# INSTRUCTIONS
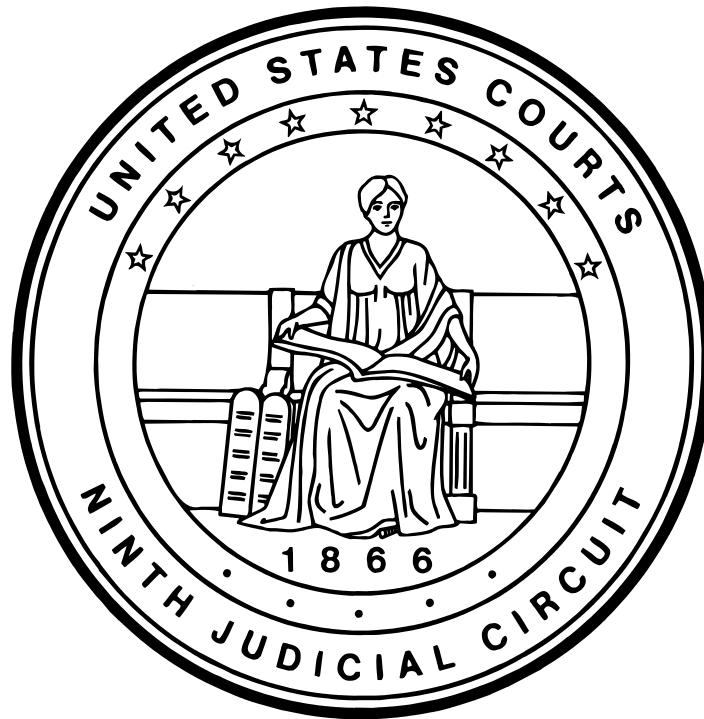
# FOR

# APPLICANTS TO A FOURTEEN-YEAR TERM

# AS

# UNITED STATES BANKRUPTCY JUDGE

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## INFORMATION AND APPLICATION MATERIALS
## FOR
## UNITED STATES BANKRUPTCY JUDGE APPLICANTS

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This package provides information on applying for a fourteen-year term as a United States Bankruptcy Judge in the Ninth Circuit.  The materials in this packet are:

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## I. Information for Applicants

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A. __BANKRUPTCY JUDGE'S RESPONSIBILITIES/QUALIFICATIONS__

Please note that the qualifications for appointment do not require bankruptcy law experience or residence in the district in which one wishes to serve.

To be qualified for appointment, an applicant must:

1. Be a member in good standing of every state bar in which he/she is admitted to practice;
2. be competent to perform the duties of the office;
3. possess a reputation for integrity and good character;
4. possess and have demonstrated a commitment to equal justice under the law;
5. be of sound mental and physical health;
6. possess and have demonstrated outstanding legal ability and competence;
7. indicate by demeanor, character and personality that he/she would exhibit judicial temperament, if appointed;
8. unless the Ninth Circuit Judicial Council determines that special conditions exist, he/she must have been 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 thereof:
   a. Judge of a State Court of Record or other state judicial officer
   b. United States Magistrate Judge
   c. Referee in Bankruptcy
   d. Bankruptcy Judge, or other federal judicial officer
   e. Attorney for federal or state agencies
   f. Law clerk to any judge or judicial officer (limited to two years)
   g. Other legal experience which is suitable as a substitute in the opinion of the majority of the United States Court of Appeals for the Ninth Circuit
9. not be related by blood or marriage to a judge of the Ninth Circuit Court of Appeals or the Ninth Circuit Judicial Council, or to a judge of the district court to be served, within the degree specified in § 458 of Title 28, United States Code, at the time of initial appointment.
10. comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (1978) (codified as amended at 5 U.S.C. app. §§ 101-111).

**B.    JUDGESHIP AVAILABILITY/TERM OF APPOINTMENT**

The Merit Screening Committee is searching for the best-qualified individuals currently available for appointment to a fourteen-year term as a bankruptcy judge for the Ninth Circuit.

**C.    BANKRUPTCY JUDGE SALARY**

The current annual salary is $188,692. Bankruptcy judge salaries are set by Congress to equal 92% of the salary of a United States district judge ($205,100).

**D.    BANKRUPTCY JUDGE JURISDICTION**

The basic jurisdiction of a bankruptcy judge is specified in 28 U.S.C. § 151 and in Title 11, United States Code, as well as in 98 Stat. 344 P.L. 98-353, Title I, Section 120.

**E.    EQUAL EMPLOYMENT OPPORTUNITY**

Applicants are considered without regard to race, color, national origin, gender, religion, age, non-interfering disability and sexual orientation.

**F.    NINTH CIRCUIT SELECTION PROCESS**

The Court of Appeals uses a competitive open-selection merit process in making appointments for the fourteen-year term of office of a bankruptcy judge. It is an extended and time-consuming procedure. Applicants should expect the entire process to take about six months. Following is a brief description of this selection process.

1.    The process is initiated by a district Merit Screening Committee (MSC) made up of the administrative circuit judge, the chief district judge, the chief bankruptcy judge, state bar president, local bar association president, and dean of a law school within the district, or their designees. This committee reviews applications received, conducts background reference checks on selected applicants, and interviews those deemed most qualified. There are no funds available to reimburse applicants for their travel expenses at this interview stage. The interview time for any one candidate generally lasts about 30 to 45 minutes. The MSC prepares a written report and recommends the most outstanding applicants for further consideration.

2. The MSC's recommendations are then considered by the Court-Council Committee on Bankruptcy Appointments (Committee). The Committee is composed of three or four U.S. circuit judges and one chief bankruptcy judge. The Committee considers the candidates referred by the MSC, and makes any additional inquiries it deems necessary (which normally includes another interview).

3. Based on the interview session and background checks, the Committee prepares a report to the Ninth Circuit Judicial Council (Council), certifying that appropriate recruitment procedures were followed. The Council is composed of circuit and district judges and is the governing administrative body of the Circuit. It is the Council's responsibility to certify that appropriate recruitment procedures were followed.

4. The Committee also sends a report to the full Court of Appeals recommending the name of one candidate for each vacancy to be filled.

5. Once the Court of Appeals makes its nomination for appointment, an FBI and IRS check of the nominated candidate is initiated. This generally requires 8 to 12 weeks. Upon determination by the Court of Appeals that the investigative reports do not contain information that would make it reconsider its nomination, it issues an Order of Appointment. It is only at this point that a public announcement regarding the appointment is made.

## G. DIRECTIONS FOR COMPLETING AND SUBMITTING THE APPLICATION

1. All applications **must be typed and follow the Ninth Circuit application format; do not alter the format of the application**. This version of the Ninth Circuit Bankruptcy Judge application form is specifically for use with Ninth Circuit Bankruptcy Judge recruitments. (**application revised 2/2014**).

2. Answer **all** questions as thoroughly as possible. If a question or section is not applicable, please indicate as such. Incomplete applications **will** **not** be processed.

3. Respond fully to each question. If there is insufficient space for your response on the application itself, use a separate attachment sheet. Any attached sheets should be appended to the application and should refer to the related page and question number.

4. Complete and sign the Authorizations and Waivers of the application.

5. One completed and signed original **and one copy** must be sent to the Office of the Circuit Executive. One scanned version (**completely scan the entire application**; no form fields should appear in the uploaded application) of the completed application must be uploaded to the Ninth Circuit Bankruptcy Judge Application

System (https://judgeship.ce9.uscourts.gov). The original should be kept single-sided; the complete scanned uploaded version should be in PDF. Please secure the original application with an appropriately sized binder clip – do not staple or hole punch the original you submit.

    a.    Applicants must create an account on the Ninth Circuit Bankruptcy Judge Application System at https://judgeship.ce9.uscourts.gov.

    b.    Once registered and logged-in, click "Apply for Judgeship."

    c.    Be sure to name your application accordingly: **Lastname_Firstname_District.pdf**. The file should be a complete scan of your application free of any form fields.

    d.    Select the district you wish to apply for from the drop-down menu. Click on, "Choose File," to select your scanned PDF application, then click "Upload" to upload the file.

    d.    Complete your desired contact information, then click on "Save" to upload your application.

    e.    You will receive a confirmation message once completed.

    f.    The original (and copy) must be received by the Office of the Circuit Executive by the closing date listed on the announcement.

6.    Please DO NOT include photos of yourself in the application form or in any part of the appended materials – any such photos will be redacted.

7.    **ANY LETTERS OF REFERENCE (OPTIONAL) AND SUPPORTING DOCUMENTS MUST ACCOMPANY THE COMPLETED APPLICATION.** Letters of reference should be addressed to the Circuit & Court of Appeals Executive-Ninth Circuit. Subsequent letters of reference, unless specifically requested by the Office of the Circuit Executive, will not be considered.

8.    **Reference checks may be conducted upon receipt of the completed application.** We do not limit such contacts solely to those persons named on the application as "references." If this presents a problem for you, please contact the Office of the Circuit Executive, Human Resources Department, without delay.

9.    Applicants should **complete and return ONLY the application form (pp. 1-30) and any appended materials; please do not send these instructions.**

10.    Only applicants who are selected for interview by the MSC will be required to provide a transcript from all law schools attended and evidence of good standing in all state bars in which membership is held.

## H.    <u>APPLICATION SUBMISSION</u>

Your completed original application (and copy) along with any included attachments as well as your scanned and uploaded application (https://judgeship.ce9.uscourts.gov) must be received **by the closing date listed on the vacancy announcement.**

| *Parcel/Express Delivery service* | *U.S. Mail* |
|---|---|
| Office of the Circuit Executive | Office of the Circuit Executive |
| U.S. Courts for the Ninth Circuit | U.S. Courts for the Ninth Circuit |
| 95 Seventh Street, Suite 429 | P.O. Box 193939 |
| San Francisco, CA  94103-1526 | San Francisco, CA  94119-3939 |
| (415) 355-8900 | |

Attention: Bankruptcy Judgeship Recruitment – [District]