

INFORMATION AND APPLICATION MATERIALS
FOR
APPLICANTS TO A FOUR-YEAR TERM
AS
FEDERAL PUBLIC DEFENDER



revised 2/2014

**INFORMATION AND APPLICATION MATERIALS
FOR
FEDERAL PUBLIC DEFENDER APPLICANTS**

This package provides information on applying for a four-year term as a Federal Public Defender in the Ninth Circuit. The materials in this packet are:

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Information for Applicants

A. FEDERAL PUBLIC DEFENDER'S RESPONSIBILITIES/QUALIFICATIONS

The Federal Public Defender, functioning under authority of Title 18, United States Code § 3006A (g)(2)(A), and the Criminal Justice Act Plan of his/her district, provides federal criminal defense services to individuals unable to afford counsel.

To be qualified for appointment, an applicant must:

- (1) Be a member of at least one state bar and be a member in good standing of every state bar in which they are admitted to practice;
- (2) possess a minimum of five years criminal practice experience, preferably with significant federal criminal trial experience;
- (3) possess an ability to provide effective administration of the federal public defender's office;
- (4) possess a reputation for integrity;
- (5) possess a commitment to the vigorous representation of those unable to afford counsel; and
- (6) not be related by blood or marriage to a judge of the Ninth Circuit Court of Appeals or the Ninth Circuit Judicial Council, or to a judge of the district court to be served, within the degrees specified in § 458 of Title 28, United States Code, at the time of appointment.

B. AVAILABILITY OF THE POSITION

The Ad Hoc Local Screening Committee is searching for the best qualified person currently available for appointment to a four-year term as Federal Public Defender. The position will be filled upon the successful completion of the appointment process.

C. FEDERAL DEFENDER SALARY/TERM OF APPOINTMENT

The annual salary will be fixed by the Ninth Circuit at an amount not to exceed the salary of the United States Attorney for the District. The authorized annual salary is \$157,100.

Federal Public Defenders may be reappointed to additional terms of office, provided their performance in office is evaluated as “highly satisfactory” by the Court of Appeals for the Ninth Circuit.

D. EQUAL EMPLOYMENT OPPORTUNITY

Applicants are considered without regard to race, color, national origin, gender, religion, age, non-interfering disability and sexual orientation.

E. NINTH CIRCUIT SELECTION PROCESS

The Court of Appeals uses a competitive multi-step open-selection merit process in making appointments for the four-year term of office of a Federal Public Defender. Applicants should expect the entire process to take up to 9 months. A brief description of the selection process follows:

- (1) The Local Screening Committee reviews all applications timely received and interviews those deemed “well qualified.” Interviews are usually held over a one or two day period in the District in which the opening is located. There are no funds available to reimburse applicants for their interview travel expenses. The initial interview generally lasts about 30 to 45 minutes. Interviews typically occur within one to two months after the closing of the application period.
- (2) The Local Screening Committee will typically rank the top five to seven candidates interviewed and forward those rankings in a report to be considered by the Ninth Circuit Court of Appeals Standing Committee on Federal Public Defenders. The Standing Committee is composed of circuit judges of the Court of Appeals for the Ninth Circuit and one district judge who sits as an ex-officio member on the Standing Committee. The Standing Committee considers the recommendations of the Local Screening Committee, and interviews the top ranked candidates. It forwards one name for nomination, vote, and appointment by the Court of Appeals.
- (3) Once the Court of Appeals votes, the nominee must undergo an Office of Personnel Management background investigation that must be satisfactorily completed before he or she is appointed. The investigation can take 3- 6 months to complete. The nominee also completes financial disclosure forms. Upon determination that the background investigation has been completed satisfactorily, the court issues an Order of Appointment. It is only at this point that a public announcement by the court regarding the appointment is made.

F. DIRECTIONS FOR COMPLETING THE APPLICATION

1. All applications **must be typed and follow the Ninth Circuit application format.** Because the Ninth Circuit **Federal Public Defender** application form is periodically revised, applicants for previous vacancies need to make sure their computer-stored application matches the current form (**revised 02/2014**).
2. The application form is also available electronically (MS Word or Adobe PDF formats) from the Office of the Circuit Executive. To request an electronic version, you must either send: (1) a blank compact disc marked to indicate which program version is desired and include a self-addressed stamped envelope for return mail or (2) an email citing the file format desired to *personnel@ce9.uscourts.gov* with, “Federal Public Defender Application Request,” in the subject line. You may also access the form in PDF format by downloading it from the Office of the Circuit Executive’s website at *www.ce9.uscourts.gov*.
3. Answer **all** questions as thoroughly as possible. If a question or section is not applicable, please indicate as such. 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 attached sheets should be appended to the application and should refer to the related page and question number.
5. Complete and sign Authorizations and Waivers in the application.
6. Applicants are required to **submit one original and ten copies** of this application and any attachments. The original should be kept single-sided; the copies should be made double-sided. Please secure each copy of the application with an appropriately sized binder clip. Do not place each copy in a separate binder or report cover.
7. Please DO NOT include photos of yourself in the application form or in any part of the appended materials – any such photos will be redacted.
8. **ANY LETTERS OF REFERENCE (OPTIONAL) AND SUPPORTING DOCUMENTS MUST ACCOMPANY THE COMPLETED APPLICATION AND BE PROVIDED IN SUFFICIENT COPIES.** Letters received after the closing date, unless specifically requested by the Office of the Circuit Executive, will be discarded and will not be considered. **Reference checks may be conducted as early as upon receipt of the completed application.** We do not limit such contacts solely to those persons named on the application as “references.” If this presents a problem for you, please contact the Office of the Circuit Executive, Human Resources Department, immediately.

9. Applicants should **complete and return ONLY the application form (pp. 1-29) and any appended materials**; applicants may retain the informational pages of the application materials for their own records.
10. **All applicants shall provide a transcript from all law schools attended and evidence of good standing in all state bars in which membership is held with his or her completed application.**

G. RETURN OF APPLICATIONS

All completed applications must be received by the deadline stated on the vacancy announcement.

<u>Parcel/Express Delivery service</u>	<u>U.S. Mail</u>
Office of the Circuit Executive	Office of the Circuit Executive
U.S. Courts for the Ninth Circuit	U.S. Courts for the Ninth Circuit
95 Seventh Street, Suite 429	P.O. Box 193939
San Francisco, CA 94103-1526	San Francisco, CA 94119-3939
(415) 355-8900	
Attention: Federal Public Defender Application	
_____ District of _____	

THE UNITED STATES COURTS IS AN EQUAL OPPORTUNITY EMPLOYER.

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

**Tina Eve Brier, Assistant Circuit Executive, Human Resources
EDR Coordinator
Office of the Circuit Executive
United States Courts for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939**

B. Present Affiliation

1. Your title or position _____
2. Name of Firm/Employer _____
3. Your supervisor's or managing partner's name _____
4. His/her title or position _____
5. Dates of affiliation _____
6. Salary or net income (annual) _____
7. Give a synopsis of this position including nature of practice and types of matters accounting for most of your time. Append additional pages, if necessary.

C. Past affiliations (List experience for last fifteen years, excluding your current position. Append additional pages, if necessary.)

- C.1 Employer _____
- Address _____
- _____

- Telephone (_____) _____
- Supervisor/Managing Partner _____
- Position(s) you held _____
(e.g., associate, partner)
- Dates of employment _____

Salary or net income (annual) _____

Duties _____

Reason for leaving _____

C.2 Employer _____

Address _____

Telephone (_____) _____

Supervisor/Managing Partner _____

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

Dates of employment _____

Salary or net income (annual) _____

Duties _____

Reason for leaving _____

C.3 Employer _____

Address _____

Telephone (_____) _____

Supervisor/Managing Partner _____

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

Dates of employment _____

Salary or net income (annual) _____

Duties _____

Reason for leaving _____

D. Description of Legal Practice

1. Estimate the percentages of your total time of legal work during the past five years:

Federal criminal law matters: _____%

Federal civil law matters: _____%

State civil law matters: _____%

State criminal law matters: _____%

Other¹: _____%

2. Estimate the percentages of your total work time during the five years that were:

In court _____%

Litigation, but not in court: _____%

Negotiations/Mediation: _____%

Advising and counseling clients: _____%

Legal research and writing: _____%

Supervision of others: _____%

Legal Education: _____%

Other matters^{1,2}: _____%

3. Estimate the percentages of your total time spent in the following this past two years:

Pro Bono work _____%

Criminal Justice Act panel work: _____%

¹ If a single aspect(s) of your legal work occupied more than 10%, please list it separately with corresponding percentage, rather than in the "Other" category.

² E.g. administration, "business development," firm management, finances, etc.

Opposing counsel(s) _____
Name

Street

City/State/Zip Code Phone ()

5.2 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:

Co-counsel(s) _____
Name

Address

City/State/Zip Code Phone ()

Opposing counsel(s) _____
Name

Street

City/State/Zip Code Phone ()

5.3 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:

Co-counsel(s) _____

Name

Address

City/State/Zip Code

()
Phone

Opposing counsel(s) _____

Name

Street

City/State/Zip Code

()
Phone

5.4 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 _____

Co-counsel(s) _____

Name

Address

City/State/Zip Code

()
Phone

Opposing counsel(s) _____

Name

Street

City/State/Zip Code

()
Phone

5.5 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:

Co-counsel(s) _____
Name

_____ Address

_____ ()
City/State/Zip Code Phone

Opposing counsel(s) _____
Name

_____ Street

_____ ()
City/State/Zip Code Phone

E. Education

1. Undergraduate institution(s) _____
Dates attended _____
Degree(s) received and date graduated _____
Major field(s) of study _____

2. Law school name* _____
Law school address _____
Street _____
City/State/Zip Code _____

Class standing (if known) _____
Dates attended _____
Degree received and date graduated _____

3. Other law or graduate education received _____
Institution attended _____
Course of study _____
Degree received and date graduated _____

4. Describe any honors, awards, law review or other activities or achievements.

F. Court Admission

List state court bars to which you are presently admitted to practice and the year of admission. Provide the addresses of the administrative offices of these organizations.

State bar _____

Year admitted _____

State bar _____

Address _____

Street

City/State/Zip Code

State bar _____

Year admitted _____

State bar _____

Address _____

Street

City/State/Zip Code

G. References

All letters of reference MUST be submitted with the original application.

Please list three professional and three personal (**not related to you**) references.

Note: References may be contacted **upon receipt** of completed application.

PROFESSIONAL

1. Name _____

Title/Organization _____

_____ Street

_____ City/State/Zip Code

() _____ Phone

Relationship _____

Period of acquaintance _____

2. Name _____

Title/Organization _____

_____ Street

_____ City/State/Zip Code

() _____ Phone

Relationship _____

Period of acquaintance _____

3. Name _____

Title/Organization _____

Street

City/State/Zip Code

()

Phone

Relationship _____

Period of acquaintance _____

PERSONAL

1. Name _____

Title/Organization _____

Street

City/State/Zip Code

()

Phone

Relationship _____

Period of acquaintance _____

2. Name _____

Title _____

Street

City/State/Zip Code

()

Phone

Relationship _____

Period of acquaintance _____

3. Name _____

Title _____

_____ Street

_____ City/State/Zip Code

() _____ Phone

Relationship _____

Period of acquaintance _____

H. Professional and Personal Conduct

Respond to each of the following inquiries where applicable. Indicate on additional attachment sheets the number of the Question you are answering and repeat the Question. Indicate which Questions, if any, are not applicable.

1. List all seminars, symposia, lectures or legal meetings in the nature of continuing legal education which you have attended in the past two years, stating as to each the date, place, sponsoring organization and subject(s) of the program(s).
2. List all seminars, symposia, lectures, or legal meetings in the last two years in which you have participated as a speaker, lecturer, or panelist. Identify your role and the subject(s) or topic(s) on which you spoke. If you have nothing to report, check here _____.
3. If you have ever taught or lectured at a law school, please state the school(s), date(s) and subject(s) and your title, status or role. If you have nothing to report, check here _____.
4. Describe any non-legal teaching or lecturing you have done. If you have nothing to report, check here _____.
5. If you have written individually or with others any articles, treatises, texts, handbooks, or other writings on legal matters, which have been published, provide the complete citation including publisher, date, title and subject matter, and list the names, telephone numbers and current office addresses of any persons who co-authored, collaborated or assisted you in the writing or research. You may append pages of one or two representative selections (limit to maximum of 10 pages in total). If you have nothing to report, check here _____.
6. List any judicial or quasi-judicial office(s) or any elective or appointive public offices you have held. Do not include any full-time position you hold at present. Please indicate whether the position was full-time or part-time, its location, the court or other entity served, your duties and period of service. If you have nothing to report, check here _____.
7. List all professional or occupational license(s) (other than law) which you have ever held. Indicate the organization(s) that issued the license(s) and whether the license(s) is still current. If you have nothing to report, check here _____.
8. If any professional or occupational license(s) (including your license or right to practice law) has ever been revoked or suspended or if your conduct has been the subject of other discipline or complaint to the licensing authority or its disciplinary body, state fully the facts and circumstances and the disposition. Use attached sheets. If you have nothing to report, check here _____.
9. Describe fully all non law-related professions or occupations pursued since your first admission to the bar, which are not already listed herein. Provide dates, employer names, duties, reasons for leaving, and any other pertinent information regarding the same. If you have nothing to report, check here _____.

10. Describe any civic, philanthropic, community, social, or public service activities in which you have been engaged during the past two years, including any posts or offices held and honors or awards received. If you have nothing to report, check here _____.

11. Has your professional conduct or ability been the subject of comment, favorable or unfavorable, in a written opinion or otherwise by any judge, court, or other tribunal? If so, attach a copy of the opinion and/or describe the facts and circumstances you feel appropriate on separate attached sheets.

_____ Yes _____ No

12. Have you ever been the subject of any complaint filed with or made to any bar association or committee thereof? If so, state fully the facts and circumstances and the disposition of the matters on attached sheets.

_____ Yes _____ No

13. Have you ever been a party to or otherwise personally involved (other than as counsel) in any litigation? If so, state on attached sheet(s) the court, case number, the nature of the case and the circumstances of your involvement, the names and current phone numbers of your attorney and of any attorney representing an interest adverse to yours, and the disposition.

_____ Yes _____ No

14. Has any court ever granted a former client of yours relief on the basis that you had provided ineffective assistance of counsel? If so, please specify and give citations to the opinions in which the ineffective assistance was found.

_____ Yes _____ No

15. Have you filed appropriate tax returns as required by federal, state, local and other governmental authorities? If no, please explain on attached sheet(s).

_____ Yes _____ No

16. Has a tax lien or other collection procedure ever been instituted against you? If yes, please provide details on attached sheet(s).

_____ Yes _____ No

17. Have you ever been charged in any civil or criminal proceeding with conduct alleged to involve moral turpitude, dishonesty, and/or unethical conduct? If so, please discuss details, including full name, date, court and disposition of the case on attached sheet(s).

_____ Yes _____ No

18. Have you ever been charged with a criminal offense by the federal or state government, or any political subdivision thereof? The term “criminal offense” does not include parking or motor vehicle offenses for which a fine of \$500 or less was imposed, unless it also included a jail sentence or suspension of operating privileges. If yes, please provide details on attached sheet(s).

_____ Yes _____ No

19. Have you served in the Armed Forces of the United States or of any other country?

_____ Yes _____ No

(If yes, please indicate on a separate sheet the branch of service, dates of service, rank or rate and type of discharge received. If still a reserve or National Guard member, please give service, branch, unit, and present rank.)

20. Are you computer literate? If so, describe your computer capability fully on attached sheet(s).

_____ Yes _____ No

21. Please attach a brief statement of why you are seeking the position of Federal Public Defender and why you feel that you are qualified for the position. Include any special professional, occupational or other experience you have had which you feel should be considered by the Screening Committee. Describe how your educational, legal, administrative and business experience have prepared you for this position and provide any achievements or accomplishments which you believe demonstrate your commitment to equal justice under the law.

22. State any other information which may reflect either positively or adversely on you which you believe should be disclosed in consideration of your candidacy for Federal Public Defender.

I. Health Information

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

2. Do you have any disability, illness or condition that would prevent you from performing the essential functions of the position of Federal Public Defender? If so, please provide details on attached sheets.

_____ Yes _____ No

3. During the last 10 years, were you discharged from any job for any reason, did you quit after being told that you would be discharged, or did you leave by mutual agreement because of specific problems? If "Yes," explain for each job the problem(s) and your reason(s) for leaving. Give the employer's name and address.

_____ Yes _____ No

4. Has your ability to perform the essential functions of past or current professional positions held since the date of graduation from law school been impaired as a result of the state of your mental health or from the use of drugs or alcohol? If so, please provide details on attached sheets.

_____ Yes _____ No

J. Authorizations and Waivers

1. Please complete, sign, and return the medical authorization and waiver release form.
2. Please complete, sign, and return the professional experience inquiry authorization and waiver form.
3. All applicants who are members of the California bar must complete, sign, and return a release of all claims form.

**Ninth Circuit
Federal Public Defender Application Form**

**Office of the Circuit Executive
P.O. Box 193939
San Francisco, CA 94119-3939
(415) 355-8900**

Medical Authorization and Waiver

Physician's name _____

Address _____

Street

City/State/Zip Code

()

Phone

I hereby authorize any person designated by the Ninth Circuit or the Merit Screening Committee to communicate orally (including by telephone) and/or in writing with the physician or counselor named above 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 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.

Name _____

Address _____

Street

City/State/Zip Code

()

Phone

Signature _____

**Ninth Circuit
Federal Public Defender Application Form**

**Office of the Circuit Executive
P.O. Box 193939
San Francisco, CA 94119-3939
(415) 355-8900**

Professional Experience Inquiry

Authorization and Waiver of Confidentiality Form

I hereby expressly waive any privilege of confidentiality I may have concerning information which the United States Court of Appeals for the Ninth Circuit or any member of its Screening Committee may desire to obtain from any source concerning my qualifications to serve as a United State Federal Public Defender, including, but not limited to, administrators of the disciplinary and inquiry bodies of any court, bar or other association, information contained in the files of such bodies concerning my present professional status, all complaints which have been made against me, together with the disposition thereof.

I also hereby authorize the custodian of any records or information related to my application for Federal Public Defender to permit the examination or receipt of such records and/or information by anyone designated by the Screening Committee, the Ninth Circuit Judicial Council and the Court of Appeals.

Print or Type Name

Signature

Date Signed

**Ninth Circuit
Federal Public Defender Application Form**

**Office of the Circuit Executive
P.O. Box 193939
San Francisco, CA 94119-3939
(415) 355-8900**

RELEASE OF ALL CLAIMS FORM

STATE BAR OF CALIFORNIA

(Only required of applicants who are members of the State Bar of California)

I hereby release, discharge and exonerate the State Bar of California, its agents and representatives, and any person so furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, or the information or the investigation made by the State Bar of California.

The undersigned further waives all rights or benefits which the undersigned now has or in the future may have under the terms of § 1542 of the Civil Code of the State of California, which said section reads as follows:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.”

Print or Type Name

Signature

Date Signed

K. Application Verification

The questions answered and statements made in this application are true and correct (or are based on information I believe to be true and correct).

I will submit to a physical and/or psychiatric examination at my expense, if requested to do so. Information may be sought from individuals other than those listed as references, including employers and co-workers. I authorize my former employers and others who are familiar with my work and character to give any information they may have regarding me. I hereby waive any claims that I could make against them for information provided in connection with this application.

This application is being submitted by me personally and, if selected, I am willing to serve as a Federal Public Defender in the district where the vacancy occurs.

Signature

Date Signed

L. Law School Transcripts and Bar Admissions

All applicants are requested to send their official transcript(s) from all law schools attended as well as all certificate(s) from any state bar in which the applicant is an active member. The certificate should indicate the applicant's membership status (in good standing or otherwise) and whether there are or have been any disciplinary matters pending or resolved. These documents should be received by the Office of the Circuit Executive no later than the closing date listed in the vacancy announcement.

**Tina Eve Brier, Assistant Circuit Executive, Human Resources
Office of the Circuit Executive
United States Courts for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939**

[Instructions to Applicant: Please insert the information requested based upon that which you supplied in the full application form].

APPLICATION SUMMARY

Name:

City of Residence:

Present Affiliation:

Since:

Position:

5 year Practice History

Criminal Law ____%; Commercial Law ____%; Gen. Civil Law ____%; Other ____%

Previous Affiliations (last 15 years)

Dates Organization Location

Education

Undergraduate:

Degree:

Year:

Law School:

Degree:

Year:

High School:

Degree:

Year:

Special achievements, recognition, publications (academic or otherwise):

Professional, community, or public service activities/awards: