

WEST VIRGINIA JUDICIAL APPLICATION FORM INTERMEDIATE COURT OF APPEALS

INSTRUCTIONS

1. All applicants for a judicial vacancy on the Intermediate Court of Appeals shall complete this Application Form in full and return the original and eleven (11) copies to:

Judicial Vacancy Advisory Commission
c/o Office of General Counsel to the Governor
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 Monday, October 11, 2021. No late applications will be accepted.

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. You may submit a resume with the original Application Form and with each of the eleven (11) copies returned.

7. Be sure to complete the cover page of the Application.

8. Application Forms that are incomplete or illegible may preclude consideration of your candidacy.

9. Recommendation(s) for an applicant shall be made in writing and addressed to:

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

Recommendation letters should be postmarked by October 25, 2021, to be given full consideration.

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

Judicial Vacancy Advisory Commission
c/o Office of General Counsel to the Governor
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.

11. Any former or current Judge shall execute the Authorization for Release of Information for the Judicial Investigation Commission.
12. It is the policy of the Judicial Vacancy Advisory Commission that any direct contact by an applicant regarding the subject of this application 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.

APPLICATION FOR INTERMEDIATE COURT OF APPEALS

COVER SHEET

Name: _____

I am applying for appointment to the following position(s) on the Intermediate Court of Appeals
(please circle all that apply):

1. Two and one-half year term concluding December 31, 2024
2. Four and one-half year term concluding December 31, 2026
3. Six and one-half year term concluding December 31, 2028

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. Best 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 shared with others for the purpose of social interaction or dialogue, Epinion, PBWorks, Topix, LinkedIn, Twitter, TikTok, Instagram, Snapchat, etc.
- 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.

VII. PROFESSIONAL ADMISSIONS

1. Have you been licensed to practice law in West Virginia for at least (ten) 10 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

NOTE: Please be prepared to discuss and be questioned about your specific experience in the areas of jurisdiction of the Intermediate Court of Appeals as listed in WV Code § 51-11-4(b).

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.

IX. PUBLIC OFFICE

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.

4. If appointed by the Governor, would you be able to conclude your law practice, business interests, employment, or any other vocation activities in order to assume a judicial position on July 1, 2022.

XII. CONDUCT

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
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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 certify under penalty of law 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 the 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 Office of General Counsel to the Governor, 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 the 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 Office of General Counsel to the Governor, 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 the 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. : _____

AUTHORIZATION FOR RELEASE OF INFORMATION

I hereby authorize the Judicial Vacancy Advisory Commission or the General Counsel to the Governor to request any and all records in the possession of the Judicial Investigation Commission relating to 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 Office of General Counsel to the Governor, 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. : _____