

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:

Information for Applicants

A.	Location of Judgeship and Application Deadline .....	i
B.	Magistrate Judge's Responsibilities/Qualifications for Appointment .....	i
C.	Judgeship Availability/Term of Appointment .....	ii
D.	Magistrate Judge Salary .....	ii
E.	Magistrate Judge Jurisdiction .....	ii
F.	Selection Process .....	ii
G.	Suggestions for Completing an Application .....	iii
H.	Return of Applications.....	iv

Application Materials

A.	General .....	1
B.	Health .....	2
C.	Education .....	2
D.	Honors .....	2
E.	Professional Admissions .....	3
F.	Law Practice .....	3
G.	Public Office .....	4
H.	Prior Judicial Experience.....	5
I.	Business Involvement .....	5
J.	Professional and Other Activities .....	7
K.	Supplemental Information .....	7
L.	Confidentiality Statement .....	8

Information for Applicants

**A. LOCATION OF JUDGESHIP AND APPLICATION DEADLINE**

Applications for the office of United States Magistrate Judge in the Eastern District of California located in Sacramento, California, are now invited. Applications must be addressed to Yelena Williams, Administrative Assistant to Victoria Minor, Clerk of Court, United States District Court, 501 I Street, Suite 4-200, **in Sacramento and must be received no later than 4:00 p.m. on August 26, 2009.**

**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.]

#### **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 Sacramento, California. **Note: Relocation expenses will not be paid.**

#### **D. MAGISTRATE JUDGE SALARY**

The current annual salary is \$160,080.00. 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 type-written**. 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 available on the court's website at "[www.caed.uscourts.gov](http://www.caed.uscourts.gov)" under the "News" link. The application may be downloaded in PDF format.
- (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 TEN (10) 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.** Eleven (11) 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 4:00 p.m. on August 26, 2009, at the following address:

Attn: Yelena Williams, Administrative Assistant to  
Victoria Minor, Clerk of Court  
United States District Court  
501 I Street, Suite 4-200  
Sacramento, CA 95814

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*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:*

Victoria Minor, Clerk of Court

*A copy of the complaint should also be sent to:*

Greg Santee, Employment Dispute Resolution Coordinator

at:

United States District Court  
501 I Street #4-200  
Sacramento, CA 95814

UNITED STATES MAGISTRATE JUDGE  
APPLICATION FORM

Your answers must be type-written. If a question is not applicable, indicate this by marking "N/A." Return completed form to the designated address in the instructions.

**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

Phone Number

5. Place of birth

Date of birth

6. Length of residence in state:

7. Country of citizenship:

8. Military service:

Branch  Dates From  To

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. a) Have you in the last 10 years (i) been hospitalized due to injury or serious mental or physical illness or drug or alcohol addiction, or (ii) been prevented from working or otherwise incapacitated for a period in excess of ten days due to injury or illness, drug or alcohol addiction? If so, give the particulars, including the causes, the dates, the places of confinement, and the present status of the conditions which caused the confinement or incapacitation.

- b) Do you have any visual or hearing impairment or other mental or physical impairment that would affect your ability to perform the duties of a magistrate judge? If so, please describe the impairment and how your impairment could be accommodated to allow you to perform the duties of a 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
			From <input type="text"/> To <input type="text"/>
			From <input type="text"/> To <input type="text"/>
			From <input type="text"/> To <input type="text"/>
			From <input type="text"/> To <input type="text"/>

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**

Have you ever run for, or held, public office?  Yes  No

28. 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 From  To

**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	<input type="text"/>
Address	<input type="text"/>
Telephone	<input type="text"/>
Name	<input type="text"/>
Address	<input type="text"/>
Telephone	<input type="text"/>
Name	<input type="text"/>
Address	<input type="text"/>
Telephone	<input type="text"/>

- b) List three individuals as references who are familiar with your personal character.

Name	<input type="text"/>
Address	<input type="text"/>
Telephone	<input type="text"/>
Name	<input type="text"/>
Address	<input type="text"/>
Telephone	<input type="text"/>
Name	<input type="text"/>
Address	<input type="text"/>
Telephone	<input type="text"/>

**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 \_\_\_\_\_