

May 23, 2001

TO: ALL MEMBERS OF THE BAR OF THE
UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI

The appointment of the replacement for U.S. District Judge Neal B. Biggers, Jr. has taken longer than anticipated. For unexplained reasons, the number of civil filings in the District has increased substantially during the past year. As of May 1, 2001, there were 1,310 pending civil cases. Since Judge Biggers' change in status, on October 1, 2000, the number of civil cases assigned to Judge Allen Pepper and me has increased from approximately 350 civil cases to nearly 500 civil cases each. Senior Judges Senter and Biggers continue to take assignments of civil cases, but at a rate substantially less than that of the active Judges.

In order to ease the congestion of the civil docket we will institute the procedure that was utilized for one year subsequent to Judge Senter's taking senior status.

Each Magistrate Judge will be assigned 10% of the civil draw; this will constitute a combined 30% of the new civil assignments. The District Judges will continue to take approximately 70% of the newly-filed civil cases.

In the event your case is assigned to a Magistrate Judge, you will receive notice and will be furnished an affirmative consent form for that assignment. If you decide to withhold consent, the case will be returned to the Clerk for reassignment. Neither you nor your client will be penalized in any way if you opt out of proceeding before the Magistrate Judge. You, of course, may still consent to a trial by Magistrate Judge in cases originally assigned to a District Judge, as is the present procedure.

In implementing this procedure, it is important that you execute the consent form or return the case for reassignment at the earliest possible time. Some confusion results in the event neither of the foregoing has been accomplished prior to the filing of a dispositive motion.

We are fortunate in our District to have very well qualified and experienced Magistrate Judges. In reviewing our current docket, I feel that by consenting to trial before the Magistrate Judge that your cases will be resolved in a more timely manner. By taking this action we are simply trying to insure the prompt resolution of civil cases in this District.

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It is our intention to keep this practice in place at least until Judge Biggers' successor is appointed. If you have questions concerning this procedure please feel free to contact the Clerk of the Court.

Sincerely,

Glen H. Davidson
Chief Judge

GHD:jl