

UNITED STATES CODE SERVICE
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28 USCS § 633 (2004)

§ 633. Determination of number, locations, and salaries of magistrates [magistrate judges]

(a) Surveys by the Director.

(1) The Director shall, within one year immediately following the date of the enactment of the Federal Magistrates Act [enacted Oct. 17, 1968], make a careful survey of conditions in judicial districts to determine (A) the number of appointments of full-time magistrates [magistrate judges] and part-time magistrates [magistrate judges] required to be made under this chapter [28 USCS § § 631 et seq.] to provide for the expeditious and effective administration of justice, (B) the locations at which such officers shall serve, and (C) their respective salaries under section 634 of this title [28 USCS § 634]. Thereafter, the Director shall, from time to time, make such surveys, general or local, as the conference shall deem expedient.

(2) In the course of any survey, the Director shall take into account local conditions in each judicial district, including the areas and the populations to be served, the transportation and communications facilities available, the amount and distribution of business of the type expected to arise before officers appointed under this chapter [28 USCS § § 631 et seq.] (including such matters as may be assigned under section 636(b) of this chapter [28 USCS § 636(b)]), and any other material factors. The Director shall give consideration to suggestions from any interested parties, including district judges, United States commissioners or officers appointed under this chapter [28 USCS § § 631 et seq.], United States attorneys, bar associations, and other parties having relevant experience or information.

(3) The surveys shall be made with a view toward creating and maintaining a system of full-time United States magistrates [magistrate judges]. However, should the Director find, as a result of any such surveys, areas in which the employment of a full-time magistrate [magistrate judge] would not be feasible or desirable, he shall recommend the appointment of part-time United States magistrates [magistrate judges] in such numbers and at such locations as may be required to permit prompt and efficient issuance of process and to permit individuals charged with criminal offenses against the United States to be brought before a judicial officer of the United States promptly after arrest.

(b) Determination by the conference. Upon the completion of the initial surveys required by subsection (a) of this section, the Director shall report to the district courts, the councils, and the conference his recommendations concerning the number of full-time magistrates [magistrate judges] and part-time magistrates [magistrate judges], their respective locations, and the amount of their respective salaries under section 634 of this title [28 USCS § 634]. The district courts shall advise their respective councils, stating their recommendations and the reasons therefor; the councils shall advise the conference, stating their recommendations and the reasons therefor, and shall also report to the conference the recommendations of the district courts. The conference shall determine, in the light of the recommendations of the Director, the district courts, and the councils, the number of full-time United States magistrates [magistrate judges] and part-time United States magistrates [magistrate judges], the locations at which they shall serve, and their respective salaries. Such determinations shall take effect in each judicial district at such time as the district court for such judicial district shall determine, but in no event later than one year after they are promulgated.

(c) Changes in number, locations, and salaries. Except as otherwise provided in this chapter [28 USCS § § 631 et seq.], the conference may, from time to time, in the light of the recommendations of the Director, the district courts, and the councils, change the number, locations, and salaries of full-time and part time magistrates [magistrate judges], as the expeditious administration of justice may require.

HISTORY:

(June 25, 1948, ch 646, § 1, 62 Stat. 916; Aug. 13, 1954, ch 728, § 1(a), (b), 68 Stat. 704; Sept. 2, 1957, P.L. 85-276, § § 1, 2, 71 Stat. 600; Oct. 17, 1968, P.L. 90-578, Title I, § 101, 82 Stat. 1111; Oct. 10, 1979, P.L. 96-82, § 4, 93 Stat. 645; Nov. 14, 1986, P.L. 99-651, Title II, § 202(d), 100 Stat. 3648.)