

Note Regarding Materials

The following is an excerpt from *The Selection, Appointment, and Reappointment of United States Bankruptcy Judges*. The publication is produced by the Judicial Services Office of the Administrative Office of the United States Courts and is designed to assist circuit courts and members of merit selection panels in carrying out their responsibilities in selecting, appointing, and reappointing federal bankruptcy judges in accordance with statutory and regulatory policies. It was last updated in May 2016 and is currently being revised in light of certain intervening changes to the process and forms.

The excerpt is provided for educational purposes for "Roadways to the Bench: Who Me? A Bankruptcy or Magistrate Judge?", a national event for law students and attorneys, and does not include appendices, other than Appendix G (a sample application form). Local policies and procedures established by individual circuit courts are not covered in these materials. Attendees may contact the applicable circuit court to request copies of actual application forms.

The Qualification of Bankruptcy Judges

Section 120(a)(1) of the 1984 Act provides that whenever a court of appeals is authorized to fill a vacancy in a bankruptcy court, it must appoint “a person whose character, experience, ability, and impartiality qualify [him or her] to serve in the Federal judiciary.” The statute authorizes the Judicial Conference to prescribe regulations governing the qualification of bankruptcy judges. The Judicial Conference first promulgated regulations at its September 1984 session and has since amended them several times. They are set out in their entirety in Appendix B and may also be found in the *Guide to Judiciary Policy* on the judiciary’s intranet site, JNet. The qualifications to be a bankruptcy judge, as contained in those regulations, are as follows:

Bar Membership – Nominees must be members in good standing of the bar of the highest court of at least one state, the District of Columbia, or the Commonwealth of Puerto Rico, and members in good standing of every other bar of which they are a member. The qualifications of “good standing” are determined by the highest court of the applicable state and may vary slightly from state to state.

Personal Attributes – Nominees must:

1. possess, and have a reputation for, integrity and good character;
2. possess, and have demonstrated, a commitment to equal justice under law;

3. possess, and have demonstrated, outstanding legal ability and competence;
4. indicate by demeanor, character, and personality that they would exhibit judicial temperament if appointed; and
5. be of sound physical and mental health sufficient to perform the essential duties of the office.

Relationship to Judges – At the time of the initial appointment, nominees must not be related by blood or marriage to a judge of the appointing court of appeals or judicial council of the circuit, or to a judge of the district court to be served, within the degrees specified in 28 U.S.C. § 458.

Experience as an Attorney – Unless the judicial council of the circuit determines that special conditions exist, nominees must have engaged in the active practice of law for a period of at least five years. The council may consider as substitute experience for the active practice of law the following, including any combination of:

1. Judge of a state court of record or other state judicial officer;
2. United States magistrate judge, bankruptcy judge, or other federal judicial officer;
3. Attorney for a federal or state agency;
4. Law clerk to any judge or judicial officer (limited to two years); and/or
5. Other legal experience suitable as a substitute in the opinion of the majority of the judicial council.

Additional Qualifications – The judicial council may establish additional qualification standards appropriate for a particular position, taking into account the specific responsibilities for the office.

CHAPTER 5

Appointment of the Merit Selection Panel

The Judicial Conference prescribes regulations to implement the statutory provisions governing the selection of bankruptcy judges. Its regulations, set out as Appendix B, recognize that a circuit judicial council may benefit from the assistance of a merit selection panel in screening and reviewing the qualifications of applicants for the bankruptcy bench. The regulations therefore provide that the judicial councils may, by majority vote, appoint (or authorize the chief judge of the court of appeals for the circuit to appoint) a chair and members of a merit selection panel. The panel may have no fewer than three members, including the chair. It is recommended that panels be composed of an odd number in order to avoid potential problems caused by tie votes. The panel's chair may perform whatever duties the judicial council may assign.

Prior to deciding whether to establish a panel, the chief judge of the circuit, or the circuit executive, must notify the Judicial Conference Committee on the Administration of the Bankruptcy System (Bankruptcy Committee) and the Administrative Office that the court of appeals is considering whether to fill a vacant bankruptcy judgeship. The Judicial Services Office will provide current data regarding filings and workload in the district to assist the court with making a decision on whether to delay filling the vacancy.

The Judicial Conference Regulations do not prescribe composition of membership or qualifications for service on the merit selection panels, except that panel members must be residents of the circuit within which the appointment is to be made. To further efforts to achieve

diversity in all aspects of the bankruptcy judge selection process, the court is encouraged to appoint a diverse merit selection panel.

Panelists receive no compensation for their services, but they may be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law. No person may be considered as a nominee while serving or having agreed to serve as a member of the panel, or for a period of one year after completing panel service. Matters related to the operation of the panel, including reimbursement, should be coordinated through the circuit executive's office. Neither the statute nor the regulations make provision for clerical help for the panels. However, it is expected that, to the extent reasonably possible, the circuit executive will ensure that both facilities and personnel are available to assist the panels in their work.

If the judicial council decides not to appoint a panel, the council or a subcommittee of its members may perform the duties of the panel set forth in the regulations.

CHAPTER 6

Public Notice and the Application for Bankruptcy Judge Positions

Under the Judicial Conference Regulations, public notice of a bankruptcy judgeship vacancy must be published in a source that will reach a wide audience of qualified applicants. This includes a general local newspaper or similar publication, a bar journal, newsletter, or local legal periodical, if available, as well as court and bar association websites. Although the regulations do not prescribe the minimum amount of time the public notice should appear, it is recommended that a full notice, such as the sample set out in Appendix E, appear in a newspaper and legal periodical for a single issue, and online until the expiration of the application period. The court of appeals is responsible for the cost of publishing the vacancy announcement.

The full notice should describe the duties of a bankruptcy judge, the authorized salary, the pertinent qualification standards, and the procedures for submitting applications, including the name and address of the person to whom the application must be submitted. It should note that the regulations require the applicant to submit the application personally. In other words, another person may not submit an application on the applicant's behalf.

If the court of appeals chooses to publish an abbreviated announcement, noting only the nature of the position and the procedures for submitting applications, the announcement should

appear in newspapers, periodicals, and online for a reasonable amount of time at the discretion of the court. The announcement should always include the name and address of the person to whom applications should be submitted and refer potential applicants to a specific contact or source for additional information. Normally, the contact will be the circuit executive or staff within the office of the circuit executive. Circuit executives often assemble answers to the most frequently asked questions in preparation for inquiries by applicants. The Judicial Services Office of the Administrative Office of the United States Courts is available to assist in responding to inquiries by potential nominees. A sample abbreviated public notice is provided as Appendix F.

In order to attract the greatest number of applicants, the public notice should be disseminated as widely as practicable so that all qualified members of the bar are apprised of the opportunity to apply for the position. While it is permissible for most court officials to undertake active recruitment of qualified individuals, members of the merit selection panels should refrain from active recruitment to avoid the appearance of favoritism. The court of appeals should make an active effort to identify qualified individuals from as broad a background as possible and tailor publication of the notice to reach a diverse audience. The notice should be filed and posted in the offices and on the websites of the clerk of the court of appeals, bankruptcy, and district courts where the bankruptcy judgeship vacancy exists.

A merit selection panel must report the results of its activities to the judicial council within 90 days of its creation unless otherwise directed by the council. Because of the time limitations, the court of appeals should take the necessary preliminary steps to issue the required public notice and ensure its prompt insertion in requisite newspapers, publications, and online sources. In order to promote uniformity and efficiency, the court should prepare and reproduce in sufficient numbers the forms to be completed by applicants, and/or make the application forms available online for download. As determined by the council, the instructions accompanying the forms should advise applicants to submit sufficient copies to meet the needs of the panel and the council, and the method by which the forms should be submitted (electronic or paper). In light of the 90-day rule, it may be advisable to provide a specific submission deadline, such as 30 days after publication or a date certain, in order to permit the panel to complete its work in a timely manner. A sample application is provided as Appendix G.

On occasion, an additional bankruptcy judgeship vacancy will occur shortly after the merit selection panel has concluded its deliberations and submitted its report. In these circumstances, many of the applicants for the first vacancy may also want to be considered for the new vacancy. Some courts of appeals have established a policy providing that if a new vacancy occurs within 90 days after a panel report is submitted for a prior vacancy in the same district and geographic area, the panel may include applicants for the prior vacancy in the list of persons found best qualified, together with other new applicants also deemed qualified.

Meeting of the Merit Selection Panel

At its initial meeting, the merit selection panel should discuss and establish the procedures and rules to be followed during its deliberations. Although the Judicial Conference Regulations provide the panel with a great degree of discretion in the actual review and selection of nominees, panel members must nevertheless abide by specific rules, e.g., all decisions must be by majority vote.

If the judicial council or court of appeals has not already done so, the panel should establish procedures regarding open voting vs. secret ballots, attendance requirements, and quorum rules. Depending on the actual or anticipated number of applications submitted, the panel may wish to consider whether to delegate the initial task of screening applicants to the chair or other individual members of the panel as appropriate. The panel may also discuss in advance the possibility or necessity of interviewing the candidates more than once as part of the screening process.

If public notice of the vacancy has not been adequately distributed, the panel should promptly bring this fact to the attention of the circuit executive.

Following the initial screening of candidates on the basis of applications submitted, the panel, in its discretion, may choose to narrow the field and conduct personal interviews of some or all applicants. Interviews are especially helpful when panel members have no personal knowledge of the applicants or their legal experience. Care should be taken, however, to ensure fairness in the interviewing process. For example,

the panel should determine beforehand what types of questions will be asked, and the members should agree that the same general questions and areas of inquiry will be covered with each interviewee. Some courts of appeals, through the circuit executive's office, provide guidelines for questions or standard questions that the panel should ask, other courts allow for the panel to determine which questions should be asked.

Confidentiality Requirements

In order to encourage the greatest number of applicants and to protect their privacy, the Judicial Conference Regulations impose a requirement of confidentiality upon the panel. Neither the names of the applicants nor the identity of the individuals recommended by the panel to the judicial council may be disclosed other than as a necessary part of the panel's report to the judicial council.

Panel members should keep confidential all information, written or oral, obtained in the course of performing their duties. The panel may wish to ensure that the public notice and application form contain a confidentiality pledge. The panel's deliberations, moreover, should remain confidential.

During the course of the panel's work, it will likely become necessary to verify or supplement written information provided by the candidate on the application form. This may be done through questioning the applicant's references, as well as present or past employers, adversaries, and colleagues, or by seeking the views of others who may have specific knowledge of the applicant's abilities. In these instances, it is suggested that the panel avoid potential embarrassment to the applicant and the possible breach of the pledge of confidentiality by seeking the candidate's assent before contacting any outside source or reference. One way to accomplish this is to inform applicants, through the application form or public notice, that the panel may contact listed references and outside sources, unless the applicant notifies the circuit executive that such contacts should not be made. It is suggested that the initial screening process be completed before inquiries are undertaken.

Evaluating the Applicants

Judicial Conference regulations do not prescribe the specific manner in which merit selection panels should evaluate and rank candidates. These procedures generally are left to the discretion of the individual panels and judicial councils. The following suggestions are offered as a guide to the panels in carrying out their mission.

In General

Failure on the part of an applicant to meet any one of the statutory or regulatory requirements should normally result in automatic rejection of that applicant's candidacy. A judicial council may establish additional qualification standards appropriate for a particular judgeship, taking into account the specific responsibilities anticipated for that position. Panel members should bear in mind that bankruptcy judges exercise, for the most part, the full jurisdiction over bankruptcy matters granted to the United States district court. Thus, bankruptcy judge nominees should generally possess the same types of personal and professional qualities expected of district judges.

Personal Attributes

The Judicial Conference regulations require that the nominee:

1. be of good moral character and integrity;
2. be committed to equal justice under the law;

3. be of sound mental and physical health sufficient to perform the essential duties of the office;
4. possess, and have demonstrated, outstanding legal ability and competence; and
5. indicate by demeanor, character, and personality that the nominee would exhibit the judicial temperament required if appointed.

These characteristics, by their very nature, are subjective and not easily quantifiable, but may ultimately stand among the most important qualities necessary for a successful career as a bankruptcy judge. In order to assess these qualities; the panel may examine each candidate's capacity in each of the following areas:

Scholarship

In considering the applicant's academic record and accomplishments in law school and college, panelists may wish to give special attention to the applicant's class standing, the quality of the schools attended, membership on the law review, and membership in academic associations.

Practice of Law

In considering the period and character of legal practice in which the applicant has been engaged, panelists may wish to focus on the applicant's aptitude for legal scholarship and writing and the ability to deal with complicated legal problems as a demonstration of professional competence. The individual should be well regarded professionally by other lawyers. While the panel should not confine its consideration to persons with any one type of legal work or segment of practice, it must decide on the requisite weight to be given to the applicant's substantive knowledge and experience, including litigation experience in the fields of bankruptcy, insolvency, and commercial law. The panel may also consider whether the applicant has been involved in any public service activities, including *pro bono* work.

Knowledge of the Federal Court System

Because procedures under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Federal Rules of Bankruptcy Procedure frequently differ from those of state and local court systems, the panel may consider the applicant's familiarity with the federal courts, and bankruptcy courts in particular.

Equal Employment Opportunity

Congress has noted that compared to the population as a whole, women and certain minority groups such as African-Americans and Hispanics are under-represented in the federal judiciary. The judiciary has long recognized the importance of diversity in its workforce. The panel members should make an affirmative effort to identify and give due consideration to all qualified individuals.

Additional Qualification Standards

The Judicial Conference Regulations authorize the judicial council to establish additional qualification standards appropriate for a particular position, taking into account the specific responsibilities for that office. For example, an individual appointed as a judge in a one-judge court will have certain additional responsibilities that may require a great deal of administrative and managerial skill. The merit selection panel or subcommittee of the judicial council may wish to develop other requirements or attributes that it considers desirable. Other personal attributes that may be desirable in candidates for appointment as a bankruptcy judge include the following:

1. General intellectual ability;
2. Diligence and a proven willingness to work hard;
3. An ability to discern facts and weigh conflicting evidence;
4. Decisiveness (i.e., an ability to make prompt, correct determinations of legal issues);
5. A proven capacity to speak and write clearly;

6. Integrity and the absence of outside political or other influence;
and
7. A commitment to public service.

Weighting the Qualification Factors

It may not be possible for panel members or the panel as a whole to assign formal mathematical values to the various selection criteria. Nonetheless, some degree of uniformity is essential in the selection process. To aid the panel in reaching an acceptable level of uniformity, a sample checklist that can be applied to all applicants is provided as Appendix H. The court of appeals or judicial council may consider establishing a weighting system or order of importance of the various selection criteria to provide guidance to the panel in evaluating candidates. In the absence of such guidance, the panel may wish to consider assigning a weight or point value to each factor, signifying its degree of importance.

Report and Recommendations to the Judicial Council and the Court of Appeals

After all written information has been submitted, interviews have been completed, and all follow-up information has been gathered, the panel should collectively determine which individuals among the applicants meet all the standards and appear qualified for appointment as a bankruptcy judge. The members may consider it appropriate at this time to conduct a full and candid discussion of the qualifications of the various candidates. Each member should be free to contribute personal views as to the qualifications of each applicant.

Within 90 days of its creation, unless the judicial council directs that the report be submitted earlier, the panel must submit its report to the council, in which it must specify five to ten applicants that it has determined to be best qualified. The panel should endeavor to complete its report in advance of the 90-day deadline in the event that too few or no qualified applicants are identified. Should the panel have too few or no qualified applicants, it should immediately notify the council so that another notice of vacancy can be published to attract qualified candidates before expiration of the 90-day deadline. The council may accept a list containing fewer than five names if the panel shows good cause in its report. All written information received by or prepared by the panel concerning the recommended nominees must accompany the report. The chair should take whatever steps are necessary to ensure the

confidentiality of the transmission of the report to the judicial council of the circuit.

In presenting the report, it is recommended that the panel specify the total number of individuals who applied for the vacant position and the reasons it supports the candidacy of each recommended nominee. The panel may wish to note which characteristics or qualities it considered important in its deliberations, including an explanation of any weighting or ranking system used by the panel. It may also wish to note how the selected nominees manifested certain characteristics or qualities, if not otherwise apparent in the written materials submitted by the applicant. The report must also address any specific additional qualification standards imposed by the judicial council. No individual should be included in the list of recommended nominees unless a majority of the panel deems that person fully qualified to serve as a bankruptcy judge.

The Judicial Conference Regulations are silent on whether the recommended nominees should be ranked. The panel may choose either to list the recommended nominees in alphabetical order without preference, or to rank them, especially where the quality varies substantially among the individuals nominated. The panel chair may wish to explore this issue with the council early in the process, or at least before submitting the panel's report.

After receiving and reviewing the report of the merit selection panel, the judicial council should review the qualifications of the recommended nominees, consistent with procedures it has established for this purpose. At its discretion, the council may accept the findings contained in the panel report or it may conduct an additional inquiry into the qualifications of the individuals recommended. The council may also wish to conduct its own interviews with recommended nominees.

After completing its review, the judicial council must submit a list of at least three nominees to the court of appeals, unless otherwise directed by the court. The council must select the nominees from the list provided by the panel. However, the council, by majority vote, may reject the first list submitted by the panel. If the council rejects the first list, the panel must reconvene and submit a second list from which the judicial council must then select its nominees. If the council has chosen

not to form a panel to assist it in the selection process, the council itself, or a subcommittee of members of the council, may perform the duties of the merit selection panel and select nominees from among the applicants.

The court of appeals decides whether or not to disclose the names of the three (or more) finalists whose names are submitted to it by the council. Some courts announce the names of the finalists and invite comment on the merits of each individual before making a final selection.

Selection by the Court of Appeals

After receiving the list of nominees from the judicial council, the court of appeals may wish to conduct a final round of personal interviews. The court then selects the appointee by majority vote. Whenever a majority of the judges cannot agree upon the appointment, the chief judge of the court of appeals may make the selection. 28 U.S.C. § 152(a)(3).

Once the court has made its selection, subject to background investigations by the Federal Bureau of Investigation (FBI) and the Internal Revenue Service (IRS), it should notify the nominee and obtain his or her acceptance. It should then inform the members of the panel of its choice and may notify the other applicants that it has made a tentative selection and thank them for their interest in the position. The court must decide whether to disclose the name of the nominee before completion of the FBI and IRS investigations. Although there is no prohibition on announcing the name of the nominee before completion of the FBI and IRS reports, there are sound reasons for not doing so. In a few cases, an announcement has proved embarrassing when the court later had to revoke its selection following examination of the background reports on the nominee.

Bankruptcy judges are required to complete a financial disclosure statement after taking office. At its March 1989 meeting, however, the Judicial Conference approved amendments to the regulations that permit a court of appeals to require a nominee to disclose comprehensive information regarding his or her financial affairs before preparation of background reports by the FBI and the IRS. Requiring a nominee to complete a preliminary disclosure statement

after being selected for appointment ensures that the court of appeals has comprehensive information on the nominee's financial interests before actual appointment. A copy of a sample preliminary disclosure statement is provided as Appendix I of this book.

Once selected, the court of appeals should provide the name, address, email, and telephone number of the nominee to the Judicial Services Office of the Administrative Office. The Judicial Services Office will provide the nominee with the requisite forms that the nominee is required to complete to initiate the FBI and IRS reports (three copies of SF 86 and its supplement). It is important that the forms be prepared completely and accurately and submitted to the Judicial Services Office. Two original fingerprint cards and a tax check waiver must also be submitted. The nominee may wish to request the assistance of the local United States Marshal's office or other law enforcement agency to complete the fingerprint card.

The Judicial Services Office will immediately request the necessary background reports from the FBI and the IRS, as required by the Judicial Conference Regulations. The investigations normally take about 12 weeks to complete and process. In the rare circumstance that the nominee has been the subject of in-depth FBI and IRS reports covering the relevant time period before selection to the present position, the requirement for further background reports may be waived upon the request of the court of appeals. In these instances, the prior report should be requested. If, in the judgment of the court of appeals, the IRS report has not been completed in a timely manner, the court of appeals may waive the report provided it has taken steps to assure itself that the nominee has filed tax returns as required.

If, after a review of the background investigation reports and financial disclosure statement, the court of appeals is satisfied with the nominee's qualifications, the court should issue an order of appointment and submit the necessary appointment forms to the Judicial Services Office.

Appointment

The appointee takes the judicial oath or affirmation prescribed by 28 U.S.C. § 453, as well as the constitutional oath of office prescribed by 5 U.S.C. § 3331. The appointment is entered of record in the

court of appeals and the district court, and the clerk of the court of appeals, often through the circuit executive's office, gives notice of the appointment to the Judicial Services Office. The Administrative Office prepares a parchment certificate of appointment and forwards it to the chief judge of the court of appeals for signature. The newly appointed bankruptcy judge executes Form AO 79B, which is an order of appointment and oath of office form. The form also requires the disclosure of certain biographical information.

The court of appeals may wish to conduct an appointment ceremony or investiture in coordination with the district and bankruptcy courts. Additional guidance for the investiture ceremony can be found in the *Guide to Judiciary Policy*, in the *Judges Administrative Manual*, and in the Judges Information Series publication entitled *Getting Started as a Federal Judge*. All are available on the judiciary's intranet, JNet, and from the Judicial Services Office.

Disposition of Records

To keep the identities of the various applicants confidential, the panel and the judicial council should exercise care in handling and disposing of the application forms and all other written materials collected during their respective deliberations. It is suggested that the circuit executive retain all material other than that pertaining to the individuals who are recommended as nominees—which material must be forwarded along with the panel’s report—at least until the actual appointment of the bankruptcy judge. Retention of the materials is recommended because the council may reject the panel’s initial list of five to ten nominees, or the court of appeals may decline to make a selection from among the nominees recommended or may later revoke its selection following examination of the background reports on the nominee. In any of those events, the panel may be required to reconvene, and the information previously assembled on the remaining applicants would be needed.

Immediately following appointment of the bankruptcy judge, the circuit executive may wish to return all materials to the applicants or dispose of materials (e.g., shredding) in keeping with the confidentiality requirement of the Judicial Conference Regulations. The circuit executive, however, should retain the report of the panel and material related to the recommended nominees as confidential records.

APPENDIX G

Sample Application Form United States Bankruptcy Judge

APPLICATION FOR UNITED STATES BANKRUPTCY JUDGESHIP duty station at *[insert duty station]*

(In response to any question, you may use continuation pages if necessary.)

General

1. Full name: _____

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

3. Present Occupation: _____ Title: _____

4. Office address: _____

City: _____ State: _____

Zip: _____ Telephone: _____

5. Residential address: _____

City: _____ State: _____ Zip: _____

6. Place of Birth: _____ Date of Birth: _____

7. Length of residence in state: _____

8. In what countries do you hold citizenship? _____

9. Colleges and Universities attended, dates, degrees, and class standing (if known). _____

10. Law School(s) attended, dates, degrees, and class standing (if known).

11. Military Service:

Branch: Dates of Service: Rank or rate at discharge: Type of discharge:

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If currently a reserve or National Guard member, please give service, branch, unit, and present rank. _____

12. Are you related by blood or marriage to a judge of the United States Court of Appeals for the [insert circuit] Circuit or a member of the Judicial Council of that circuit, or to a judge of the District Court to be served? Yes___No:___If so, give their names and the relationship.

Names:	Relationship:
_____	_____
_____	_____
_____	_____
_____	_____

Honors

13. Were you a member of the law review board? Yes___No:___
If so, give the name of the law review, the dates, and the position held.

14. List any legal books or articles written by you, giving citations and dates. _____

15. List any honors, prizes, or awards you have received.

16. List continuing legal education courses completed within the last five years. _____

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. Have you been engaged in the active practice of law for at least five years? Yes ___ No: ___

19. State the name, dates, and addresses of all law firms with which you have been associated in practice and of all governmental agencies or private business organizations in which you have been employed. List all periods you have practiced as a sole-practitioner and list the same information as for any other prior practice:

Position:	Firm Address:	Dates:
_____	_____	_____
_____	_____	_____
_____	_____	_____

20. Describe the general nature of your current practice including any legal specialties which you possess and the character of your typical clients. Additionally, if your practice is substantially different now than previously, please give details or prior practice. _____

21. Do you regularly appear in court? _____

What percentage of your appearances in the last five years was in the following forums?

Bankruptcy Courts?..... %

Federal, District, and Appeals Courts?..... _____ %

State or Local Courts?..... _____ %

Administrative Bodies?..... _____ %

Other?..... _____ %

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

..... _____ %

How frequently have you appeared in court?..... ____times/mo.

How frequently have you appeared at administrative hearings?

..... ____times/mo.

What percentage of your practice involving litigation has been:

Bankruptcy _____ %

Civil _____ %

Criminal _____ %

Other (describe) _____ %

State the number of cases you have tried to conclusion in courts of record during each of the past five years, including whether you were sole, associate, or chief counsel. Give citations of any reported cases.

23. Have you served as a trustee or other court-appointed officer in bankruptcy matters? Yes___No:___ If yes, provide the approximate number of such cases and list the more important matters in which you served.

Names	Court
_____	_____
_____	_____
_____	_____

24. Summarize your courtroom experience for the past five years.

25. State the names and addresses of adversary counsel against whom you have litigated your primary cases over the last five years.

Public Office

26. Have you ever run for or held public office? Yes ___ No: ___ If so, give details. _____

Prior Judicial Service

27. Have you ever held judicial office or been a candidate for judicial office? Yes ___ No: ___ If so, please state the courts involved and the dates of service or the dates of candidacy. _____

28. Prior Quasi-judicial service:

Name of Agency:	Position Held:	Dates of Service:
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_____	_____	_____
_____	_____	_____
_____	_____	_____

For each position please describe the general nature of the issues adjudicated and the numbers of hearings adjudicated:

Business Involvement

29. If you are now an officer, director, or otherwise engaged in the management of any business or 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. _____

30. Since being admitted to the Bar, have you engaged in any occupation, business or profession other than the practice of law? Yes ___ No: ___ If so, please give details, including dates.

31. State whether during the past five years you have 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; and the dates such compensation was paid.

Disciplinary Proceedings/Offenses

32. Have you ever been convicted for violation of any federal law, state law, county or municipal law, regulation or ordinance? Yes ___ No: ___ If so, please give details. Do not include traffic violations for which a fine of \$100 or less was imposed unless it also included a jail sentence. _____

33. Have you ever been sued by a client? Yes ___ No: ___ If so, give particulars. _____

34. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? Yes ___ No: ___ If so, please give particulars, including the amounts involved.

35. Have you ever been charged in any civil or criminal proceeding with conduct alleged to involve moral turpitude, dishonesty, and or unethical conduct? Yes ___ No: ___ If so, please give particulars, including the full style of the cause. _____

36. Have you ever been disciplined for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group? Yes ___ No: ___ If so, please give the particulars. _____

Taxes

37. To the best of your knowledge, are you in compliance with the tax laws of the federal government and of the state, county, and community of which you are a resident? Yes ___ No: ___

38. Have you filed appropriate tax returns as required by federal, state, local and other government authorities? Yes ___ No: ___ If no, please explain. _____

39. 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. _____

Professional and Other Activities

40. List all bar associations and legal or other 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.

41. List all organizations and clubs, other than bar associations and professional societies identified in response to Question No. 40, 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.

42. Describe any civic, philanthropic, community, social, or public service activities during the past five years, including any posts or offices held and honors or awards received.

Supplemental Information

43. Do any clubs or private associations to which you belong have a discrimination clause or have a history of barring membership to women or minorities? Yes ___ No: ___

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

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

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

Personal and Judicial References

47. List five individuals as references who are familiar with your abilities and personal character.

Name	Address	Phone
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

48. Give the names and current phone numbers of at least five, but no more than ten, persons (of whom not fewer than four must be lawyers not associated with you in the practice of law or in business) to whom we may refer as to your character and professional ability, and state how long each has known you. Your references must have had adequate opportunities for observing your professional and general conduct and ability. Describe the status of non-law references.

Name	Phone	Period of Acquaintance
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

49. Give the names and current phone numbers of at least three persons who have worked for you and with you in a subordinate position.

Name	Phone Work	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

50. Give the names and current phone numbers of not more than five judges (of whom at least three must be active) with whom you are not and have not been associated in the practice of law or in business, and before whom you have appeared recently in matters which would afford them an opportunity to observe your professional conduct and ability. If yours is a non-litigation practice, list such judges, if any, who have had an opportunity to observe you in bar association or other activities. Indicate those before whom you have appeared in court or other judicial bodies by inserting (A) before the name of the judge.

Name of Judge	Court	Phone	Date and Nature of Most Recent Matter
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

51. Have you previously applied for a bankruptcy judge position?
 Yes ___ No: ___ If yes, please list all positions applied for and the dates below.

Confidentiality Statement

This form will be kept confidential and will be examined only by members of the merit selection panel, the circuit executive, judges of the judicial council, and the judges of the court of appeals. The individuals, whom you have listed as references above, as well as your current employer or co-workers, may be contacted by the panel. If this presents a problem, you should notify the circuit executive so that special arrangements can be made. Sometimes the arrangement may be made that there will be no contact with an employer or co-workers unless you are a potential finalist for the position.

I declare under penalty of perjury that the foregoing is true and correct.
Executed On: _____ (Date)

Signature of Candidate: _____

Please return completed application by _____ to:

[insert appropriate contact and address information]

NOTE THAT EMAIL AND FAX SUBMISSIONS SHALL NOT BE
ACCEPTED