



## NOTICE TO THE BAR

### PROTOCOL FOR SOCIAL SECURITY PILOT PROJECT

A significant number of cases seeking review of the Commissioner of Social Security's decision denying an application for benefits ("SSA appeals") are filed in this District. The Court and United States Attorney's Office for the District of New Jersey ("United States") share an interest in facilitating the efficient resolution of such appeals. To that end, the Court has initiated a pilot project for the assignment of SSA appeals ("Social Security Pilot Project") and the United States has agreed to participate in this Pilot Project. The objective and protocol for the Social Security Pilot Project are as follows:

1. **Objective.** It is the intent of this Court to facilitate the resolution of SSA appeals by establishing "Magistrate Judge jurisdiction," as herein described, through the voluntary consent of the parties. Magistrate Judge jurisdiction will be established through the assignment of SSA appeals, pursuant to 28 U.S.C. §636, to the Court's Recalled U.S. Magistrate Judges, with appeals from the Recalled Magistrate Judge's rulings being directly to the United States Court of Appeals for the Third Circuit.

The public, the parties and the Court will be well-served by assigning appropriate SSA appeals to the Recalled Magistrate Judges. This Court is mindful that such assignment should be made in a case only if all parties knowingly and voluntarily consent to the assignment. All procedures adopted for this Pilot Project will be interpreted and applied in a manner consistent with this limitation.

2. **Protocol.** The following protocol applies to all pending cases in which plaintiff seeks review, pursuant to 42 U.S.C. §405(g), of a decision by the Commissioner of Social Security.
  - a) Beginning on April 2, 2018, or shortly thereafter, all SSA appeals will be assigned to the Chief Judge. The Chief Judge may direct reassignment of SSA appeals as needed to assure the objective of this Pilot Project.
  - b) The United States has indicated its "general" consent to Magistrate Judge jurisdiction in cases of this nature, subject to reserved rights to withdraw the consent in a given case and to withdraw general consent.
  - c) The plaintiff in an SSA appeal may indicate his/her consent to Magistrate Judge jurisdiction by signing and filing a consent form issued by the Clerk of the Court. Beginning on April 2, 2018, or shortly thereafter, the Clerk will issue consent forms to all plaintiffs via email or ordinary mail. Notice of the

Clerk's issuance of a consent form to a plaintiff will be given simultaneously to the United States by Notice of Electronic filing ("NEF").

- d) The plaintiff will be deemed to have timely consented to Magistrate Judge jurisdiction if he/she voluntarily signs the consent form and the executed form is electronically filed by plaintiff's counsel or returned via ordinary mail by the plaintiff to the Clerk within thirty (30) days of its issuance.
- e) The United States will be deemed to have timely withdrawn consent to Magistrate Judge jurisdiction in a particular case if it does so within the thirty (30) day period given to the plaintiff to timely consent, as described in subsection (d).
- f) If the plaintiff timely consents to Magistrate Judge jurisdiction, and if the United States does not timely withdraw consent, the case will be deemed reassigned by the Chief Judge to a Recalled Magistrate Judge without the necessity of an Order of Reference, and the Recalled Magistrate Judge's ruling will be appealable directly to the Third Circuit Court of Appeals.
- g) If the plaintiff does not timely consent to Magistrate Judge jurisdiction, or if the United States timely withdraws consent, the SSA appeal will likewise be referred by the Chief Judge to a Recalled Magistrate Judge. However, the Recalled Magistrate Judge will prepare a Report and Recommendation, which may be reviewed de novo by a district judge, rather than being directly appealable to the Third Circuit Court of Appeals.
- h) The Clerk of Court will post this Notice and the enabling Standing Order 18-2 on the Court's website, and distribute copies as the Clerk deems appropriate.

**WILLIAM T. WALSH, CLERK**

March 27, 2018