

APPLICATION FOR UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Date: _____

1. Name: _____
(List any other names you have used and the dates.)

2. Business/Government Title: _____

Firm/Office: _____

Address: _____

City	County	State	Zip
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Phone: (____) _____ Fax: (____) _____

E-Mail: _____

3. Residence Address: _____

City	County	State	Zip
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Phone: (____) _____ Fax: (____) _____

4. Date of Birth: _____ Place of Birth: _____

5. Ethnicity (Optional): _____ Gender: __M __F

6. Driver's License No: _____

7. California Bar Admission Date: _____ Bar No: _____

8. If you are currently serving as a judge, magistrate, commissioner, referee or administrative law judge, were you:

Appointed? _____ Date: _____

Elected? _____ Date: _____

9. Are you a registered voter? ___ Yes ___ No County: _____

List all current and past political party affiliations, with date: _____

10. Identify your Member of Congress:

11. Educational History (inverse chronological order):

<u>Colleges/Law Schools Attended</u>	<u>From</u>	<u>To</u>	<u>Degree Received</u>	<u>Date Degree Received</u>
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12. Professional Work History (inverse chronological order):

<u>Employer</u> (Include current address)	<u>Position</u>	<u>Supervisor</u> (Include current phone no. and current address)	<u>From</u>	<u>To</u>
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Provide the following information sequentially on plain, letter-sized paper. Each request or question and your response should be typed and single-spaced. It is expected that all of the following requests and questions be answered fully and honestly. Do not read questions narrowly. If you are uncertain of the information being sought, err on the side of disclosure.

13. List your residence addresses for the past ten years (include approximate dates).
14. If you are a naturalized citizen, provide the date and place of naturalization.
15. Provide the full name, occupation and business address of your spouse, if married, and names and birth dates of your children, if applicable.
16. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served, your rank or rate, your serial number and type of discharge.
17. Identify any languages other than English that you speak fluently.
18. List all courts in which you are presently admitted to practice, including the date of the admission in each case. Provide the same information for administrative agencies having special admission requirements.
19. Describe with specificity the nature of your current practice, including any areas of emphasis and specialization certified by the State Bar of California, and the nature of your typical clients. If your practice is substantially different now from in the past, give the details of your prior practice, including the time periods involved.
20. With respect to your career:
 - (a) How many years of civil litigation experience do you have?
 - (b) How many years of criminal practice experience do you have?
 - (c) State the number of cases you have tried to verdict in courts of record during your career, including whether you were sole, associate or lead counsel. How many of these cases were (1) civil, (2) criminal, (3) jury and (4) non-jury?
 - (d) Provide the citations to all reported cases in which you were counsel of record in the trial or appellate courts.
 - (e) Describe your practice, if any, before the Ninth Circuit Court of Appeals; other federal or state appellate courts; and the Supreme Court of the United States.
21. With respect to the past five years:
 - (a) What percentage of your practice has been devoted to litigation?

- (b) How frequently have you appeared in court (times per month on average)?
 - (c) How frequently have you appeared at administrative hearings (times per month on average)?
 - (d) What percentage of your practice involving litigation has been: (1) civil, (2) criminal and (3) administrative hearings?
 - (e) What percentage of your appearances was in: (1) federal courts, (2) state courts, (3) administrative agencies and (4) arbitrations?
 - (f) List the cases you have tried to verdict in courts of record during the past five years, including whether you were sole, associate or lead counsel. For each case, list the case name and number, court, date, type of case, party represented, name of judge presiding, and the names, current addresses and telephone numbers of counsel for the other parties and the names, current addresses and telephone numbers of co-counsel, if applicable. If there were more than five such trials, please limit your list to the last five trials.
22. List ten significant litigated cases in which you have appeared as counsel (which may include one or more of the cases listed in your response to the preceding question) and provide the name of the case; the case number; a brief description of the case; the names, current addresses and telephone numbers of counsel for the other parties; the name of the court and the judge or arbitrator before whom the case was litigated; the dates involved; the disposition ; whether the case was tried, and, if so, before a judge, jury or arbitrator; whether you were sole, lead or associate counsel; and the names, current addresses and telephone numbers of co-counsel, if applicable.
23. Summarize your experience in court prior to the last five years. If during any prior period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same information which was requested in Question 22.
24. If you are currently serving as a judicial officer, commissioner, or administrative law judge, provide the following information:
- (a) Describe briefly your judicial duties.
 - (b) List ten significant cases in which you presided as the judicial officer and provide the following information: name of the case, court or administrative agency, case number, brief description of the case, dates involved, and the names, current addresses and telephone number of counsel for the parties. Furnish a copy of any opinions, orders or decisions in those cases which included substantial discussion of

legal issues.

25. Describe the nature and extent of your service, if any, as a judge pro tem, as an arbitrator, or as a mediator, either privately or through a judicial arbitration program. Describe the more significant cases and identify the counsel involved (including names, current addresses and phone numbers) and dates of your service.
26. If you lack significant appellate experience, describe the experiences or special skills you possess which you believe qualify you to serve as a United States Circuit Court Judge.
27. Have you ever taught law school? If so, which school? When? What was the nature of your appointment? Which course(s) did you teach?
28. Have you ever been engaged in any occupation, business or profession other than the practice of law? If so, provide the details, including dates.
29.
 - (a) If you are now an officer, director or otherwise engaged in the management of any business enterprise (whether for-profit or non-profit), identify the name of such enterprise, the nature of the business, the title of your position, the nature of your duties, the term of your service and whether you would resign such position immediately upon appointment to judicial office. If you would not intend to resign, please provide the reasons why.
 - (b) 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? If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, the dates such compensation was paid, the nature of any services rendered by you.
30. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify financial arrangements that may present potential conflicts-of-interest during your service in the position to which you desire to be nominated.
31.
 - (a) If you do not currently hold judicial office, have you ever held judicial office or been a candidate for judicial office? If so, identify the courts involved, whether elected or appointed, and the dates of service and dates of candidacy.
 - (b) If you have had prior quasi-judicial service, provide the name of the agency, the position held, type of matters heard, the number of matters adjudicated, and the dates of service.

32. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, provide the details, including the offices involved, whether elected or appointed, and the dates of your service.
33. Have you written, edited or published any legal books, articles, letters to the editor or reports? If so, please list them, giving full citations, dates, and a general description of the subject matter. Please attach a copy of any letters to editor or op-ed articles you have authored.
34. List any honors, prizes, awards, scholarships, fellowships and other forms of recognition you have received.
35.
 - (a) List all bar associations and legal professional societies in which you are or have been a member and give the titles and dates of any offices you have held and committees on which you served.
 - (b) List all organizations and clubs, other than the bar associations and professional societies identified in response to Item 36(a), in which you have been a member during the past 15 years, including the titles and dates of any offices you have held and committees on which you served.
 - (c) Are you a member of any club, organization or association that by policy or practice prohibits or limits its membership on the basis of race, color, religion, gender, sexual orientation, disability or national origin? Have you ever been? If so, identify the organization and provide details.
36. Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.
37. Describe the nature and extent of your involvement in community affairs other than those associated with the legal profession.
38. Have you ever been summoned, cited, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty or no contest to, the violation of any felony or misdemeanor (excluding traffic infractions), or have you ever been requested to appear before any prosecuting attorney or investigative agency in any matter, military or civil? If so, provide the details, including the date, description of the alleged offense, locality and disposition.
39. Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute? If so, give particulars.

40. Have you ever held or applied for a commission, certificate, credential or license which required proof of good character, other than admission to practice law? If so, provide the date of application, issuing authority, disposition of the application, and, if granted, your number and present status.
41. (a) Have you ever held a bonded position? If so, specify the nature of the position, date(s) and amount of bond. (b) Has anyone ever sought to recover upon your bond or to cancel same? (c) Have you been refused bond? Provide the details if you answered yes to (b) or (c).
42. As an attorney or judicial officer, have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee or other professional group? If so, provide the particulars, including the applicable dates and disposition. (Identify every complaint even if it was dismissed or did not result in disciplinary action.)
43. As a member of any organization, or as a holder of any office or license (including a driver's license), have you ever been suspended, or otherwise disqualified, or had such license suspended or revoked? Have you ever been reprimanded, censured or otherwise disciplined? Have any charges, formal or informal, ever been made or filed against you? If so, state the complete facts, dates, disposition and organization in possession of the records thereof.
44. Have you ever been sued by a client? If so, provide the particulars, including the case name and number, court, resolution, and name, current address and telephone number of counsel for the plaintiff.
45. Have you, or your professional liability insurance carrier, ever settled a claim against you for professional malpractice? If so, provide the particulars, including the amounts involved and name, current address and telephone number of the claimant and claimant's counsel.
46. Have you ever been a party to, or claimed an interest in, any civil proceedings (including dissolution of marriage, bankruptcy, damage suits, etc.)? If so, provide the particulars, including the case name and number, court, disposition, and names, current addresses and telephone numbers of counsel for the parties in each case.
47. Have you ever been a party or otherwise involved in any other legal proceedings? If so, provide the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, named as a co-conspirator or co-respondent, and any grand jury investigation in which you were identified as a subject, or in which you appeared as a witness. Provide the names, current addresses and telephone numbers of counsel for the parties in each case.

48. Are there any unsatisfied judgments against you, or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court (including any orders for child and spousal support)? If so, state the full details.
49. Have you ever been sanctioned in excess of \$1,000 by any court, or have you ever been cited for contempt of any court or tribunal having the power of contempt? If so, give details, including dates and names current addresses and telephone numbers of the judges involved and counsel for the adverse parties.
50. Have you ever been charged in any civil, criminal or administrative action with conduct alleged to involve moral turpitude, dishonesty and/or unethical conduct? If so, provide the particulars, including the applicable dates and names, current addresses and telephone numbers of the counsel for the adverse parties.
51. Has a tax lien, or other collection procedure, ever been instituted against you by federal, state or local authorities? If so, provide the particulars, including the amount at issue, date and status of the claim or other collection procedure.
52. Have you filed appropriate tax returns as required by federal, state, local and other government agencies? If not, provide an explanation, including the amount at issue, date and resolution.
53. (a) Are you able, with or without reasonable accommodation, to perform the requirements of a United States Circuit Court Judge? These requirements include, among other things:
- * Understanding the role of a Circuit Court Judge in hearing appeals;
 - * Perceiving a courtroom clearly, reviewing all types of evidence, including exhibits;
 - * Reviewing and processing substantial volumes of information originally presented in written form (e.g., legal briefs, cases, transcripts);
 - * Comprehending attorneys and others;
 - * Absorbing, analyzing and weighing complex issues quickly and accurately; and,
 - * Responding to situations with discretion, judgment and restraint while under pressure.
- (b) Have you ever illegally used drugs? If so, when was the last time you did so? Are you currently using illegal drugs? Please explain.

- (c) At any time in the last 10 years have you been diagnosed as having, or have you received treatment for, pathological or compulsive gambling? If so, provide information to show whether and how well the condition is currently controlled.
 - (d) Is there any reason that, with or without reasonable accommodation, you could not exercise the discretion, judgment, and emotional and mental discipline required of a judge?
55. If any articles or allegations have ever been printed or broadcast or otherwise made public concerning you or your activities, views or statements (irrespective of factual accuracy), which may reflect adversely on your character or job performance, identify the material, explain fully, and attach a copy of each publication to this application. (If the volume is extensive, attach representative samples of the publications and specify where the balance may be reviewed.)
 56. Are you aware of any individual(s) or group(s) who may oppose your appointment? If so, identify the potential opponents and provide any needed explanation.
 57. Describe any aspects of your personal, business or professional conduct or background which may reflect positively and/or adversely on you or the President, or which should be disclosed to the President in connection with your application for appointment to the office of United States Circuit Court Judge.
 58. What role can a United States Circuit Court Judge play in making our society a better place? Relate any personal or professional efforts you may have made in this regard.
 59. Why do you want to be a United States Circuit Court Judge? Why do you believe you are qualified? What would you seek to accomplish if appointed?
 60. Please attach your photograph (optional) and a copy of your resume.
 61. Attach a sample or samples of your legal writing (such as a portion or all of an appellate brief, memorandum of points and authorities, opinion letter, etc.). The sample(s) should not exceed a total of 25 pages.
 62. Please list five references (name, current address and telephone number).

AUTHORIZATION AND RELEASE

I hereby acknowledge and agree that my application may be given to the Federal Judicial Qualifications Committee ("FJQC") in the event my name is submitted for evaluation; and that all or portions of my application or the information contained therein may be given to or shared with the FJQC (if that committee is providing such assistance to the President) and other committees and/or individuals who have been asked by the President to assist him in the evaluation of applicants for judicial appointment. I further acknowledge and agree that for the purpose in aiding the President in evaluating my background and qualifications, the foregoing organizations and individuals will be entitled to seek and obtain information and documents concerning me from firms, companies, corporations, law schools and other educational institutions, attorneys, judges and other third parties, including those mentioned in my application.

I hereby authorize any governmental, licensing or law enforcement agency, including, but not limited to, any major national credit reporting organizations (collectively referred to as "agencies") to release to the President and the FJQC any and all information which those agencies may have about me (whether public, personal or confidential) for the purpose of aiding the President in evaluating my background and qualifications for appointment to the United States Court of Appeals for the Ninth Circuit. I understand that I will not receive, and am not entitled to know, the contents of confidential reports received from these agencies and I further understand that these reports are privileged, except that I am entitled to receive a copy of reports from major national credit reporting agencies.

I hereby release and discharge the President and his representatives, the FJQC, all agencies, their agents and representatives, and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing, use and inspection of documents, records and other information and the investigation of my background and qualifications, and this release shall be binding on my legal representatives, heirs and assignees.

I hereby declare under the penalty of perjury under the laws of the State of California and the United States of America that the answers and statements provided by me in the foregoing application are true and correct.

Name: _____
(Type or Print)

Signature: _____

Executed at:

_____ on _____