

# WEST VIRGINIA JUDICIAL VACANCY APPLICATION FORM 10th JUDICIAL CIRCUIT

## INSTRUCTIONS

1. All applicants for a judicial vacancy in a West Virginia Judicial Circuit shall complete this Application Form in full and return the original and eleven (11) copies to:

Judicial Vacancy Advisory Commission  
c/o Brian Abraham, General Counsel  
Office of the Governor  
State Capitol  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

2. All Applications must be received by the Judicial Vacancy Advisory Commission no later than Wednesday, January 16, 2019. Untimely filing may preclude consideration of your candidacy.
3. If additional space is needed to provide a complete response, separate page(s) may be used setting forth the question in full and the response.
4. Responses may be typed or legibly printed.
5. If a question is not applicable, indicate this by marking "N/A."
6. Provide a cover letter stating the judicial vacancy being applied for and submit a resume with the original Application Form and with each of the eleven (11) copies returned.
7. Application Forms that are incomplete or illegible may preclude consideration of your candidacy
8. Recommendation(s) for an applicant shall be made in writing and addressed to:

Judicial Vacancy Advisory Commission  
c/o Brian Abraham, General Counsel  
Office of the Governor  
State Capitol  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Recommendation letters should be postmarked by January 16, 2019, to be given full consideration.

9. All applicants shall execute the three (3) Authorizations for Release of Information and return them immediately to:

Judicial Vacancy Advisory Commission  
c/o Brian Abraham, General Counsel  
Office of the Governor  
State Capitol  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305

Delay in submitting all three (3) Authorizations for Release of Information may preclude consideration of your candidacy.

10. It is the policy of the Judicial Vacancy Advisory Commission that any direct contact by an applicant with any member(s) of the Judicial Vacancy Advisory Commission is prohibited.

## DEFINITIONS

For the purpose of this Judicial Vacancy Application Form only, the following definitions shall apply:

- a. “Engaged in the Practice of Law” shall mean providing legal services under circumstances arising out of one’s legal employment.
  
- b. “Litigation” shall mean the act or process of engaging in a legal action or lawsuit filed in a court of record, including all proceedings therein, for the purpose of enforcing a right or seeking a remedy.
  
- c. “Trial” shall mean a judicial examination in which issues of fact are to be determined by the verdict of a jury or by a judge when a jury is waived or not permitted. Trials do not include administrative or adjudicatory hearings.

## I. PERSONAL IDENTIFICATION

1. Full name: \_\_\_\_\_
2. Other names by which you have been known: \_\_\_\_\_  
\_\_\_\_\_
3. Employer's name: \_\_\_\_\_
4. Employment address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
5. Residential Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
6. Contact number: \_\_\_\_\_
7. Date and Place of birth: \_\_\_\_\_  
\_\_\_\_\_
8. Are you an American citizen \_\_\_\_\_
9. Length of continuous residence in WV \_\_\_\_\_

## II. SERVICE IN THE ARMED FORCES

1. If you are or have been a member of the armed forces of the United States, please state?
  - a) Branch of Service:
  - b) Dates of Active Duty:
  - c) Current Rank or Rank at Separation:
  - d) Explain if discharge was other than honorable:

### **III. HEALTH**

1. Do you have any mental or physical impairment(s) that would affect your ability to perform the duties of a judge with or without reasonable accommodations?

### **IV. EDUCATION**

1. List all colleges and universities attended, the dates attended and the degrees awarded.
  
  
  
  
  
  
  
  
  
  
  
  
  
  
  
2. Please list any reporting periods for the last ten (10) years in which you did not obtain the mandatory minimum of continuing legal education or judicial education credit hours.

## **V. HONORS**

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

## **VI. PUBLICATIONS**

1. If you have published any books, articles or editorials, list them, giving citations and dates:

2. “Social Media” are media for social interaction using internet and web-based tools to turn communication into interactive dialogue and to publish recorded information and documentation including, but not limited to, videos, pictures and audio recordings. Examples of Social Media include, but are not limited to, YouTube, MySpace, Facebook, Google Docs, Epinion, PBWorks, Topix, LinkedIn.

a) List all Social Media to which you subscribe, are a member or have an account.

b) If you have published any documents, videos, pictures or audio recordings on Social Media that depict the subject of the publication in a negative or false light, provide the specific web address(es) of each publication and an explanation of what each publication depicts.

c) If you have knowledge of any documents, videos, pictures or audio recordings published on Social Media that depict you in a negative or false light, provide the specific web address(es) of each publication and an explanation of what each publication depicts.

<b>VII. PROFESSIONAL ADMISSIONS</b>
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1. Have you been licensed to practice law for five (5) years? \_\_\_\_\_

2. List all courts (including state bar admissions) and administrative bodies having special admission requirements in which you presently are admitted to practice law, giving the month, day and year of admission in each case.

**Court or Administrative Body**

**Date of Admission**

3. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening? \_\_\_\_\_

If yes, please explain.

## VIII. LAW PRACTICE

1. Have you continuously “engaged in the practice of law” since first admitted to a state bar? \_\_\_\_\_

If no, please explain and list the time periods in which you did not “engage in the practice of law.”

2. List all state and federal jurisdictions where you have “engaged in the practice of law.”



3. Provide a chronological list of your legal employment since first admitted to a state bar. For each employment, include the following information:
  - a) Full names and addresses of all law offices, firms, companies, government agencies, or other organizations where you practiced law.
  - b) Start and end dates of each employment.
  - c) The nature of your affiliation/position with each employer.
  - d) The general nature of your law practice for each legal employment.

4. What percentage of your legal practice has been devoted to “litigation?” If that percentage has changed over time, please explain.

5. Of your “litigation” work, specify what percentage falls into the following categories:

Civil	_____	%
Criminal	_____	%
Domestic Relations	_____	%
Other	_____	%
	100	%

Explain the general nature of any proceedings that fall in the category of “other.”

6. Of your “litigation” work, what percentage is practiced in:

State Court	_____	%
Federal Court	_____	%
Other	_____	%
	100	%

Explain the general nature of any jurisdictions that fall in the category of “other.”

7. State the case number and style of all “trials” you handled to conclusion for the last five (5) years in State and Federal trial courts of general jurisdiction (e.g., Circuit Court, Court of Common Pleas, U.S. District Court). Also indicate whether you were sole, associate, or chief counsel.

[The Committee invites you, at your option, to list all trials you have handled to conclusion in trial courts of general and limited jurisdiction or to also list any trials handled to conclusion since you first “engaged in the practice of law” which you feel are noteworthy.]

8. List all reported appellate cases in which you were an attorney of record and state your involvement in the appellate process.

9. If you have handled arbitration or administrative hearings to conclusion, briefly describe the types of matters addressed during the hearings. [The Committee invites you, at your option to list the style and case number of any arbitration or administrative hearing you believe to be noteworthy.]
10. State your substantive courtroom experience for legal issues involving domestic relations (i.e. the laws, practices, procedures and remedies provided for in Chapters 48 and 49 of the West Virginia Code).
11. Have you ever served or acted as a mediator or arbitrator? \_\_\_\_\_

If yes, briefly describe the issues addressed and your experience as a mediator or arbitrator.

<b>IX. PUBLIC OFFICE</b>
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1. Have you ever run for or held a public office, other than a judicial office? \_\_\_\_\_

If yes, explain:

## **X. JUDICIAL EXPERIENCE**

1. a) Have you ever held judicial office or been a candidate for judicial office?

\_\_\_\_\_

If yes, state the court(s) involved and the dates of service, or dates of candidacy.

- b) If you have held judicial office, state the types of legal matters over which you presided.

- c) If you have held judicial office, state the names and addresses of five (5) attorneys knowledgeable of your work, temperament, and abilities.

2. List any prior quasi-judicial experience:

## **XI. BUSINESS INVOLVEMENT**

1. If you have ever been engaged in any occupation other than the practice of law (exclusive of employment during your school years), please list the names of your employers, the dates of employment, positions held and the reason(s) the employment ended.

2. Are you now or have ever been an owner, officer or director of any business enterprise?  
\_\_\_\_\_ If yes, state the name of such business enterprise, the nature of the  
business and your involvement with the business.

3. “Lobbying and Special Interest groups, firms or organizations” are those that  
use various forms of support, advocacy, sponsorship or promotion to attempt to influence  
public opinion, public policy or decisions of legislators or government officials.

Have you ever received a contribution, a fee or compensation from any Lobbying or  
Special Interest group, firm or organization? \_\_\_\_\_

If yes, state the name of the group, firm or organization; state the contribution(s), fee(s)  
or compensation you received; and state the purpose of the contribution(s), fee(s) or  
compensation.

<b>XII. CONDUCT</b>
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1. Have you ever been arrested, charged, or convicted for violation of any federal  
law, state law, county or municipal law, regulation, or ordinance? \_\_\_\_\_

If yes, please explain:

2. a) Have you ever been sued by a client? \_\_\_\_\_

If yes, please explain:

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

If yes, please explain:

3. Have you ever been charged in any civil or criminal proceedings with conduct alleged to involve moral turpitude, dishonesty, or unethical conduct? \_\_\_\_\_

If yes, please explain:

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

If yes, please explain:

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

If no, please explain:

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

If yes, please explain:

7. Do you have any unsatisfied judgments against you? \_\_\_\_\_

If yes, please explain:

8. Are you now, or have you ever been found to be delinquent or in arrears on payments for spousal or child support? \_\_\_\_\_

If yes, please explain:

9. Have you ever been subject to any domestic relations order, including, but not limited to, a domestic violence petition or any other similar restraining order? \_\_\_\_\_

If yes, please explain and provide documentation:

10. Do you owe any person or company a debt in excess of \$5,000, other than a debt to a family member, a mortgage, student loan, or a motor vehicle loan? \_\_\_\_\_

If yes, please explain:



### **XIII. PROFESSIONAL & OTHER ACTIVITIES**

1. a) List all bar associations and legal professional societies or organizations of which you are a member and the length of such membership. Give the titles and dates of any office you have held in any such associations, societies or organizations.

- b) List all organizations and clubs, other than bar associations and legal professional societies or organizations identified in response to 1(a) above, which you have been a member during the past ten (10) years, the dates of such membership(s) and include the titles and dates of any offices you have held in each organization or club.

2. State any achievements or actions you have accomplished or actions in which you have been engaged which would demonstrate your commitment to equal justice under the law.

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

4. State any other pertinent information reflecting positively or adversely on you, which you believe should be disclosed to the Governor and the Judicial Vacancy Advisory Commission in connection with your possible selection as a judge.

## XIV. REFERENCES

1. List three (3) individuals as references who are familiar with your legal abilities.

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

2. List three (3) individuals as references who are familiar with your personal character.

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

### **XV. CONFIDENTIALITY STATEMENT**

Pursuant to West Virginia Code §3-10-3a, the Judicial Vacancy Advisory Commission shall make available to the public copies of any applications and any letters of recommendation written on behalf of any applicants. All other documents or materials created or received by the Judicial Vacancy Advisory commission shall be confidential and exempt from the provisions of West Virginia Code, Chapter 29B, except for the list of best qualified persons or accompanying memoranda submitted to the Governor in accordance with the provisions of West Virginia Code §3-10-3a(j), which shall be available for public inspection.

### **XVI. APPLICANT'S DECLARATION**

I declare under the penalty of perjury that all responses and other information submitted herewith are true and accurate, to the best of my knowledge.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

## AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Judicial Vacancy Advisory Commission or Brian Abraham, General Counsel to the Governor, to request any and all records in the possession of the West Virginia State Bar relating to ethics complaints filed against me and to copy and disseminate such records to members of the Judicial Vacancy Advisory Commission, the Office of the Governor, and others involved in the selection process. I further authorize the West Virginia State Bar to release to the Judicial Vacancy Advisory Commission, c/o Brian Abraham, Office of the Governor, State Capitol, 1900 Kanawha Boulevard, East, Charleston, WV 25305, any and all records in its possession relating to ethics complaints filed against me.

Date	Signature
Date of Birth	Social Security Number

Name : \_\_\_\_\_

Address : \_\_\_\_\_

\_\_\_\_\_

WV State Bar No. : \_\_\_\_\_

## AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Judicial Vacancy Advisory Commission of West Virginia or Brian Abraham, General Counsel to the Governor, to request a criminal history on me from the appropriate law enforcement agencies and to request that the appropriate law enforcement agencies conduct a general background investigation and to copy and disseminate such records or results to members of the Judicial Vacancy Advisory Commission of West Virginia, the Office of the Governor, and others involved in the selection process. I further authorize any law enforcement agency to conduct a general background investigation on me and to release any and all information obtained in the investigation to Judicial Vacancy Advisory Commission of West Virginia, c/o Brian Abraham, Office of the Governor, State Capitol, 1900 Kanawha Boulevard, East, Charleston, WV 25305, and others involved in the selection process.

\_\_\_\_\_

Date

Signature

\_\_\_\_\_

Date of Birth

Social Security Number

Name : \_\_\_\_\_

Address : \_\_\_\_\_

WV State Bar No. : \_\_\_\_\_

# AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Judicial Vacancy Advisory Commission or Brian Abraham, General Counsel to the Governor, to request a credit check on me from any and all credit agencies and to request that the appropriate credit agencies copy and disseminate any and all records or results to the members of the Judicial Vacancy Advisory Commission, the Office of the Governor, and others involved in the selection process.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Social Security Number

Name : \_\_\_\_\_

Address : \_\_\_\_\_

\_\_\_\_\_

WV State Bar No. : \_\_\_\_\_