

# 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](http://casd.uscourts.gov). The United States District Court for the Southern District of California has declared its desire to consider the appointment of a new full-time United States Magistrate Judge. The deadline for submission of applications is **November 8, 2019**. This is a full-time position, with a present salary of \$194,028. 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 **November 8, 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:

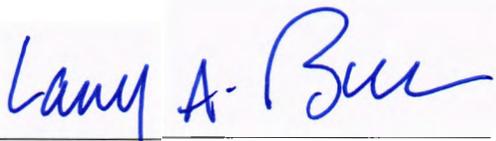
- a. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.
- b. Have been 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 will appoint 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: 10-2-19

  
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LARRY ALAN BURNS, Chief Judge  
United States District Court

**INFORMATION AND APPLICATION MATERIALS  
FOR  
UNITED STATES MAGISTRATE JUDGE APPLICANTS**

This package provides information on applying for a United States Magistrate Judge position within the Southern District of California. The materials in this packet are:

**Information for Applicants**

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

**Application Materials**

- A. Personal/Biographical
- B. Health Information
- C. Present Employment/Affiliation
- D. Prior Employment/Business Affiliations
- E. Description of Legal Practice
- F. Prior Judicial Experience
- G. Education
- H. Professional and Other Organizational Activities
- I. References
- J. Supplemental Information
- K. Authorizations and Waivers
- L. Application Verification

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

This position will be based primarily in San Diego, California. The Southern District of California includes both San Diego and Imperial Counties.

Applications for the office of the United States Magistrate Judge in the Southern District of California are now invited. Applications must be marked "Magistrate Judge Application," addressed to John Morrill, Clerk of Court, and **must be received no later than November 8, 2019**.

**B. MAGISTRATE JUDGE'S RESPONSIBILITIES/QUALIFICATIONS**

To meet the minimum qualifications for appointment, applicants must:

- (1) 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.
- (2) 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) U.S. magistrate judge, bankruptcy judge, or other federal judicial officer.
  - (c) Attorney for federal or state agencies.
  - (d) 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.
  - (e) Other legal experience which is suitable as a substitute in the opinion of the majority of the court.
- (3) 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.
- (4) 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.
- (5) 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.

**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 Southern District of California within the Ninth Circuit. The location of the court where the successful applicant will sit is the Southern District of California which is made up of San Diego and Imperial Counties. **Note: Relocation expenses will not be paid.**

**D. MAGISTRATE JUDGE SALARY**

The current annual salary is \$194,028. Magistrate Judge salaries are set by Congress and are periodically adjusted based on cost of living increases if authorized by Congress.

**E. MAGISTRATE JUDGE JURISDICTION**

The basic jurisdiction of a Magistrate Judge is specified in 28 U.S.C. § 636.

**F. SELECTION PROCESS**

The United States District Court of the Southern District of California uses a competitive open-selection merit process in making appointments for the position of Magistrate Judge.

A Merit Selection Panel, consisting of a chairperson and at least six other members including lawyers and other members of the community, evaluates all applications and conducts interviews of those applicants the Panel deems to be most qualified. The Panel will keep confidential the identity of applicants and information received about them as much as possible while conducting the background investigation. However, employers, colleagues, or individuals other than those listed as references may be contacted in order to select the top candidates. Submission of an application will be deemed consent to have any person contacted in order to assess the judicial qualifications of the applicant.

The Panel prepares a report of its recruitment and recommendation for final consideration by the District Court the names of five (5) candidates the Panel evaluates to be most qualified. Those individuals are then interviewed by the judges of the District Court, who make a final selection by majority vote.

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 and review by the Court.

## **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) The application form is also available on the Court's website at [www.casd.uscourts.gov](http://www.casd.uscourts.gov). The form is available in MS Word format.

(3) If you choose to use the hard copy of the application form, you must submit your application answers on a separate sheet of paper with reference to the respective letter and number designation keyed to the page to which it refers (e.g., pg. 7, G.2.).

(4) 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.

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

(6) You are required to **SUBMIT THE ORIGINAL AND ELEVEN (11) COPIES** of this application and any attachments.

(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.

## **H. RETURN OF APPLICATIONS**

Application forms and further information on the Magistrate Judge position may be obtained from the Court's website at [www.casd.uscourts.gov](http://www.casd.uscourts.gov). **An original and eleven (11) copies of the application must be received no later than November 8, 2019** and addressed to John Morrill, Clerk of Court, United States District Court, 333 West Broadway, Suite 420, San Diego, CA 92101. Packages enclosing the application should be marked, "Magistrate Judge Application." Applications may also be personally delivered to 333 West Broadway, Suite 420, San Diego, CA 92101.