

APPLICATION FOR UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

GENERAL QUESTIONS

NOTE: Please answer the following requests and questions to the best of your ability. Each request or question and your response should be typed and single-spaced. It is expected that all of the following requests and questions be answered fully and honestly. Do not read questions narrowly. If you are uncertain of the information being sought, err on the side of disclosure.

1. **Name:** State full name (include any former names used).
2. **Position Sought:** State the specific District Court seat for which you are applying.
3. **Work and Residence Address:**
 - a. List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.
 - b. List your residence addresses for the past ten years, including approximate dates.
4. **Contact Information:** Please provide your phone number and email address.
5. **Birthplace:** State date and place of birth.
6. **Ethnicity and Gender (Optional):** If you wish to do so, please state your ethnicity and gender.
7. **Resume:** Please attach a copy of your resume.
8. **Voter Registration:** Please state whether you are a registered voter, and if so, where you are registered.
9. **Naturalization:** If you are a naturalized citizen, please provide the date and place of naturalization.
10. **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.
11. **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, job title or description, and dates of employment.
12. **Family Information:** Provide the full name, occupation and business address of your spouse, if married, and names and birth dates of your children, if applicable.
13. **Languages:** Please identify any languages other than English that you speak fluently.

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 Admission:**
 - a. Please state your Massachusetts Bar admission date and bar number.
 - b. List the date(s) you were admitted to the bar of any state other than Massachusetts.
 - c. Please list any lapses in bar membership and explain the reason for any lapse in membership.
 - d. 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, other than those listed in response to Questions 16 or 17 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, or religion, or national origin. Indicate whether any of these organizations listed in response to 18a above 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.
 - c. Have you ever held or applied for a commission, certificate, credential or license which required proof of good character, other than admission to practice law? If so, provide the date of application, issuing authority, disposition of the application, and, if granted, your number and present status.
19. **Published Writings and Public Statements:**

- a. Have you written, edited or published any (legal and/or non-legal) books, articles, letters to the editor or reports? If so, please list them, giving full citations, dates, and a general description of the subject matter. Please attach a copy of any letters to editor or op-ed articles you have authored.
 - b. If any articles or allegations have ever been printed or broadcast or otherwise made public concerning you or your activities, views or statements (irrespective of factual accuracy), which may reflect adversely on your character or job performance, identify the material, explain fully, and attach a copy of each publication to this application. (If the volume is extensive, attach representative samples of the publications and specify where the balance may be reviewed.)
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? _____
 - i. Of these, approximately what percent were:
jury trials? ___%; bench trials ___% [total 100%]
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 and a copy 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 copy of those 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. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - 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. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - 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, Political Activities and Affiliations:**

- 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.
- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

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

- a. Describe chronologically 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 vs. non-jury;
 - 2. Civil vs. criminal.
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply a copy of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.
- f. Supply a copy of any briefs submitted to the Supreme Court of the United States on your behalf as a party or amicus.
- g. Provide the citations to all reported cases in which you were counsel of record in any trial or appellate court.
- h. If you lack significant trial experience, describe the experiences or special skills you possess which you believe qualify you to serve as a United States District Court Judge.

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 Activities**: Describe the 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. 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**: Have you ever taught law school? If so, which school? When? What was the nature of your appointment? Which course(s) did you teach? (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. If you have a syllabus of each course, provide a copy to the committee.)
27. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.
28. **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 have been nominated. 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.
29. **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 workload, 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.
30. **Appointment Opposition**: Are you aware of any individual(s) or group(s) who may oppose your appointment? If so, identify the potential opponents and provide any needed explanation.

31. **Additional Disclosures:** Describe any aspects of your personal, business or professional conduct or background which may reflect positively and/or adversely on you or the President, or which should be disclosed to the President in connection with your application for appointment to the office of United States District Court Judge.

32. **References:** Please list five references (name, current address and telephone number).

BACKGROUND QUESTIONS

NAME:

HOME ADDRESS:

TELEPHONE NUMBER (both home and office):

EMAIL ADDRESS:

1. **Employment History:** State whether you have ever been discharged from employment for any reason or have ever resigned after being informed that your employer intended to discharge you.
2. **Bankruptcy and Tax Information:** Information under this heading must be provided for yourself and your spouse.
 - a. Have you and your spouse filed and paid all taxes (federal, state and local) as of the date of your nomination? Indicate if you filed “married filing separately.”
 - b. Have you ever made any back tax payments? If so, indicate if you have made any back tax payments, and provide full details.
 - c. 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 full details.
 - d. Have you or your spouse ever been the subject of any audit, investigation, or inquiry for federal, state, or local taxes? If so, provide full details.
 - e. Have you or your spouse ever declared bankruptcy? If so, provide full details.
3. **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, provide full details.
 - 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, provide full details.

- c. Have you ever been sued by a client? If so, provide the particulars, including the case name and number, court, resolution, and name, current address and telephone number of counsel for the plaintiff.
 - d. Have you, or your professional liability insurance carrier, ever settled a claim against you for professional malpractice? If so, provide the particulars, including the amounts involved and name, current address and telephone number of the claimant and claimant's counsel.
 - e. Have you ever been sanctioned in excess of \$1,000 by any court, or have you ever been cited for contempt of any court or tribunal having the power of contempt? If so, give details, including dates and names current addresses and telephone numbers of the judges involved and counsel for the adverse parties.
4. **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 in detail 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.
5. **Outstanding Judgments:** Are there any unsatisfied judgments against you, or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court (including any orders for child and spousal support)? If so, state the full details.
6. **Arrests and Related Issues:**
- a. Have you ever been summoned, cited, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty or no contest to, the violation of any felony or misdemeanor (excluding traffic infractions), or have you ever been requested to appear before any prosecuting attorney or investigative agency in any matter, military or civil? If so, provide the details, including the date, description of the alleged offense, locality and disposition.
 - b. Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute? If so, give particulars.
7. **Bond:**
- a. Have you ever held a bonded position? If so, specify the nature of the position, date(s) and amount of bond.
 - b. Has anyone ever sought to recover upon your bond or to cancel same? If so, please provide the details.

- c. Have you been refused bond? If so, please provide the details.
8. **Health:**
- a. Have you ever been treated for or had any problem with alcoholism or any related condition associated with consumption of alcoholic beverages or any other form of drug addiction or dependence? If so, give details.
 - b. Have you ever illegally used drugs? If so, when was the last time you did so? Are you currently using illegal drugs? Please explain.
 - c. At any time in the last 10 years have you been diagnosed as having, or have you received treatment for, pathological or compulsive gambling? If so, provide information to show whether and how well the condition is currently controlled.
9. **Disclosure:** Describe any unfavorable information that may affect your nomination.

AFFIDAVIT

I, _____, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

(DATE)

(NAME)

(NOTARY)

AUTHORIZATION AND RELEASE

I hereby acknowledge and agree that my application may be given to the Advisory Committee on Massachusetts Judicial Nominations ("ACMJN") in the event my name is submitted for evaluation; and that all or portions of my application or the information contained therein may be given to or shared with the ACMJN (if that committee is providing such assistance to the President) and other committees and/or individuals who have been asked by the President to assist him in the evaluation of applicants for judicial appointment. I further acknowledge and agree that for the purpose in aiding the President in evaluating my background and qualifications, the foregoing organizations and individuals will be entitled to seek and obtain information and documents concerning me from firms, companies, corporations, law schools and other educational institutions, attorneys, judges and other third parties, including those mentioned in my application.

I hereby authorize any governmental, licensing or law enforcement agency, including, but not limited to, any major national credit reporting organizations (collectively referred to as "agencies") to release to the President and the ACMJN any and all information which those agencies may have about me (whether public, personal or confidential) for the purpose of aiding the President in evaluating my background and qualifications for appointment to the United States District Court. I understand that I will not receive, and am not entitled to know, the contents of confidential reports received from these agencies and I further understand that these reports are privileged, except that I am entitled to receive a copy of reports from major national credit reporting agencies.

I hereby release and discharge the President and his representatives, the ACMJN, all agencies, their agents and representatives, and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing, use and inspection of documents, records and other information and the investigation of my background and qualifications, and this release shall be binding on my legal representatives, heirs and assignees.

I hereby declare under the penalty of perjury under the laws of the State of Massachusetts and the United States of America that the answers and statements provided by me in the foregoing application are true and correct.

Name: _____
(Type or Print)

Signature: _____

Executed at:

on _____