

Testimony of

# **The Honorable William H. Steele**

U.S. District Judge for the Southern District of Alabama

November 16, 2005

William H. Steele

Federal Judicial Service: United States District Judge, Southern District of Alabama, 2003 - Present.

United States Magistrate Judge, Southern District of Alabama, 1990 - 2003.

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Thank you for this opportunity to address the committee on the topic of the utilization of magistrate judges, and more specifically on the utilization of magistrate judges in the Southern District of Alabama. By way of background, I served as a Magistrate Judge in the Southern District of Alabama from 1990 until 2003. In 2003, I was appointed and began serving as a United States District Judge; consequently, I have witnessed the benefits of the magistrate judges' system both from a supporting role and in a supported role.

The Southern District of Alabama is considered to be a pioneer district in the full utilization of magistrate judges. This was an evolution that resulted from a set of unique circumstances which occurred in our district over a period of several years. During the mid to late 90's, the Southern District was authorized and had serving three district judges. Historically, the Southern District is a busy district, and given its proximity to the drug corridors of South Texas, South Florida, and the Gulf of Mexico, it is a district which has handled a significant number of drug cases. Because criminal cases generally take priority over civil cases, and because of the Speedy Trial Act, it was necessary to move these criminal cases through the system as quickly as possible.

As a result of a number of factors affecting our district judges including ill health, retirement, senior status, and the delay in replacing these judges, over time, the number of district judges in Southern District of Alabama diminished from three active judges to one active judge. That judge was then responsible for managing most, if not all, of the total criminal case load in addition to his own civil case load. As a result of these conditions and factors, the Court began looking for ways to efficiently manage the civil and criminal dockets so as to avoid any substantial backlog and delay in the efficient administration of justice. For our district, the logical place to turn was to the magistrate judges.

At the time of our crisis, the magistrate judges in the Southern District of Alabama were already serving in their traditional roles. By traditional roles, I mean that these judges were handling all of the § 1983 prison litigation (conditions of confinement) on report and recommendation, all of the § 2254 habeas cases on report and recommendation, all of the social security appeals on report and recommendation, all of the preliminary criminal matters (arraignments, initial appearances, detention hearings, pretrial conferences, and discovery motions), all of the central violations bureau cases (hunting and game violations, petty offenses, and assimilated crimes act offenses), and all preliminary civil matters (discovery motions and the entry of scheduling orders). In order to relieve the district judges so that they could manage the criminal docket and

as much of the civil docket as possible, the magistrate judges were asked to take on additional responsibilities which included handling a significant number of civil pretrial conferences, a substantial number civil case settlement conferences, jury selection in almost all of the criminal and civil jury trial cases, and an automatic assignment of a significant part of the civil docket. In addition, a small number of civil dispositive motions (summary judgment, and motions to dismiss), were referred to the magistrate judges for entry of a report and recommendation, and, on a few occasions, the magistrate judges were called upon to take guilty pleas.

Pursuant to 28 U.S.C. § 636(c), magistrate judges are authorized, with the consent of the parties, to exercise jurisdiction over all proceedings in jury or non-jury civil matters, and may order the entry of judgment in a "consent" case. In an effort to relieve the district judges (and ultimately the one district judge) in our district, our court implemented a system wherein 25 percent of the total civil docket was automatically assigned to the magistrate judges. With the consent of the parties, a number of these cases were retained and disposed of by the magistrate judges, thus reducing the total civil case load of the district judge.

As a result of this expanded utilization of magistrate judges, our court was able to weather the storm and to efficiently and effectively administer justice in the Southern District of Alabama.