**INFORMATION AND APPLICATION MATERIALS**

**FOR**

**UNITED STATES MAGISTRATE JUDGE APPLICANTS**

**EUREKA**

This package provides information on applying for a United States Magistrate Judge for the United States District Court for the Northern 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 Northern District of California are now invited. Applications (original and **ten** copies) must be addressed to Richard W. Wieking, Clerk, U.S. District Court, 450 Golden Gate Avenue, P.O. Box 36060, San Francisco, CA 94102 and **must be received no later than April 17, 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, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, 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) Bankruptcy Judge, or other federal judicial officer

(d) Attorney for federal or state agencies

(e) Law clerk to any judge or judicial officer (limited to two years)

(f) Other legal experience which is suitable as a substitute in the opinion of the majority of the active district judges 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) 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 458 of Title 28, United States Code.

(5) In the case of an initial appointment, must not be seventy (70) 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 active judges of the appointing court or courts.

(6) 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 Northern District of California within the Ninth Circuit. The location of the court where the successful applicant will sit is Eureka, with occasional service in other divisions of the court. **Note: Reloca­tion expenses will not be paid.**

**D. MAGISTRATE JUDGE SALARY**

The current annual salary is $155,756. 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.

**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 4 to 12 months. A merit selection panel composed of a chair and at least six other members evaluates all applications and conducts interviews of those applications 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) Application forms and more information on the magistrate judge position may be obtained: 1) on the courts website at www.cand.uscourts.gov under Clerks Notices and 2) by mail by sending a request to Richard W. Wieking, Clerk, U.S. District Court, 450 Golden Gate Avenue, P.O. Box 36060, San Fran­cisco, CA 94102 with a self-addressed 9" x 12" envelope, affixed with $1.17 postage.

(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. 12A, 12B).

(5) **Complete and sign Authorizations and Waivers of the application.**

(6) You are required to **SUBMIT THE ORIGINAL AND TEN (10) COPIES** of this application and any supporting documents, applicable authorizations and waivers in order to be considered. All materials should be **stapled or secured** together.

(7) Applicants should **retain the informational pages** of the application materials for his/her own records.

**H. RETURN OF APPLICATIONS**

All completed applications, including applicable authorizations and waivers, must be signed personally by the applicant. The original documents and 10 copies must be **received** by **April 17, 2009** at the following address:

*Richard W. Wieking, Clerk*

*U.S. District Court*

*450 Golden Gate Avenue*

*P.O. Box 36060*

*San Francisco, CA 94102*

**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:*

Honorable Vaughn R. Walker

Chief United States District Judge

450 Golden Gate Avenue

P.O. Box 36060

San Francisco, CA 94102

**UNITED STATES MAGISTRATE JUDGE**

**APPLICATION FORM - EUREKA**

**A. PERSONAL/BIOGRAPHICAL**

1. Name:

2. Where to Contact: Home Business

3. Business Address:

4. Business Telephone: Business Fax:

5. Home Address:

6. Home Telephone: Home Fax:

7. Social Security Number:

8 Are you under age 70? yes no

9. Are you a citizen of the United States? yes no

**B. HEALTH INFORMATION**

1. What is the present state of your physical and mental health?

2. Do you have any physical or mental impairment which might prevent or limit the performance of the essential functions of the office of magistrate judge unless some accommodation were to be made? If yes, please explain. State name, address and telephone number of the physician(s) knowledgeable of such impairment.

3. Within the last 10 years have you suffered from, and/or been treated for, alcoholism or drug addiction? If yes, please explain. If you have received treatment, state the name, address and telephone number of the health care provider(s) knowledgeable of such treatment?

**C. PRESENT EMPLOYMENT/ AFFILIATION**

1. Name of employer, firm or agency:

2. Address:

3. Telephone:

4. Your title or position:

5. Your supervisor's (or managing partner's) name:

6. Your supervisor's title or position:

7. May we contact this person regarding your qualifications? Yes No

8. Dates of employment or affiliation:

9. Give a synopsis of this position including nature of practice and types of matters accounting for most of your time:

**D. PRIOR EMPLOYMENT/ AFFILIATIONS**

*(For this section, list your legal and non-legal work experience for the last fifteen years, excluding your current position. Explain any periods of unemployment more than 90 days, except those due to disability. Repeat this information for each position.)*

1. Employer, firm or agency:

2. Address & telephone number:

3. Supervisor or managing partner:

4. Position(s) you held (e.g., associate, partner):

5. Dates of employment:

6. Principal duties:

**E. DESCRIPTION OF LEGAL PRACTICE**

1. Estimate what percentages of your total time in legal work during the last five years concerned:

Federal civil law matters: %

Federal criminal law matters: %

State civil law matters: %

State criminal law matters: %

Other1: %

1 If a single aspect(s) of your legal work occupied more than 20%, please list it separately with the corresponding percentage, rather than in the "Other" category.

2. Summarize your litigation, trial experience and practice (e.g. administrative duties, alternate dispute resolution, teaching, supervising the legal work of others and firm management).

3. Provide the following information on three particularly significant cases in which you were involved.

Case name:

Court and case citation number (if any):

Presiding Judge:

Nature of case:

Your role in case:

Results of your activities in this case, and explain why this case was significant to

you:

Co-counsel(s) Name, Address & Telephone Number:

Opposing counsel(s) Name, Address & Telephone Number:

**F. PRIOR JUDICIAL OR QUASI-JUDICIAL EXPERIENCE**

*(Repeat this information for each judicial or quasi-judicial experience)*

1. Name of court/agency:

2. Period of service:

3. Judicial title:

4. Address and telephone number:

5. Name, address & telephone number of chief judge:

6. Describe the nature of your judicial duties (e.g. nature of cases, level of authority, criminal or civil, administrative, written or oral opinion, etc.):

7. Have you ever been required to respond to any complaints of judicial misconduct? If yes, explain fully.

**G. EDUCATION**

1. **Undergraduate**

For each undergraduate institution attended, list:

Name of institution:

Dates attended:

Degree(s) received and date(s) conferred:

Major field(s) of study:

2. **Law School**

For each law school attended, list:

Name of institution:

Dates attended:

Degree(s) received and date(s) conferred:

3. **Other Graduate Education Received**

Name of institution:

Course of study:

Degree received (if any) and date(s) conferred:

4. For all institutions listed above, describe any academic honors, awards, law review and other activities and achievements:

**H. STATE BAR AND COURT ADMISSIONS**

For all federal and state courts to which you have been admitted to practice list the following information:

1. State bar or court:

2. Registration number (if applicable):

3. Year admitted:

4. Current status (active/inactive):

**I. REFERENCES**

Please list four persons who are familiar with your professional qualifications and character. For each person list the following:

Name:

Title:

Organization name, address and telephone number:

Name:

Title:

Organization name, address and telephone number:

Name:

Title:

Organization name, address and telephone number:

Name:

Title:

Organization name, address and telephone number:

**J. ADDITIONAL QUESTIONS**

**Respond to each of the following inquiries where applicable. Indicate on attached sheets the items to which you are replying by showing the number of the question and by repeating the question. Indicate which questions, if any, are not applicable. Be sure that all attachments are included with the original and each of the ten copies of your application.**

1. List seminars and workshops you have attended or participated in as a speaker or panelist, the subjects of which are relevant to the duties of a magistrate judge in this district, in the last five years.

2. If you have ever taught or lectured at a law school or other educational institution, please state the school(s), date(s) and subject(s).

3. If you have written, individually or with others, any articles, treatises, texts or handbooks, provide as to each the complete citation including publisher, date, title and subject matter.

4. List any elective or appointive public offices you have ever held (other than judicial or quasi-judicial). Please indicate whether the position was full-time or part-time, its location, duties and the periods of service.

5. Have you ever been formally censured, reprimanded, adjudged or held in contempt, sanctioned or otherwise disciplined by any judge, court, agency or tribunal? Has your license to practice law ever been revoked? If so, describe the facts and circumstances fully.

6. Have you ever sued or been sued by a client? If so, state fully the facts and circumstances, the court and case number, and the disposition of the matter.

7. Have you ever been a party to any litigation. If so, state the court, case number, the nature of the case and the circumstances of your involvement.

8. To the best of your knowledge, are you in compliance with the tax laws of the federal government and the state, county and community of which you are a resident? If not, explain fully.

9. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, give particulars.

10. Have you ever been charged with or convicted of any criminal offense other than a minor traffic offense? If yes, explain fully.

11. Have you served in the military of the United States or of any other country? If yes, state the branch, dates of service, rank or position held, and type of discharge.

12. Have you performed any significant public service (e.g. Peace Corps)? If so, explain fully.

13. Do any clubs or private associations to which you now belong or of which you were previously a member, have a discrimination clause or do they bar membership on the basis of race, gender, religion, ethnicity or other status protected by anti-discrimination laws? If yes, explain.

14. State any other pertinent information reflecting positively or negatively on you which you believe should be disclosed to the district court and the merit selection panel in connection with your possible nomination as United States Magistrate Judge.

15. How have you demonstrated your commitment to equal justice under the law?

16. Provide a brief statement of why you are seeking the office of United States Magistrate Judge and why you feel that you are qualified for the office. Include any special professional, occupational or other experience you have had which you feel should be considered by the merit selection panel. Describe how your educational, legal, administrative and business experience have prepared you for this office.

1. CALIFORNIA STATE BAR REQUEST

All applicants **who are members of the State Bar of California** must submit a written request to the State Bar of California for a Certificate of Standing and mail the request, along with a check for $25 made payable to the State Bar of California, to: The State Bar of California, Member Services Center, 180 Howard Street, San Francisco, CA 94105. The applicants should **include their State Bar Number in the letter and request that the California State Bar mail their Certificate of Standing directly to the Clerk** of the court at the following address. The State Bar will mail your certificate within seven (7) working days of receipt of the request.

Richard W. Wieking, Clerk

U.S. District Court

450 Golden Gate Avenue

P.O. Box 36060

San Francisco, CA 94102

While your request to the Bar should be made as soon as possible, the Certificate of Standing need not be received by the Clerk before the application deadline (April 17).

AUTHORIZATIONS AND WAIVERS

1. **All applicants must complete, sign and return** the Medical Authorization and Waiver form (see page 11). An applicant who is selected for a Magistrate Judge position may be required to undergo a physical examination and complete a detailed medical history form. The examining physician may be selected by the Court. The applicant will be required to pay the cost of the physical examination. The Medical Authorization and Waiver form will enable the examining physician to contact other medical practitioners to obtain necessary information.

2. If applicable, photocopy and complete a copy of the Medical Authorization and Waiver form for each physician and/or professional counselor listed on question 2 in Section B. Please submit two signed copies for each health care provider listed.

3. **All applicants must complete, sign and return** the Professional Experience Inquiry Authorization and Waiver Form (see page 12). A **copy** of this form should be **attached to each of the ten copies** submitted of your application.

**M. APPLICATION VERIFICATION**

**I will submit to a physical and/or mental examination at my expense, if requested to do so.**

This application is being submitted by me personally and, if selected, I am willing to serve as a United States Magistrate Judge in the district where the vacancy occurs.

I swear or affirm under penalty of perjury that all statements made in connection with this application are true and correct.

Signature Date Signed

Executed in the County of in the State of

**U.S. District Court**

**Northern District of California**

**Magistrate Judge Application Form**

**Medical Authorization and Waiver**

Physician's name

Address

Street

City/State/Zip Code

( )

Phone

I hereby authorize any person designated by the District Court or the Merit Selection Panel to communicate orally (including by telephone) and/or in writing with the physician or counselor named above or identified elsewhere in my application with regard to my physical and mental condition and history, and any care, treatment and advice given me.

I hereby authorize and direct the physician or counselor named above or identified elsewhere in my application to communicate to such person orally (including by telephone) such information regarding my physical and mental condition, care, treatment and advice as may be sought by such person and to supply a written statement if requested by such person. For these purposes, I hereby waive any physician-patient privilege that may exist.

A copy of this authorization shall have the same effect as an original. This authorization shall be effective for six months from the date signed.

Name

Address

Street

City/State/Zip Code

( )

Phone

Signature Date

**U.S. District Court**

**Northern District of California**

**Magistrate Judge Application Form**

**Professional Experience Inquiry**

**Authorization and Waiver Form**

I hereby authorize present or former employers, contracting parties, partners, educators and administrators of the disciplinary and inquiry bodies of any court, bar or other association to disclose to the merit screening committee and the appropriate district court all information concerning my work history, qualifications and present professional status, and all complaints which have been made against me, together with the disposition thereof. I expressly waive whatever right I may have to confidentiality of the foregoing information.

I also hereby authorize the custodian of any records or information related to my application for magistrate judge to permit the examination or receipt of such records, whether written or oral, and/or information by anyone designated by the Merit Selection Panel.

Type Name Signature

Social Security Number Date Signed