

MEMORANDUM TO MAGISTRATE JUDGE APPLICANT

Magistrate Judge Applicant:

The complete application form for the Magistrate Judge position in San Diego, California is available on the Court's website at casd.uscourts.gov. The United States District Court for the Southern District of California has declared its desire to consider the appointment of a full-time United States Magistrate Judge, contingent upon a vacancy in the office which will be created when Magistrate Judge Nita L. Stormes retires in June 2019. The deadline for submission of applications is **February 22, 2019**. This is a full-time position, with a present salary of \$191,360. The duties of the Magistrate Judge are to be performed primarily in San Diego, but the Southern District of California includes both San Diego and Imperial Counties.

This memo briefly covers three items: (1) a description of the position; (2) minimum qualifications for the position; and (3) an overview of the selection process. An original and eleven (11) copies of the application must be **received** by **February 22, 2019**. Applications must be submitted only by applicants personally and should be addressed to John Morrill, Clerk of Court, United States District Court, 333 West Broadway, Suite 420, San Diego, CA 92101. Applications may also be personally delivered to 333 West Broadway, Suite 420, San Diego, CA 92101. Packages enclosing the application must be marked "Magistrate Judge Application."

1. **Job Description**

A person appointed to the eight-year term as a full-time Magistrate Judge must be able to perform a wide variety of functions including both civil and criminal case responsibilities.

The primary criminal duties include initial probable cause determinations on any complaint, information, search, seizure or arrest warrant, and handling initial appearances, including but not limited to, arraignment, bail and detention hearings, and appointment of counsel. Magistrate Judges handle misdemeanor cases through plea, trial and post-trial motions. Magistrate Judges may also handle felony pleas on report and recommendation.

The primary civil duties encompass full case management including but not limited to early neutral evaluations, additional meetings with parties and counsel, settlement conferences, discovery supervision, and motions and case scheduling. By consent or reference, Magistrate Judges also handle dispositive matters such as motions to dismiss and for summary judgment. On consent of the parties, Magistrate Judges may handle civil cases through trial, judgment, and post-trial motions.

The statutory duties of a Magistrate Judge are set forth in 28 U.S.C. § 636. In addition, it is anticipated that the duties of the Magistrate Judge will cover any matter as permitted by law and at the request of the District Judges. Therefore, experience in both criminal and civil law may be helpful to discharge the responsibilities for the position. The Court, however, may select an individual with only civil or criminal experience.

2. **Minimum Qualifications**

The applicant must:

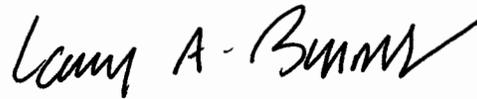
- a. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.
- b. Have been 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:
 - (i) Judge of a state court of record or other state judicial officer.
 - (ii) U.S. magistrate judge, bankruptcy judge, or other federal judicial officer.
 - (iii) Attorney for federal or state agencies.
 - (iv) No more than two years as a law clerk to any judge or judicial officer or as a staff attorney or pro se law clerk in a court.
 - (v) Other types of substantial legal experience (subsequent to receipt of a law degree or license to practice law), not included in subparagraphs (i) through (iv) above, which is suitable as a substitute in the opinion of the majority of the court.
- c. 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 his or her own reason and judgment.
- d. Not be related by blood or marriage to a judge of the appointing court or courts, within the degrees specified in 28 U.S.C. § 458, at the time of the initial appointment.
- e. Not be seventy (70) years of age or older.

These qualifications are set forth in 28 U.S.C. § 631 and in § 420.10 *et seq.* of the Guide to Judiciary Policy's Chapter on the Selection, Appointment, and Reappointment of Magistrate Judges.

3. **An Overview of the Process**

The Court has appointed a Merit Selection Panel to evaluate the applicants and submit five (5) names to the District Court for its consideration. The Panel may contact employers, colleagues, or any other individuals other than those listed in the application while conducting the screening process. Submission of an application will be deemed consent to such contact. In addition, the individual selected for the position will have a complete FBI background investigation and IRS check. The appointment is subject to the Court's review and approval of the FBI and IRS background checks.

Dated: 1-25-19



LARRY ALAN BURNS, Chief Judge
United States District Court