

Navigating California's new opt-out magistrate judge program

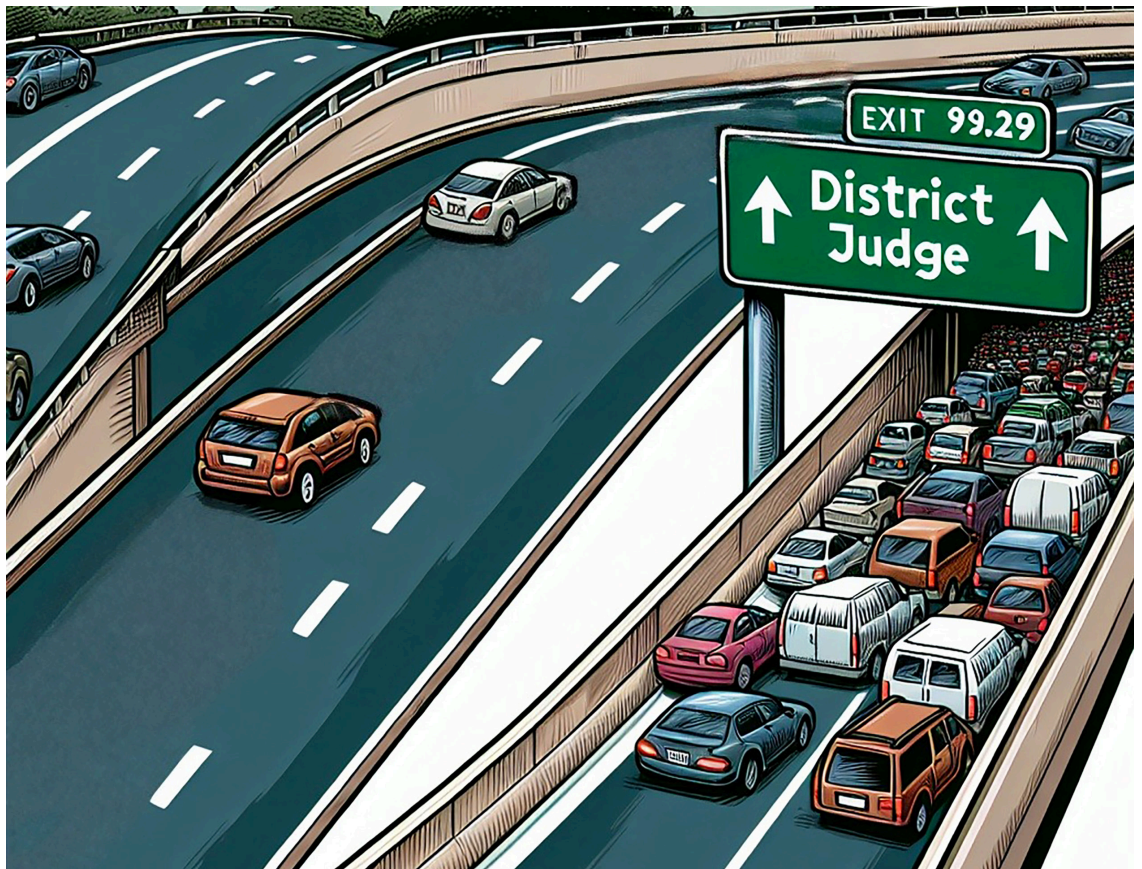
The Central District of California's new opt-out program gives attorneys a short amount of time to decide between district and magistrate judges — a choice that could dramatically impact case timelines and outcomes.

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The Central District of California's Opt-Out Civil Consent to Magistrate Judge Program became effective on Dec. 1, 2024. Under this opt-out program, a case may be randomly selected and directly assigned to a magistrate judge for all purposes, unless a party opts out by a certain deadline.

Previously, the Central District had an opt-in program, where the court set a deadline for the parties to consent to an assigned magistrate judge. Under the previous opt-in program, if the parties did not consent by the deadline, then the case was randomly assigned to a district judge for trial and pre-trial purposes and a magistrate judge for discovery purposes.

Under the current opt-out program, parties have 14 days from the service of the complaint, or seven days for a notice of removal, to decline consent to the assigned magistrate judge. To do so, a party must email an opt-out form to optout_consent@cacd.uscourts.gov. See The Central District of California Will Launch Opt-Out Civil Consent to Magistrate Judges Program on Dec. 1, 2024, (last visited March 13, 2025). Notably, every party is given the opportunity to opt-out and decline consent to the Magistrate Judge. Opt-out programs have been upheld by the 9th Circuit in *Washington v. Kijakazi*, 72 F.4th 1029, 1037 (9th Cir. 2023).



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Three considerations parties and clients should make when consenting to a magistrate judge in the Central District of California

1. Time. District judges have calendar congestion due to a heavy civil and criminal docket. In contrast, magistrate judges have fewer civil cases, which includes their discovery, social security, prisoner civil rights, and habeas corpus dockets. Additionally, district judges give crim-

inal trials priority due to certain constitutional protections for criminal defendants. Therefore, your civil trial, which has been scheduled for over a year in advance, can potentially be rescheduled with short notice in order to accommodate a criminal trial. This can be extremely costly and inconvenient for your clients, for example, if you have corporate officers traveling and appearing as witnesses for the trial. Criminal trials are not within magistrate judges' re-

sponsibilities, so they can give consenting parties priority to schedule a trial, and the trial is likely to go forward on the scheduled timeline.

2. Flexibility. Magistrate judges have more flexibility to meet with parties and hear your ideas in scheduling conferences. Therefore, if certain individualized changes to the litigation schedule makes sense in a case and the parties agree, then the parties have flexibility to adjust

the course of their case according to their litigation strategies. For instance, if it makes sense in your case to either schedule trial early or schedule trial far out, Magistrate judges may be more amenable to adjusting a litigation schedule because of the flexibility in their own calendars.

3. Control. When consenting to a magistrate judge, parties have more control over not only the overall schedule of the case, but also over the substantive issues involved. The parties are able to lay out complicated issues more extensively for the magistrate judges who can then provide more individualized attention and case management due to their bandwidth. On the same note, if a party knows a case will be appealed based on a dispositive issue, it may make

sense to consent to a magistrate judge. Doing so will save a significant amount of time and money for clients because parties are able to streamline the case by working with the magistrate judge. Rather than litigating the case in district court and awaiting each deadline, hearing, or ruling, parties may be able to obtain a ruling from the magistrate judge more quickly and efficiently. Consequently, parties can control their litigation schedules and strategies by consenting to a magistrate judge.

Conclusion

Next time you get a notice of assignment under the Central District of California's opt-out program, evaluate your case accordingly to determine if it is the best option for your litigation strategy and your client.

Most importantly, ensure that you are certain in your decision to consent to a magistrate judge. Once both parties consent, there is no going back if you want a district judge later on in the litigation.

This article is written by attorneys who practice within the Central District of California. It is an interpretation of the opt-out program based on their own opinions and experiences, and not on behalf of the court.

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