

Two United States Magistrate Judge Vacancies Currently Posted in the Eastern District of Missouri – Still Time to Consider Applying

By Hon. Rodney W. Sippel, Chief Judge

The U.S. District Court for the Eastern District of Missouri currently has two Judicial vacancies posted, one to succeed U.S. Magistrate Judge Nannette A. Baker and the other to succeed U.S. Magistrate Judge David D. Noce. Judge Baker is retiring in February 2023 and Judge Noce is retiring in May 2023. Applications will be received until May 2, 2022, and I encourage you to apply.

Many attorneys, even those who regularly practice in federal court, do not fully understand the role of a magistrate judge. Magistrate Judges with few exceptions have the same judicial authority as a district judge. The selection process is outlined below to encourage all qualified persons to apply for this vacancy.

In 1990, Congress changed the title of this office from “United States Magistrate” to “United States Magistrate Judge” to emphasize that the position is a judgeship. The term of office is eight years, but the judge can be reappointed upon satisfactory performance.

Magistrate judges have authority to handle a wide range of both criminal and civil matters which come before the federal court. However, it is up to each district to determine the scope of duties of a magistrate judge within that district. Because of the heavy caseload in the Eastern District of Missouri, this district has given broad authority to magistrate judges. This Court’s magistrate judges are assigned cases from the regular civil docket with full authority to handle the entire case from start to finish by consent of the parties. This full participation in the Court’s civil docket makes the work of our magistrate judges more diverse and rewarding.

In addition to a civil docket, for criminal cases, magistrate judges conduct initial appearances, arraignments, detention hearings, discovery hearings, competency proceedings, probable cause hearings, and preliminary revocation hearings. Magistrate judges also often conduct evidentiary hearings on motions to suppress and other potentially dispositive criminal motions, resulting in a report and recommendation concerning disposition to the district judge. Magistrate judges issue search and arrest warrants, conduct misdemeanor trials, and sentence misdemeanor defendants.

A magistrate judge spends a significant amount of time in court on criminal and civil proceedings. A magistrate judge's time is fairly evenly split between criminal and civil cases.

Magistrate and district judges have independence in organizing their chambers, establishing their calendar and in their decision-making. Magistrate judges on this Court participate fully in the Court's internal judge governance meetings and committees, participating in these matters alongside district judges. There is a high level of collegiality and cooperation among district judges, senior district judges, and magistrate judges on our Court.

Each magistrate judge employs two staff persons in chambers, either a judicial assistant and a law clerk or two law clerks at the judge's discretion. In addition, the clerk's office assigns a primary case management team, to provide full case management support to the magistrate judge for cases assigned to them.

Because of the tremendous variety of issues and cases, the work of a federal judge is never boring. The position of magistrate judge combines the ability to do scholarly opinion writing with the need to be practical and to act quickly and decisively.

The process for selection of magistrate judges is governed by 28 U.S.C. § 631, et seq. Chapter 1 of the Regulations of the Judicial Conference establishes standards and procedures for the appointment of U.S. magistrate judges. Among other requirements, magistrate judges must be at least five-year members in good standing of a Bar of the highest court of a state and not related by blood or marriage to a judge of the appointing court. The court appoints a merit selection panel (similar to a judicial nominating commission) to receive and review applications.

Although the applicable Judicial Conference regulations do not specify exactly how the merit selection panel is to proceed, traditionally the panel, relying upon the lengthy written application submitted by each applicant, will select applicants for a personal interview with the panel. The panel will then recommend to the Court a final group of applicants whom the panel deems to be best qualified. Those finalists will then be interviewed by the district judges sitting en banc. The district judges make the final selection of the nominee.

The nominee will be required to undergo an FBI background check and an IRS check. The FBI background check is comprehensive, entailing both written questions and a personal interview with the nominee and others who know the

nominee personally and professionally. The information sought in the FBI background check is similar to the information all attorneys provided to The Missouri Bar as part of their background check before becoming Missouri lawyers. Upon receipt of the FBI background check the Judges of the Court will make a final suitability determination as to whether the person is qualified to be named as a magistrate judge.

A publication by the Administrative Office of the United States Courts, entitled “The Selection, Appointment, and Reappointment of United States Magistrate Judges,” [available here](#), lists certain criteria such as personal characteristics, legal skills and professional background that may be considered in evaluating applicants. Scholarship, type of law practice and knowledge of the federal court system are important considerations.

The pamphlet reminds panel members that “during their deliberations, the members should bear in mind the judicial nature of the office of United States Magistrate Judge” and “bear in mind that the essential roles of a magistrate judge are to dispense justice and to assist the judges of the district courts in disposing of the court’s caseload effectively and efficiently.”

Magistrate judges perform an extremely important role in the administration of justice in the Eastern District of Missouri. I encourage all interested and qualified persons to seriously consider applying for these positions.

The deadline is May 2. The public notice and application are on the court’s website at www.moed.uscourts.gov.