionalism.

Judge Ryu graduated with honors from Yale University, and received her law degree in from U.C. Berkeley Law School, where she continues to teach as a Lecturer.



**MAGISTRATE JUDGE
KANDIS A. WESTMORE**

Oakland Courthouse

Year Appointed: 2012

Magistrate Judge Kandis A. Westmore has presided over dozens of civil cases and criminal matters. She is a current member of the Northern District's Community Outreach and Security Committees. She also serves on the Court's Conviction Alternative and Reentry Programs.

Judge Westmore received her Bachelor of Arts Degree in Psychology from the University of California, Berkeley in 1989 and her law degree from the University of San Francisco School of Law in 1997. During law school, Judge Westmore served as a judicial extern to the Honorable Sandra Brown Armstrong of this Court.

She began her legal career at an Oakland-based boutique law firm specializing in plaintiffs' civil rights litigation. In 1999, she joined the Oakland City Attorney's Office as a Deputy City Attorney, initially prosecuting code enforcement and drug nuisance abatement cases and serving as advice counsel to City Departments. She later served as general litigation trial counsel, then as law and motion and appellate counsel, representing the City and its employees in cases involving civil rights, personal injury, debt collection, inverse condemnation, labor and employment, and complex litigation, in both state and federal court.

In 2011, Judge Westmore served as President-Elect of the Alameda County Bar Association (ACBA) and represented clients in family law cases through the ACBA Volunteer Legal Services Corporation's Pro Bono Program, which assists low-income individuals who otherwise cannot afford an attorney. She is now President-Elect of the Earl Warren American Inn of Court.

**MAGISTRATE JUDGE
NATHANAEL COUSINS**

San Jose Courthouse

Year Appointed: 2011



Magistrate Judge Nathanael Cousins has his chambers in San Jose, but he has served in each courthouse in the Northern District of California, from Salinas to Eureka.

He joined the Court from the U.S. Department of Justice, where he worked as an Assistant U.S. Attorney (San Jose and San Francisco offices) and Antitrust Division Trial Attorney (San Francisco). In those positions, he had criminal jury trials before many of the Judges of this Court. He was part of the team that prosecuted global price-fixing cartels in memory chip markets. He also coordinated Operation Ceasefire, a community program to reduce gang violence in Monterey County.

Immediately before joining the Department of Justice, he worked as a civil litigation associate and then partner in the Chicago office of Kirkland & Ellis, and before that he was a litigation associate in the Los Angeles office of Greenberg Glusker. His civil litigation cases focused on antitrust, class actions, consumer fraud, securities fraud, and civil rights. He was pro bono class counsel for inmates at an Illinois state prison.

Judge Cousins graduated from the University of California, Hastings College of the Law. After law school, he clerked for the Hon. F.A. Little, Jr., Chief Judge of the U.S. District Court, Western District of Louisiana. He received his undergraduate degree in political science from Stanford. While in school, he studied abroad in Russia and the Netherlands.

Judge Cousins has taught legal writing, moot court, and antitrust law at Hastings, and participates regularly in moot court and trial training programs at Bay Area law schools. He also coaches basketball and soccer.

**MAGISTRATE JUDGE
HOWARD R. LLOYD**

San Jose Courthouse

Year Appointed: 2002



Magistrate Judge Howard R. Lloyd has tried a multitude of civil cases and criminal misdemeanors, ruled on hundreds of discovery disputes and case-dispositive motions and recently empaneled two grand juries.

Judge Lloyd obtained his undergraduate degree at the College of William and Mary, graduating Phi Beta Kappa, and—after military service—earned his law degree from the University of Michigan Law School.

For the next 30 years he worked as a trial and appellate lawyer for a large San Jose law firm. He first-chaired about 50 trials, mostly in the areas of employment, civil rights, contract, and intellectual property. As his firm’s appellate specialist, he wrote about 100 appeals, argued frequently at the California Courts of Appeal, and appeared three times before the California Supreme Court. After leaving the firm, he worked for two years as an independent ADR provider.

While in private practice, Judge Lloyd was selected for voluntary service as an Early Neutral Evaluator (N.D. CA), mediator (California Court of Appeals), and Settlement Judge Pro Tem (Santa Clara County Superior Court). He was a frequent presenter at continuing education courses for attorneys, usually speaking about employment law or business torts.

Since taking the bench, Judge Lloyd has continued speaking to bar associations and other groups, served on court committees as well as on the Ninth Circuit Committee on Magistrate Judges Education, and in 2010 guided the establishment of the “Help Desk” for pro se litigants at the San Jose Courthouse. For many years he also taught a seminar at Santa Clara University Law School.

**MAGISTRATE JUDGE
NANDOR J. VADAS**
Eureka-McKinleyville Courthouse
Year Appointed: 2004



Magistrate Judge Nandor J. Vadas has presided over a wide variety of criminal and civil cases, including civil rights, employment, ADA, Indian law, and Endangered Species Act cases. Judge Vadas maintains his chambers in Eureka but also presides over cases in San Francisco. Judge Vadas also conducts a petty offense and misdemeanor calendar on the Hopland Indian Reservation in Mendocino County.

Judge Vadas graduated from the University of California, Santa Cruz and U.C. Hastings College of the Law. Before taking the bench, Judge Vadas served for 20 years as a prosecutor in Northern California, working at both the federal and state (San Francisco & Humboldt Counties) levels.

As a United States magistrate judge, Judge Vadas established the acclaimed early settlement program for prisoner civil rights cases serving California prisoners housed at Pelican Bay State Prison and, later, all state prisons in the Northern District and some in the Eastern District of California. He has taught criminal justice courses at the Police Academy at College of the Redwoods and has served on the Magistrate Judges' Advisory Group to the Judicial Conference of the United States. Judge Vadas currently serves on the Pro Se Litigation Committee of the Ninth Circuit Court of Appeals and on this Court's judicial committees on Technology, Security and Community Outreach.

All new civil and criminal actions arising in the counties of Del Norte, Lake, Humboldt and Mendocino are assigned directly to Judge Vadas, subject to consent under 28 USC § 636(c)(1). For the convenience of parties in the Bay Area, Judge Vadas often holds proceedings by video-conference and in the San Francisco courthouse as well as in Eureka.

If you have additional questions about magistrate judge jurisdiction, please contact the Clerk's Office:

Phone: 415-522-2045

Fax: 415-522-2176

This brochure is available on the Court's website: cand.uscourts.gov.

Print copies are available at all of the Court's four courthouses.

The magistrate judge portraits in this brochure were taken by Roslyn Banish.

The courthouse photos were taken by court staff members.

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