

THE JUDICIAL COUNCIL OF THE FIFTH CIRCUIT

In Re: Guidelines for the Trial of civil cases by a Part-Time Magistrate
Upon the Unavailability of a Full-Time Magistrate

Before: CLARK, Chief Judge, GEE, REAVLEY, POLITZ, KING, JOHNSON, WILLIAMS,
GARWOOD, JOLLY, HIGGINBOTHAM, DAVIS, JONES, SMITH, DUHE, ARCENEUX,
PARKER, SHAW, DAVIDSON, BARBOUR, ROBINSON, DEANDA, JUSTICE, and
HUDSPETH.

O R D E R

ORDER NO. 90-7

The chief judge of a district court may certify that a full-time magistrate is not reasonably available to conduct proceedings in a jury or non-jury civil case under the provisions of 28 U.S.C. S 636(c) where:

- I. (a) No full-time magistrate is stationed at or within a reasonable distance from a place designated for holding court within the district;
- (b) illness or physical disability renders every such magistrate unavailable; or
- (c) the status of the calendar of every such magistrate will not permit consenting parties to try civil cases within two months after entry of a final pretrial order.

II. A part-time magistrate is stationed at that place and is available to try civil cases without undue interference with the magistrate's other duties and no actual conflict of interest or appearance of impropriety will occur due to the magistrate's practice of law.

UNITED STATES DISTRICT
SOUTHERN DISTRICT OF TEXAS

ENTERED

FEB 27 1990

Jesse E. Cline, **Clerk**
By Deputy;

FOR THE COUNCIL:

DATED:

LYDIA G. COMBERREL
Secretary to the Council

February 22, 1990