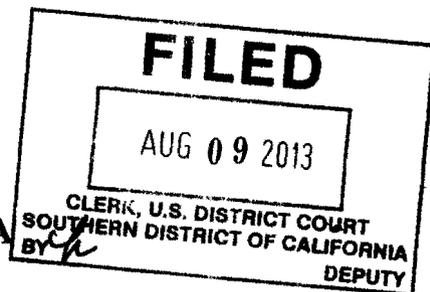


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



In the matter of)
)
APPOINTMENT OF FULL-TIME)
UNITED STATES MAGISTRATE)
JUDGE)
_____)

GENERAL ORDER NO. 629

The Court declares its desire to consider the appointment of a full-time United States Magistrate Judge for a period of eight (8) years, contingent upon a vacancy in the office which will be created when Magistrate Judge William McCurine, Jr. retires in February 2014. For that purpose, the attached public notice will be published in the San Diego Union Tribune, a general local newspaper. Notice shall also be published on the Court's website and distributed to the bar through CM/ECF.

In accordance with the requirements of § 420.30 *et seq.* of the Guide to Judiciary Policy's Chapter on the Selection, Appointment, and Reappointment of Magistrate Judges, the Court appoints the following persons to serve on the Merit Selection Panel:

- Frederick W. Kosmo, Jr., Chair
- Karen P. Hewitt
- Michele A. McKenzie
- Knut S. Johnson
- John Gomez
- Janice P. Brown
- Peter Quon, Jr.
- Kevin K. Green
- Hon. Patricia Guerrero
- Jay Campbell, Public Member
- Jessie J. Knight, Jr., Public Member
- Cheryl Walker, Public Member

Such panel will review the applicants' experience, comments from members of the bar and public and other evidence of the applicants' good character, ability, and commitment to equal justice under the law. The panel shall provide to the Court in confidence, on or before **November 22, 2013**, a report containing the names of the five (5) best qualified applicants.

Dated: August 8, 2013

Barry Ted Moskowitz
BARRY TED MOSKOWITZ, Chief Judge
United States District Court

PUBLIC NOTICE

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

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 William McCurine, Jr. retires in February 2014. This position will be based primarily in San Diego, California. The Southern District of California includes both San Diego and Imperial Counties. The duties of the position are demanding and wide-ranging.

The basic jurisdiction of the United States Magistrate Judge is set forth in 28 U.S.C. § 636. To be qualified for appointment, 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 Virgin Islands of the United States.
- (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:
 - (1) Judge of a state court of record or other state judicial officer.
 - (2) U.S. magistrate judge, bankruptcy judge, or other federal judicial officer.
 - (3) Attorney for federal or state agencies.
 - (4) Up to 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.
 - (5) Other legal experience 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.

A Merit Selection Panel composed of attorneys and other members of the community will review the applicants and recommend to the District Judges in confidence the five (5) persons it considers best qualified for the position. The Court will make the appointment following an FBI full-field investigation and an IRS tax check of the appointee and the Court's review and approval of the background checks. The present annual salary of the position is \$160,080, subject to periodic cost of living adjustments if authorized by law. The appointment is for a term of eight (8) years.

Application forms and further information on the Magistrate Judge position may be obtained from the Court's website: www.casd.uscourts.gov. **An original and twelve (12) copies of the application must be received no later than October 4, 2013.** Applications must be submitted only by applicants personally and should be addressed to W. Samuel Hamrick, Jr., 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."

Dated: August 8, 2013

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 web site 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 William McCurine, Jr. retires in February 2014. The deadline for submission of applications is **October 4, 2013**. This is a full-time position, with a present salary of \$160,080. 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 twelve (12) copies of the application must be **received** by **October 4, 2013**. Applications must be submitted only by applicants personally and should be addressed to W. Samuel Hamrick, Jr., 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 Virgin Islands of the United States.
- 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) Up to 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 legal experience 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.

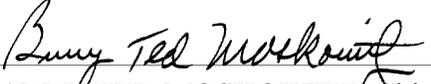
These qualifications are set forth in 28 U.S.C. § 631 and in § 420.10 *et seq.* of the Guide to Judiciary Policy's Chapter on the Selection, Appointment, and Reappointment of Magistrate Judges.

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: August 8, 2013


BARRY TED MOSKOWITZ, Chief Judge
United States District Court