

**INFORMATION AND APPLICATION MATERIALS
FOR
UNITED STATES MAGISTRATE JUDGE APPLICANTS**

This package provides information on applying for the position of a United States Magistrate Judge within the United States District Court, Eastern District of California. The materials in this packet are:

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Information for Applicants

A. LOCATION OF JUDGESHIPS AND APPLICATION DEADLINE

Applications for the office of United States Magistrate Judge in the Eastern District of California are now invited. Applications must be addressed to the Clerk of Court in **Sacramento and must be received no later than October 27, 2003.**

B. MAGISTRATE JUDGE'S RESPONSIBILITIES/QUALIFICATIONS

To meet the minimum qualifications for appointment, applicants:

- (1) Must be members in good standing of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands of the United States.
- (2) Must have been engaged in the active practice of law for a period of at least five years. The court may consider as substitute experience for the active practice of law the following, including any combination thereof:
 - (a) Judge of a state court of record or other state judicial officer
 - (b) United States Magistrate Judge
 - (c) Referee in Bankruptcy
 - (d) Bankruptcy Judge, or other federal judicial officer
 - (e) Attorney for federal or state agencies
 - (f) Law clerk to any judge or judicial officer (limited to two years)
 - (g) Other legal experience which is suitable as a substitute in the opinion of the majority of the court.
- (3) Must be competent to perform the duties of the office, of good moral character, emotionally stable and mature, committed to equal justice under the law, in good health, patient, courteous, and capable of deliberation and decisiveness when required to act on their own reason and judgment.
- (4) If appointed to serve in a national park, must reside within the boundaries of the park or at some place reasonably adjacent.

(5) At the time of initial appointment, must not be related by blood or marriage to a judge of the District to which the Magistrate Judge is being appointed, within the degrees specified in § 455 (b)(5) of Title 28, United States Code.

(6) In the case of an initial appointment, must not be seventy years of age or older.

[The appointment of a magistrate judge terminates when the magistrate judge reaches age 70, however, there are special requirements under § 631(d) of Title 28 that permit a magistrate judge to continue to serve and to be reappointed. At the time a magistrate judge reaches 70 years of age and on each subsequent anniversary, the magistrate judge may be reappointed for another one year term after a majority vote of all the judges of the appointing court or courts.]

(7) Must be a citizen of the United States.

C. JUDGESHIP AVAILABILITY/TERM OF APPOINTMENT

The Merit Selection Panel is searching for the best-qualified individuals currently available for appointment to an eight-year term for the United States District Court, Eastern District of California within the Ninth Circuit. The location of the court where the successful applicant will sit is Yosemite National Park, California. **Note: Relocation expenses will not be paid.**

D. MAGISTRATE JUDGE SALARY

The current annual salary is \$142,324.00. Magistrate judge salaries are set by Congress. Periodically, Congress adjusts salaries based on cost of living increases.

E. MAGISTRATE JUDGE JURISDICTION

The basic jurisdiction of a magistrate judge is specified in 28 U.S.C. § 636 and in Title 11, United States Code.

F. SELECTION PROCESS

Each district court within the Ninth Circuit uses a competitive open-selection merit process in making appointments for the office of a magistrate judge. It is often a highly complicated and time-consuming procedure. Applicants should expect the entire

process to require four to twelve months. A merit selection panel composed of a chair and at least

six other members evaluates all applications and conducts interviews of those applicants the panel deems to be most qualified. The panel prepares a report of its recruitment and recommends for final consideration by the district court the names of five or fewer candidates the panel evaluates to be most qualified. The final selection is made by majority vote of the active judges of the district court. In cases of failure by the judges of the district court to make a majority selection, the chief judge shall make the determination.

Following the selection, a thorough background check is undertaken by the Federal Bureau of Investigation and a report is submitted by the Internal Revenue Service. Final appointment is contingent upon satisfactory reports by these agencies.

Applicants may be required to have a physical examination at the applicant's expense.

G. SUGGESTIONS FOR COMPLETING AN APPLICATION

- (1) All applications **must be typed**. You may use a word processor if you wish, but you **must** follow the application format set forth in the attached form.
- (2) The application form is also available on computer disk. A disk may be obtained by contacting the Office of the Clerk of Court. The disk provided is formatted for WordPerfect.
- (3) Answer **all** questions as thoroughly as possible. If a question or section is not applicable, please so state and, unless obvious, state why it is inapplicable. Incomplete applications **will not** be processed.
- (4) Respond fully to each question. If there is insufficient space for your response on the application itself, use a separate attachment sheet. Any attachment sheets should be appended to the application and inserted where appropriate in the application papers. Mark the appended sheets with a letter designation keyed to the page which it supplements (e.g., pg. 4A, 4B).
- (5) Complete and sign the application.
- (6) You are required to **SUBMIT THE ORIGINAL AND SEVEN (7) COPIES** of this application and any attachments. All materials should be 3-hole punched, and stapled or secured together.
- (7) **ANY SUPPORTING DOCUMENTS (OPTIONAL) MUST ACCOMPANY THE**

COMPLETED APPLICATION. Eight (8) copies of each supporting document must be included in order to be considered.

- (8) Applicants should **complete and return ONLY the application form and any supporting documents**; they should retain the informational pages of the application materials for their own records.

H. RETURN OF APPLICATIONS

All completed applications must be **received by October 27, 2003**, at the following address:

United States District Court
Eastern District of California
501 "I" Street, Suite 4-200
Sacramento, CA 95814
Attention: Jack L. Wagner, Clerk of Court

THE UNITED STATES COURTS IS AN EQUAL OPPORTUNITY EMPLOYER

Note: If an applicant believes that he or she is the recipient of discriminatory treatment, or if an applicant has a complaint about any other aspect of the merit selection process, such complaint should be addressed to:

Jack L. Wagner, Clerk of Court

A copy of the complaint should also be sent to:

Greg Santee, Employment Dispute Resolution Coordinator

**UNITED STATES MAGISTRATE JUDGE
APPLICATION FORM**

Type or legibly print your answers. If a question is not applicable, indicate this by marking "N/A." Return completed form to Clerk of Court

A. GENERAL

1. Full name: _____
2. All other names by which you have been known: _____

3. Office address: _____
City _____ State _____ Zip _____
4. Residential address: _____
City _____ State _____ Zip _____

Telephone: _____
5. Place of birth: _____

Date of birth: _____
6. Length of residence in state: _____
7. If you are a naturalized citizen, state the date and place of naturalization.

8. Military service:
Branch _____ Dates _____
Rank or Rate at Discharge _____ Type of Discharge _____ If
still a reserve or national guard member, give service, branch, unit, and present rank

9. Are you related by blood or marriage to any judges of this court?
Yes _____ No _____
If yes, give name(s) and relationship _____

B. HEALTH

10. What is the present state of your health? _____
11. Do you have any disability, serious illness or condition that would prevent you from performing the essential functions of the position of magistrate judge? _____

C. EDUCATION

12. Colleges and universities attended, dates, and degrees:

13. Continuing legal education courses completed within the last 10 years:

D. HONORS

14. Were you a member of law review? Yes ____ No ____
If yes, describe role: _____

15. If you have published any legal books or articles, list them, giving citation and dates: __

16. List any honors, prizes, or awards you have received: _____

E. PROFESSIONAL ADMISSIONS

17. List all courts (including state bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case:
Court or Administrative Body _____
Date of Admission _____
Court or Administrative Body _____

Date of Admission _____
Court or Administrative Body _____
Date of Admission _____

F. LAW PRACTICE

18. State the names, addresses, and dates of employment for all law firms with which you have been associated in practice, all government agencies, and all private business organizations in which you have been employed. Also provide all dates during which you have practiced as a sole practitioner.

Organization	Address	Position	Dates
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

19. Describe the general nature of your current practice including any legal specialties and character of your typical clients; also, if your practice is substantially different now than previously, give details of prior practice.

20. a) Do you appear regularly in court? Yes ____ No ____
b) What percentage of your appearances in the last five years were in:
- 1. Federal courts _____%
 - 2. State or local courts of record _____%
 - 3. Administrative bodies _____%
 - 4. Other _____%

21. During the past five years, what percentage of your practice has been trial practice?
_____%

22. How frequently have you appeared in court?
_____ times per month.

23. How frequently have you appeared at administrative hearings?
_____ times per month.

24. What percentage of your practice involving litigation has been:

Civil _____ %
Criminal _____ %
Other: _____ %
_____ %
_____ %
_____ %
_____ %

25. State the number of cases you have tried to conclusion in courts of record during the past five years, indicating whether you were sole, associate, or chief counsel. Give citations of any reported cases. _____

26. Summarize your courtroom experience for the past five years.

27. State the names and addresses of adversary counsel against whom you have litigated your primary cases over the past years:

G. PUBLIC OFFICE

28. Have you ever run for, or held, public office? Yes _____ No _____
If yes, give details. _____

H. PRIOR JUDICIAL EXPERIENCE

29. a) Have you ever held judicial office or been a candidate for judicial office? If so, state the courts involved and the dates of service, or dates of candidacy.

b) If you have held judicial office, state the names and addresses of counsel who have appeared before you who would be knowledgeable of your work, temperament, and abilities. _____

c) Prior quasi-judicial service:

Name of Agency _____

Position held _____

Hearings on what types of issues _____

Number of cases adjudicated _____

Dates of service _____

I. BUSINESS INVOLVEMENT

30. a) If you are now an officer, director, or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature, the nature of your duties, and whether you intend to resign such position immediately upon your appointment to judicial office. _____

b) Since being admitted to the Bar, have you ever engaged in any occupation, business, or profession other than the practice of law? Yes ___ No ___ If yes, give the details, including dates. _____

c) During the past five years have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind? Yes ___ No ___ If yes, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, and the dates such compensation was paid. _____

31. a) Have you ever been arrested, charged, or convicted for violation of any federal law, state, law, county or municipal law, regulation, or ordinance? Yes ____ No ____
If yes, give details. (Do not include traffic violations for which a fine of \$200 or less was imposed unless it also included a jail sentence.)

b) Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute? Yes ____ No ____ If yes, give particulars

32. a) Have you ever been sued by a client? Yes ____ No ____ If yes, give particulars.

b) Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? Yes ____ No ____ If yes, give particulars, including the amounts involved. _____

33. Have you ever been charged in any civil or criminal proceedings with conduct alleged to involve moral turpitude, dishonesty, or unethical conduct?
Yes ____ No ____ If yes, give particulars. _____

34. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group?

Yes ____ No ____ If yes, give particulars _____

35. Have you filed appropriate tax returns as required by federal, state, local, and other government authorities? Yes ____ No ____ If no, explain _____

36. Have any liens or claims ever been instituted against you by the federal, state or local authorities? Yes ___ No ___ If yes, explain _____

J. PROFESSIONAL AND OTHER ACTIVITIES

37. a) List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office you have held in such groups, and committees to which you belonged. _____

b) List all organizations and clubs, other than bar associations and professional societies identified in response to question 37a), of which you have been a member during the past ten years, including the titles and dates of any offices you have held in each such organization. _____

K. SUPPLEMENTAL INFORMATION

38. State any achievements or actions you have accomplished, demonstrating your commitment to equal justice under the law. _____

39. State any additional education or other experiences you believe would assist you in holding judicial office. _____

40. State any other pertinent information reflecting positively or adversely on you which you believe should be disclosed to the district court and the selection panel in connection with your possible nomination as United States magistrate judge. _____

41. a) List three individuals as references who are familiar with your abilities.
Name _____
Address _____
Telephone _____
Name _____
Address _____
Telephone _____
Name _____
Address _____
Telephone _____

b) List three individuals as references who are familiar with your personal character.
Name _____
Address _____
Telephone _____
Name _____
Address _____
Telephone _____
Name _____
Address _____
Telephone _____

L. CONFIDENTIALITY STATEMENT

This form will be kept confidential and will be examined only by members of the merit selection panel and the judges of the district court. The individuals whom you have listed as references above may be contacted by the panel, but no other employers, colleagues, or other individuals will be contacted without your prior approval.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Date _____

Signature of Candidate _____