

The United States District Court for the Northern District of West Virginia

APPOINTMENT OF FULL-TIME MAGISTRATE JUDGE (MARTINSBURG)

The Judicial Conference of the United States has authorized the appointment of a full-time United States Magistrate Judge for the Northern District of West Virginia at the Martinsburg point of holding court. The magistrate judge should also be prepared to travel and conduct hearings at the Clarksburg, Elkins, and Wheeling points of holding court.

Duties: The duties of the position are demanding and wide-ranging, including but not limited to the following: 1) conducting most preliminary proceedings in criminal cases; 2) trial and disposition of misdemeanor cases; 3) conduct of various pretrial matters and evidentiary proceedings on delegation from the judges of the district court; and 4) trial and disposition of civil cases upon consent of the litigants. The basic jurisdiction of the United States magistrate judge is specified in 28 U.S.C. § 636.

Qualifications: To be qualified for appointment an applicant 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 Northern Mariana Islands, or the Virgin Islands of the United States.
- 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 a federal or state agency;
 - d) Up to two years as a law clerk to any judge or judicial officer or as 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 appointment court or courts, within the degrees specified in 28 U.S.C. § 458, at the time of the initial appointment.
- 5) Not be seventy years of age or older.

Selection Process: A Merit Selection Panel composed of attorneys and other members of the community will review all applications and recommend to the judges of the district court, in confidence, the five persons it considers best qualified. The district court will make the appointment, following an FBI full-field investigation and an IRS tax check of the appointee.

Term and Salary: The term of office is eight years subject to reappointment. The current annual salary of the position is \$160,080.00.

Benefits: Electronic Fund Transfer (EFT) for payroll deposit is required. Benefits include a federal retirement plan, health, life, and disability insurance, long term care insurance, a flexible benefits program, portable savings plan, and a professional environment.

Application Requirements: Application forms may be obtained from the clerk's offices of the district court in Martinsburg, Clarksburg, Elkins, or Wheeling and on the court's website at www.wvnd.uscourts.gov/employment-opportunities. Applications must be submitted personally or by certified mail (U.S. Postal Service, United Parcel Service, FedEx, or other private carrier) and must be received by November 18, 2013.

Applicants must submit an original and ten (10) copies of the application in an envelope marked "CONFIDENTIAL" to Cheryl Dean Riley, Clerk of Court, U.S. District Court, 1125 Chapline Street, P.O. Box 471, Wheeling WV 26003.

The names of all applicants will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the Merit Selection Panel and the judges of the district court. The Panel's deliberations will remain confidential.

APPLICATION FORM
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA

Please answer all questions. If a question is not applicable, indicate this by marking "N/A." Return completed form to the Clerk of Court.

GENERAL

1. Full name: _____
2. All other names by which you have been known: _____

3. Office address: _____
City _____ State _____ Zip _____
Telephone _____
4. Residential address: _____
City _____ State _____ Zip _____
Telephone _____
5. Place of birth: _____
Date of birth: _____
6. Length of residence in state _____
7. If you are a naturalized citizen, state the date and place of naturalization.

8. Military service:
Branch _____ Dates _____
Rank or Rate at discharge _____ Type of Discharge _____
If still a Reserve or National Guard member, give service, branch, unit, and present rank.

- g. Are you related by blood or marriage to any judges of this district? If yes, give name(s) and relationship. Yes No.

HEALTH

10. What is the present state of your health?
11. Do you have any mental or physical impairment that would affect your ability to perform the duties of a magistrate judge with or without reasonable accommodation?

EDUCATION

12. Colleges and universities attended, dates, and degrees:
13. Continuing legal education courses completed within the last 10 years:

HONORS

14. Were you a member of law review? Yes No. If yes, describe role:
15. If you have published any legal books or articles, list them, giving citations and dates.
16. List any honors, prizes, or awards you have received.

PROFESSIONAL ADMISSIONS

17. List all courts (including state bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case:

Court or Administrative Body

Date of Admission

LAW PRACTICE

18. State the names, addresses, and dates of employment for all law firms with which you have been associated in practice, all government agencies, and all private business organizations in which you have been employed. Also provide all dates during which you have practiced as a sole practitioner.

Organization

Address

Position

Dates

19. Describe the general nature of your current practice including any legal specialties and character of your typical clients; also, if your practice is substantially different now than previously, give details of prior practice.

20. a) Do you appear regularly in court? Yes No.

b) What percentage of your appearances in the last five years were in:

1. Federal courts _____ %

2. State or local courts of record _____ %

3. Administrative bodies _____ %

4. Other:
_____ %

_____ %

_____ %

_____ %

21. During the past five years, what percentage of your practice has been trial practice? _____ %

22. How frequently have you appeared in court? _____ times per month.

23. How frequently have you appeared at administrative hearings? _____ times per month.

24. What percentage of your practice involving litigation has been:

Civil _____ %

Criminal _____ %

Other:
_____ %

_____ %

_____ %

_____ %

PUBLIC OFFICE

28. Have you ever run for, or held, public office? Yes No. If yes, give details.

PRIOR JUDICIAL EXPERIENCE

29. a) Have you ever held judicial office or been a candidate for judicial office? If so, state the courts involved and the dates of service, or dates of candidacy.

b) If you have held judicial office, state the names and addresses of counsel who have appeared before you who would be knowledgeable of your work, temperament, and abilities.

c) Prior quasi-judicial service:

Name of agency _____

Position held _____

Hearings on what types of issues _____

Number of cases _____

Dates of service _____

BUSINESS INVOLVEMENT

30. 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 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.

31. a) 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. (Do not include traffic violations for which a fine of \$300 or less was imposed unless it also included a jail sentence.)

b) Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute?

Yes No. If yes, give particulars.

32. a) Have you ever been sued by a client? Yes No. If yes, give particulars.

b) Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice?

Yes No. If yes, give particulars, including the amounts involved.

33. 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 yes, give particulars.

34. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group?

Yes No. If yes, give particulars.

35. Have you filed appropriate tax returns as required by federal, state, local, and other government authorities?

Yes No. If no, explain.

36. Have any liens or claims ever been instituted against you by the federal, state or local authorities?

Yes No. If yes, explain.

PROFESSIONAL AND OTHER ACTIVITIES

37. a) 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, and committees to which you belonged.

b) List all organizations and clubs, other than bar associations and professional societies identified in response to Question No. 37.a), of which you have been a member during the past ten years, including the titles and dates of any offices you have held in each such organization.

SUPPLEMENTAL INFORMATION

38. State any achievements or actions you have accomplished, demonstrating your commitment to equal justice under the law.

39. State any additional education or other experiences you believe would assist you in holding judicial office.

40. State any other pertinent information reflecting positively or adversely on you which you believe should be disclosed to the district court and the selection panel in connection with your possible selection as United States magistrate judge.

41. a) List three individuals as references who are familiar with your abilities.

Name	_____
Address	_____
Telephone	_____
Name	_____
Address	_____
Telephone	_____
Name	_____
Address	_____
Telephone	_____

b) List three individuals as references who are familiar with your personal character.

Name	_____
Address	_____
Telephone	_____
Name	_____
Address	_____
Telephone	_____
Name	_____
Address	_____
Telephone	_____

CONFIDENTIALITY STATEMENT

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. The individuals whom you have listed as references above may be contacted by the panel, but no other employers, colleagues, or other individuals will be contacted without your prior approval.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Applicant _____ Date _____