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 two full-time United States Magistrate Judges, (1) due to Magistrate Judge David H. Bartick passing away in February 2018, and (2) contingent upon a vacancy in the office which will be created when Magistrate Judge Jan M. Adler retires in September 2018. The deadline for submission of applications is **May 18, 2018**. 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 **May 18, 2018**. 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 ten (10) 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: April 3, 2018

Barry Ted Moskowitz

BARRY TED MOSKOWITZ, 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 May 18, 2018**.

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 $191,360. 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 ten (10) 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. 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. **An original and eleven (11) copies of the application must be received no later than May 18, 2018** 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.

UNITED STATES MAGISTRATE JUDGE APPLICATION FORM

A. PERSONAL/BIOGRAPHICAL

A.1. Full Name:

A.2. Where to Contact: Home ☐ Business ☐

A.3. Business Address:

A.4. Business Telephone: Business Fax:

A.5. Home Address:

A.6. Home Telephone: Cell phone:

A.7. Email Address:

A. 8. Social Security Number:

A.9. Are you under age 70? Yes ☐ No ☐

A.10. Are you a citizen of the United States? Yes ☐ No ☐

B. HEALTH INFORMATION

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

B.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 accommodations were to be made? Yes ☐ No ☐
If yes, please explain. State name, address and telephone number of the physician(s) knowledgeable of such impairment.

B.3. Within the last 10 years have you suffered from, and/or been treated for, alcoholism or drug addiction? Yes ☐ No ☐
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

C.1. Name of employer, firm or agency:

C.2. Address:

C.3. Telephone:

C.4. Your title or position:

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

C.6. Your supervisor's title or position:

C.7. May we contact this person regarding your qualifications? Yes ☐ No ☐
If not, please name another person, who would be able to comment on your work.

C.8. Dates of employment or affiliation:

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

D. PRIOR EMPLOYMENT/BUSINESS 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.)

D.1. PRIOR EMPLOYMENT

a. Employer, firm or agency:

b. Address & telephone number:

c. Supervisor or managing partner:

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

e. Dates of employment:

f. Principal duties:

D.2. **BUSINESS AFFILIATIONS**

a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties and whether you intend to resign such position immediately upon your appointment to a judicial office.

b. Since being admitted to the Bar, have you ever engaged in any occupation, business, or profession other than the practice of law? Yes ☐ No ☐
If yes, give the details, including dates.

c. During the past five years, have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind? Yes ☐ No ☐
If yes, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid.

E. DESCRIPTION OF LEGAL PRACTICE

E.1. Describe the general nature of your current practice including any legal specialties; describe your typical clients; also, if your practice is substantially different now than it was previously, give details of prior practice.

E.2. 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: _____%

Other[1]: _____%

E.3. During the past five years, what percentage of your practice has been trial practice?

_____%

[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.

E.4. Provide the following information on five particularly significant cases in which you were involved.

Case name:
Court, case number, and case citation number (if any):
Presiding Judge and Court:
Nature of case:
Your role in case:
Results of your activities in this case:
Explanation of why this case was significant to you:
Co-counsel(s) Name, Address & Telephone Number:
Opposing counsel(s) Name, Address & Telephone Number:

E.5. Summarize any additional experience that you may wish the judges and merit selection panel to consider.

E.6. Have you ever been requested to respond to any complaints of professional misconduct?
Yes ☐ No ☐ If so, explain fully.

E.7. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? Yes ☐ No ☐ If yes, give particulars.

F. PRIOR JUDICIAL EXPERIENCE

(Repeat this information for each judicial or quasi-judicial position.)

F.1. Have you ever held judicial office or been a candidate for judicial office?
Yes ☐ No ☐
If so, state the courts involved and the dates of service, or dates of candidacy.

F.2. If you have held judicial office, state the names, addresses, and telephone numbers of five counsel who have appeared before you who would be knowledgeable of your work, temperament, and abilities.

F.3. If you have prior quasi-judicial service, state:

Name of agency:

Position held:

Hearings on what types of issues:

Numbers of cases adjudicated:

Dates of service:

F.4. Have you ever been required to respond to any complaints of judicial misconduct?
Yes ☐ No ☐ If yes, explain fully.

G. EDUCATION

G.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:

G.2. Law School

For each law school attended, list:

Name of institution:

Dates attended:

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

G.3. Other Graduate Education Received

Name of institution:

Course of study:

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

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

G.5. Have you complied with the California minimum continuing legal education requirements for the last five years? If not, please explain.

H. PROFESSIONAL AND OTHER ORGANIZATIONAL ACTIVITIES

H.1. List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office you have held in such groups.

H.2. List all organizations and clubs, other than bar associations and professional societies, of which you have been a member during the past ten (10) years, including the titles and dates of any office you have held in each such organization.

H.3. List any committees upon which you have served in the last five years and describe your involvement and work in each.

H.4. Have you ever served on a Merit Selection Panel to consider the appointment or reappointment of a United States magistrate judge in this district? If yes, please provide date(s) or appointment(s).

I. REFERENCES

I.1. List three individuals who are familiar with your professional qualifications and character and provide the following information as to each:

Name:

Title:

Address and telephone number:

I.2. List three individuals who are familiar with your *personal character*, and provide the following information as to each:

Name:

Title:

Address and telephone number:

J. SUPPLEMENTAL INFORMATION

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

J.2. Have you ever taught or lectured at a law school or other educational institution?
Yes ☐ No ☐ If yes, please state the school(s), date(s) and subject(s).

J.3. Have you written, individually or with others, any articles, treatises, texts or handbooks?
Yes ☐ No ☐
If yes, provide as to each the complete citation including publisher, date, title and subject matter.

J.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.

J.5. Have you ever sued or been sued by a client? Yes ☐ No ☐
If so, state fully the facts and circumstances, the court and case number, and the disposition of the matter.

J.6. Have you ever been charged in any civil or criminal proceedings with conduct alleged to involve moral turpitude, dishonesty or unethical conduct? Yes ☐ No ☐
If so, give particulars.

J.7. Have you ever been a party to any litigation? Yes ☐ No ☐
If so, state the court, case number, the nature of the case the circumstances of your involvement.

J.8. To the best of your knowledge, are you in compliance with the tax laws of the federal government and state, county and community of which you are a resident?
Yes ☐ No ☐ If not, explain fully.

J.9. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? Yes ☐ No ☐ If so, give particulars.

J.10. Have you ever been arrested, charged, or convicted for violation of any federal law, state law, county or municipal law, regulation, or ordinance?
Yes ☐ No ☐ If yes, give details (but do not include traffic violations for which a fine of $200 or less was imposed unless it also included a jail sentence).

J.11. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statue? Yes ☐ No ☐ If yes, give particulars.

J.12. Have you served in the military of the United States or of any other country?
Yes ☐ No ☐ If yes, state the branch, dates of service, rank or position held, and type of discharge. If still a reserve or national guard member, give service, branch, unit and present rank.

J.13. Have you performed any significant public service (e.g. Peace Corps)?
Yes ☐ No ☐ If so, explain fully.

J.14. 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? Yes ☐ No ☐ If yes, explain.

J.15. State any other pertinent information reflecting positively or negatively about you which you believe should be disclosed to the district court and the merit selection panel in connection with your possible nomination as United State Magistrate Judge.

J.16. State any achievements or accomplishments, demonstrating your commitment to equal justice under the law.

J.17. 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.

J.18. Do you have any life experiences about which you feel the Merit Committee should know? Yes ☐ No ☐ If so, please list and provide a statement concerning each.

K. AUTHORIZATIONS AND WAIVERS

K.1. All applicants must complete, sign and return the Medical Authorization and Waiver form. 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 return **two signed copies** for each health care provider listed with your original application.

K.2. 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.

K.3. All applicants must complete, sign and return a **signed copy** of the Professional Experience Inquiry Authorization and Waiver Form with the original application submitted.

K.4. Applicants who are selected for an interview and are members of another state bar other than or in addition to California, should contact the bar or licensing agency of that state and comply with the established procedure of that state for certification of standing to be mailed directly to the chair of the Merit Selection Panel.

United States District Court, Southern 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 and psychotherapist-patient privileges that may exist.

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

Name _____

Address _____
Street

_____
City/State/Zip Code

( ) _____
Phone

_____ _____
Signature Date Signed

United States District Court, Southern 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 and/or information by anyone designated by the Merit Selection Panel.

Print or Type Name	Signature
Social Security Number	Date Signed

CONFIDENTIALITY STATEMENT

To the extent possible, this form will be kept confidential and will be examined only by members of the Merit Selection Panel and the judges of the district court. Individuals whom you have listed as references may be contacted by the panel, and the judges. Additional individuals may be contacted as required for a more complete background investigation.

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 United States District Court, Southern District of California.

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 _____