

**PUBLIC NOTICE**  
**APPOINTMENT OF UNITED STATES MAGISTRATE JUDGE**  
**GAINESVILLE, GEORGIA**

The United States District Court for the Northern District of Georgia is accepting applications for a new magistrate judge to succeed retiring Magistrate Judge J. Clay Fuller in Gainesville, Georgia, beginning April 1, 2025. The essential function of courts is to dispense justice. An important component of this function is the creation and maintenance of diversity in the court system. A community's belief that a court dispenses justice is heightened when the court reflects the community's diversity.

The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636. The duties of the magistrate judge position are demanding and wide-ranging:

**Civil Actions**

Magistrate judges are responsible for pretrial matters and submitting reports and recommendations<sup>1</sup> to district judges in the following categories of civil cases:

1. Employment discrimination;
2. Social Security Act - review administrative decisions on appeal;
3. Fair Credit Reporting Act;
4. Fair Debt Collection Practices Act;
5. Non-death penalty habeas corpus petitions;
6. Prisoner actions;
7. Residential real property foreclosure, eviction, or dispossessory actions;
8. Petitions to proceed *in forma pauperis* (without payment of court costs) – review of financial qualifications;
9. Truth-in-Lending Act; and
10. Miscellaneous actions relating to subpoenas and other discrete discovery matters.

Magistrate judges are also able to handle the entire civil case (in any category) if the parties consent.

The court has a program where parties can have a magistrate judge mediate any case pending in the court without charge. The magistrate judges are frequently called upon to mediate cases with a high degree of success.

The district judges also have the authority to refer any discovery matter to a magistrate judge.

**Criminal Actions**

In criminal cases, the magistrate judges generally handle the following tasks:

1. Administering the court's Criminal Justice Act Plan by appointing attorneys and authorizing/reviewing attorney costs in cases where defendants cannot afford lawyers;

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<sup>1</sup> A report and recommendation is similar to a district judge order and can be quite lengthy and complicated. Good legal writing skills are essential. This category of duties comprises the largest part of a magistrate judge's work on the court's civil caseload.

2. Handling criminal duty matters, including:
  - a. authorizing criminal complaints and issuing warrants;
  - b. conducting initial appearances and arraignments and setting bond and conditions of release; and
  - c. conducting trials and other proceedings involving misdemeanors and petty offenses.
  
3. Handling pretrial matters and hearings in criminal cases, including:
  - a. conducting pretrial conferences and overseeing and resolving disputed non-dispositive pretrial matters, including but not limited to subpoenas and protective orders; and
  - b. conducting hearings on motions to suppress, motions to dismiss charges, and motions regarding competency.

To be qualified for appointment, an applicant must:

1. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States and have been engaged in the active practice of law for a period of at least five years (with some substitutes authorized);
2. Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
3. Be less than seventy years old; and
4. Not be related to a judge of the district court.

A merit selection panel composed of attorneys and other members of the community will review all applications and recommend to the district judges in confidence the persons it considers best qualified. The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. The individual selected must comply with the financial disclosure requirements of the Ethics in Government Act of 1978, Pub. L. No. 95-521, 90 Stat. 1824 (1978) (codified at 5 U.S.C. app. 4 §§ 101-111) as implemented by the Judicial Conference of the United States. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability. The current annual salary of the position is \$222,836. The term of office is eight years.

The application form is available on the court's website at:

[https://www.gand.uscourts.gov/sites/gand/files/202305MJ\\_Application.pdf](https://www.gand.uscourts.gov/sites/gand/files/202305MJ_Application.pdf)

Please note that the form has changed from prior years. Be sure to use the current form available from the court. The form also is available through the court's Human Resources Office, Room 2013 (20<sup>th</sup> Floor), U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303. Applications must be submitted only by applicants personally and must be received by 4:45 PM on Thursday October 31, 2024.

The application will be kept confidential and examined only by members of the selection panel, authorized court staff, and judges of the Northern District of Georgia, unless the applicant is selected for an interview with the panel, in which case the panel will contact references and other individuals listed on the application. The panel's deliberations will remain confidential.