

# 2017-2019 FLORIDA FEDERAL JUDICIAL NOMINATING COMMISSION

## INSTRUCTIONS FOR APPLICATION FOR U.S. DISTRICT JUDGE

**FORM.** A complete application shall consist of four (4) parts to be compiled into a single (1) PDF file in the following order:

- (1) Complete “Applicant Summary” form, attached hereto as Part A,
- (2) Complete 2017-2019 Florida Federal Judicial Nominating Commission “Questionnaire for U.S. District Judge Applicant” form, attached hereto as Part B,
- (3) Complete “Financial Statement” form, attached hereto as Part C, and
- (4) The applicant’s resume or curriculum vitae.

**SUBMISSION.** The above-referenced single PDF file shall be submitted to the Statewide Chair, with the relevant Conference Chair copied, by a single email transmission. It shall be accompanied by a cover letter (also in PDF form) addressed to Statewide Chair Carlos Lopez-Cantera at CLCJNCFL@gmail.com. The PDF file and the subject of the email shall be identified in the following format: “Last name, First Name – XX District Application.” For example, Jane Doe applying for a vacancy in the Southern District of Florida shall submit her complete application compiled into a single PDF file named, “Doe, Jane – Southern District Application.” Similarly, her cover letter shall be submitted as an attachment to the same email transmission as is her application and named “Doe, Jane – Southern District Cover Letter.”

The cover letter addressed to the Statewide Chair shall include the following assurance:

“I certify that all information contained in my application, including any materials that may be subsequently requested by the commission or the senators, is true, correct, and complete.”

The cover letter addressed to the Statewide Chair shall conclude with the following statement:

“I hereby waive any privileges of confidentiality I may have concerning information which the commission may desire to obtain from any source concerning my qualifications. I specifically authorize all institutions, organizations, schools, physicians, hospitals, and individuals to make available to the commission any information concerning me which the commission may request.”

Please be informed that incomplete applications will not be considered.

## **Part A**

# **2017-2019 FLORIDA FEDERAL JUDICIAL NOMINATING COMMISSION**

### **APPLICANT SUMMARY**

NAME:

AGE:

PRESENT ADDRESS & LENGTH OF RESIDENCE IN FLORIDA:

MARITAL STATUS:

EDUCATION:

ACADEMIC HONORS:

PROFESSIONAL ACHIEVEMENTS:

ADMITTED TO FLORIDA BAR:

OTHER STATE BARS:

COURT ADMISSIONS:

LEGAL POSITIONS HELD:

PERCENTAGE OF APPEARANCES IN COURT:

FEDERAL:

STATE (Trial/Appellate):

LITIGATION (Civil/Criminal):

NO. OF CASES TRIED (Jury/Non-Jury):

PROFESSIONAL AND OTHER ACTIVITIES:

DECLARED BANKRUPTCY:

SUED BY CLIENT:

PARTY TO A LAWSUIT:

DISCIPLINARY MATTERS:

BELONG TO A CLUB WHICH DISCRIMINATES:

GENERAL STATE OF HEALTH:

## Part B

# 2017-2019 FLORIDA FEDERAL JUDICIAL NOMINATING COMMISSION

### QUESTIONNAIRE FOR U.S. DISTRICT JUDGE APPLICANT<sup>1</sup>

1. **Name**: State your full name (include any former names used).
2. **Position**: State the position for which you are applying.
3. **Addresses**: List your current home and office addresses, phone numbers, and email addresses.
4. **Birthplace**: State year and place of birth.
5. **Family Status**: State your spouse's name and date of marriage, if applicable. State the names, ages, and occupations of your children, if applicable. If you have been divorced, please provide the date, moving party, and grounds.
6. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.
7. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.
8. **Bankruptcy and Tax Information**:
  - a. Have you and your spouse filed and paid all taxes (federal, state, and local) as of the date of your application? If not, provide an explanation.

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<sup>1</sup> This questionnaire is based on the United States Senate Committee on the Judiciary's "Questionnaire for Judicial Nominees." All applicants should expect and be prepared to provide detailed explanations to his or her answers to all questions asked herein. Any applicant who is selected as a finalist should expect and be prepared to answer additional detailed questions related to his or her employment history, including whether discharged from employment for any reason; the status and history of his or her personal health; detailed bankruptcy, financial, and tax information including any tax audits, investigations, or inquiries and any payment of back taxes; prior arrests; and details of past personal involvement in, or associations with, any criminal, civil, or administrative investigations or proceedings.

- b. Has a tax lien or other collection procedure(s) ever been instituted against you or your spouse by federal, state, or local authorities? If so, provide an explanation.
- c. Have you or your spouse ever declared bankruptcy? If so, provide an explanation.
- d. Have you paid all amounts due the government for any business or domestic employees you may have hired?

**9. Past Investigations and Complaints:**

- a. State whether, to your knowledge, you or any organization of which you were or are an officer, director, or active participant at a relevant time has ever been under federal, state, or local investigation for a possible violation of any civil or criminal statute or administrative agency regulation. If so, briefly explain.
- b. Have you ever been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group for a breach of ethics, unprofessional conduct or a violation of any rule of practice? If so, explain in detail.

**10. Party to Civil, Legal or Administrative Proceedings:** State whether you, or any business of which you are or were an officer at a relevant time, have ever been a party or otherwise involved as a party in any civil, legal or administrative proceedings. If so, describe the nature of your participation in the litigation and the final disposition of the case. Include all proceedings in which you were a party in interest. If you are or were a party as part of a partnership, include only if you were involved in a personal, managerial, or supervisory capacity.

**11. Business Connections:** Have you ever been engaged in the management of any business enterprise or venture, directly or indirectly? If so, please provide details of the enterprise, including the name, your role, the nature of your duties, and percentage of ownership, if applicable.

**12. Allegations:** Have you ever been arrested, charged, or detained by federal, state, or other law enforcement authorities for violation of any law or regulation? If so, please provide a brief description. Do not include parking or traffic violations for which a fine of \$100 or less was imposed.

**13. Client Litigation:** Have you ever been sued by a client? If so, please provide a description.

**14. Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

**15. Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

**16. Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

**17. Bar and Court Admissions:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.
- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

**18. Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.
- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, religion, or national origin. Indicate whether any of these organizations listed in response to above questions currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

**19. Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the internet. You may be asked to supply copies of published material to the Commission.

- b. Disclose if you prepared any reports, memoranda or policy statements or contributed in the preparation of any on behalf of any bar association, committee, conference, or organization of which you were or are a member.
- c. Have you publicly testified, made official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation? Have you prepared material that others presented on your behalf to public bodies or public officials? Please provide descriptions.
- d. Have you prepared speeches or talks delivered by you, including but not limited to commencement speeches, remarks, and lectures? Please provide details, including organizations, locations, and subject matter summaries.
- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews.

**20. Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_  
  - Of these, approximately what percent were:
    - i. jury trials: \_\_\_\_\_%
    - bench trials: \_\_\_\_\_% [total 100%]
    - ii. civil proceedings: \_\_\_\_\_%
    - criminal proceedings: \_\_\_\_\_% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a description of any decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. Please note if any of the opinions listed were not officially reported.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. Please note if any of the opinions listed were not officially reported.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

**21. Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal. (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. Whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. A brief description of the asserted conflict of interest or other ground for recusal;
- c. The procedure you followed in determining whether or not to recuse yourself;
- d. Your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

**22. Public Office:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

**23. Legal Career:** Answer each part separately.

- a. Describe in reverse chronological order your law practice and legal experience after graduation from law school including:
  - i. Whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;
  - ii. Whether you practiced alone, and if so, the addresses and dates;
  - iii. The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.
  - iv. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.
- b. Describe:
  - i. The general character of your law practice and indicate by date when its character has changed over the years.
  - ii. Your typical clients and the areas at each period of your legal career, if any, in which you have specialized.
- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.
  - i. Indicate the percentage of your practice in:
    1. federal courts: \_\_\_\_\_%
    2. state courts of record: \_\_\_\_\_%
    3. other courts: \_\_\_\_\_%
    4. administrative agencies: \_\_\_\_\_%
  - ii. Indicate the percentage of your practice in:
    1. civil proceedings: \_\_\_\_\_%
    2. criminal proceedings: \_\_\_\_\_%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.



- i. What percentage of these trials were:
  - 1. jury: \_\_\_\_\_%
  - 2. non-jury: \_\_\_\_\_%

e. Describe your practice, if any, before the Supreme Court of the United States. Be prepared to supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

**24. Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. The date of representation;
- b. The name of the court and the name of the judge or judges before whom the case was litigated; and
- c. The individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

**25. Legal and Other Activities:**

- a. Describe the ten (10) most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities.
- b. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

**26. Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught.

**27. Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

- 28. Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your potential service with the court? If so, explain.
- 29. Sources of Income:** List sources and amounts of all income received during the calendar year preceding your application and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).
- 30. Potential Conflicts of Interest:**
- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you are applying. Explain how you would address any such conflict if it were to arise.
  - b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.
- 31. Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association’s Code of Professional Responsibility calls for “every lawyer, regardless of professional prominence or professional work load, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.
- 32. References:** Please list the names, contact information, and your relationship or affiliation with five individuals who can speak to your professional experience and qualifications or your personal character.
- 33. Other Relevant Information:** Please state any other information which may reflect either positively or adversely on you, or which you believe should be disclosed, in connection with this application to serve as a U.S. District Judge.

## Part C

# 2017-2019 FLORIDA FEDERAL JUDICIAL NOMINATING COMMISSION

### FINANCIAL STATEMENT

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings), all liabilities (including debts, mortgages, loans and other financial obligations) of yourself, your spouse and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks				Notes payable to banks-secured			
U.S. Government securities-add schedule				Notes payable to banks-unsecured			
Listed securities-add schedule				Notes payable to relatives			
Unlisted securities--add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule			
Real estate owned-add schedule				Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property							
Cash value-life insurance							
Other assets itemize:							

				Total liabilities			
				Net Worth			
Total Assets				Total liabilities and net worth			
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)			
On leases or contracts				Are you defendant in any suits or legal actions?			
Legal Claims				Have you ever taken bankruptcy?			
Provision for Federal Income Tax							
Other special debt							