Applicant Number: \_\_ - \_\_\_\_\_\_\_ (Middle initial, or if no middle initial use X,

and last 4 digits of social security number)

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**Commonwealth of Massachusetts**

**Office of the Governor**

**Judicial Nominating Commission**

**Application for Clerk-Magistrate/Recorder of the Land Court**

(For use on or after January 8, 2015)

**Part II**

**Designation of Courts**

28. Timely filed applications will be accepted only for those District or Juvenile Court clerk-magistrate vacancies listed as “Open for Applications” on the JNC’s website, [www.mass.gov/jnc](http://www.mass.gov/jnc). List the specific vacancy or vacancies to which you are applying.   
  
*For example, if you were applying to a \_\_\_\_\_ District Court Clerk-Magistrate vacancy created by the retirement of the Honorable John Doe, with an application deadline of November 1, 2015, your answer would be: “\_\_\_\_\_ District Court Clerk-Magistrate , The Honorable John Doe, November 1, 2015 deadline.” If you also were applying to other vacancies open for application, you would add those to your answer.*

29. If appointed, will you accept assignments from time to time in other departments and other geographic divisions as the administrative needs of the Massachusetts Court system may require? (Please state any limitations on your willingness to sit wherever assigned in the Massachusetts Court system and why.)

**Educational History**

30. List all colleges and graduate schools (including law school) that you have attended. For each, provide the name of the school, dates attended, degrees conferred, honors or awards received, and describe any significant activities, including any offices or leadership positions held, in the order of their interest/importance to you.

**VIII. Bar Admission(s)**

31. List all courts in which you have been admitted to the practice of law with dates of admission. Please provide the same information for administrative bodies which require special admission to practice.

32. Have you ever been denied admission to the bar of any state due to failure to pass the character and fitness screening or for any other reason? If so, please explain.

**Employment History (Non-legal)**

33. Have you ever been engaged in any occupation other than the practice of law (exclusive of employment during your school years)? If so, please list the names of your prior employers, the dates of employment, and the positions held. *Include a description of any military service in your answer to this question.*

34. Have you ever been discharged from employment (including the military) for any reason or have you ever resigned after being informed that your employer intended to discharge you? If yes, please explain.

**Employment History (Legal)**

35. Are you currently a clerk-magistrate? Yes No

36. Provide a chronological list of all legal positions held since you became a member of any state bar. For each position, include the following information:

(a) Full names and addresses of employer.

(b) Start and end dates of employment.

(c) The nature of your affiliation/position with each employer, the general description of your practice, and any other relevant particulars.

(d) The name, current address, and telephone number of a person, preferably your supervisor, who can verify your employment.

(e) If you were discharged from employment or resigned after being informed that your employer intended to discharge you, please explain.

**If currently a clerk-magistrate, please answer Question 37 – 43 in relation to the five years preceding your appointment.**

37. What has been the general character of your practice over the last five years? Please describe your typical client and/or your legal specialties, if any. If your practice during this time period differs from the nature of your practice in earlier years, briefly explain how and why.

38. Describe any pro bono or public interest work (including non-legal) that you have performed during the past 10 years and estimate the number of hours (or percentage of your time) that you have devoted to such work on an annual basis.

39. What percentage of your practice has been devoted to litigation? If that percentage has changed over time, please explain how and why.

40. If you are not a lawyer, please describe any opportunities you have had in the course of your employment to become acquainted with the judicial process or the operation of the legal system.

41. If you are not a lawyer, please list three examples of either: (a) business or administration programs that you assisted in implementing; (b) programs where you assisted in facilitating new processes; and/or (c) programs that you helped develop to achieve improvements either in the court system or in a business environment.

42. If you are not a lawyer, but have experience in the trial system; please explain your role in the three most significant matters in which you provided considerable assistance and that you listed in order of appearance for Question 22 above. **Please remember to redact your name and any further identifying information.**

43. Have you ever served as a master or arbitrator? If so, please describe the nature and extent of your experience.

44. What is the approximate number of arbitrations or administrative hearings that you have handled? Briefly describe the type of matters heard during the hearings and provide any additional comments.

45. Have you served as an administrator, executor, trustee, receiver, or in any other fiduciary capacity? If so, please provide the details.

46. *Optional*: Describe any substantial experiences and accomplishments that you think should be considered as part of your application and that are not covered above.

47. Have you ever previously applied for a judgeship, a clerk-magistrate or a land court recorder position? List all courts and years of application. Specify whether the JNC recommended you to the Governor and, if so, whether the Governor nominated you.

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| --- | --- | --- | --- |
| **Court/Position** | **Year** | **Nominated by JNC**  **(Yes/No)** | **Nominated by Governor**  **(Yes/No)** |
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**Administrative and Management Experience**

48. Please describe any administrative experience you have had in the course of your occupational activities that you have not already included in your previous answers.

49. Please describe any courses or trainings you completed involving administration and management.

50. Do you have any suggestions for improving the administration and management of the court for which you are applying? Please explain.

51. Do you have any suggestions for improving the current court filing system and time management system of the court for which you are applying? Please explain.

52. Please describe any experience you have had in budgeting or personnel management that has not already been discussed in the summary of your employment history.

**XII. Activities**

53. List any activities or organizations in which you have participated to a significant extent in the last five years and, if you wish, prior to the last five years, in the order of their interest/importance to you. For each, specify the dates and nature of your involvement, estimate the number of hours devoted (whether weekly, monthly, or annually), describe any major accomplishments in which you played a principal role, and provide the name, address, and telephone number of a person knowledgeable about your involvement.

54. List any courses or programs that you have taught or at which you have lectured. For each, specify the date, course (or program) name, and nature of your participation.

55. List all books, articles or other publications that you personally have authored, including the citations, dates of publication, and names of any co-authors.

56. Have you held any appointive or elective public office, or have you been a candidate for elective office? If so, please provide the details, excluding information regarding political affiliation.

57. List all other organizations to which you belong that are active in lobbying before public bodies.

58. List any hobbies or vocational interests that you have that do not already appear in your answers to prior questions, in the order of their interest to you.

59. Do you currently belong, or have you ever belonged, to any organization that discriminates (including limiting membership) on the basis of race, gender, ethnicity, sexual orientation, national origin or religion? If yes, please explain.

**Conduct**

60. To the best of your knowledge, are you currently under investigation for any alleged violation of any law, regulation or ordinance or rule of conduct? If so, please provide details.

61. Have you ever been sued by (or yourself sued or assigned a claim for purposes of suing) a client or former client, or been a party to a fee arbitration or grievance proceeding, or had a legal malpractice claim against you settled? If so, please provide the details, including docket number and court. **Please remember to redact your name and any further identifying information.**

62. Have you ever been a party to or been involved in any other legal proceedings other than as counsel? If so, please provide details and include all bankruptcies as well as proceedings in which you were a party in interest or a witness, or any grand jury proceeding in which you were a subject or a witness. **Please do not list proceedings in which you were a guardian ad litem, executor or administrator.**

63. To the best of your knowledge, has any complaint ever been made against you to or by the Board of Bar Overseers or any other bar grievance committee or professional association? If so, please provide details.

64. Have you ever been found in violation of any court order or been held in contempt of court or been sanctioned in excess of $1,000 by any court? If yes, please provide the details, including case number(s) and court(s).

65. Have you timely filed all state and federal tax returns in each year you were required to file? If not, please explain.

66. Have federal, state or local authorities ever instituted a tax lien or other collection procedure against you? If so, please provide the details, including case numbers and court.

67. State the nature and disposition of the following actions which may apply to you:

* 1. Are there any unsatisfied judgments against you?
  2. Have you ever defaulted in the performance of any court-imposed obligations, including payment of child support or alimony or compliance with another court order or decree?
  3. In each case, please list the name and address of the creditor, the court which rendered the judgment, the docket number, the date, the amount of the judgment, and the circumstances on which such claim was based.

68. Has property owned by you been either judicially or non-judicially foreclosed? Please state the circumstances and outcome of any such unsatisfied or default judgment, or any foreclosure.

69. Have you ever made an assignment for the benefit of creditors? Has any petition in bankruptcy ever been filed by you? If so, please state the circumstance, docket number, and the outcome.

70. In the interest of full disclosure, is there any other information tending to reflect adversely on your personal or professional background or qualifications, or which you think might be so interpreted by others, which the Judicial Nominating Commission and the Governor should know?

**Health**

1. Are you able to perform the essential functions of the clerk-magistrate position for which you are applying?

**Conflict of Interest**

72. Identify, with particularity, every entity in which you have any interest financial or otherwise.

73. List each debt or loan and the amount you owe of more than $10,000 to any non- family creditor and include in your response whether the debt is held jointly with your spouse.

74. List all corporations, partnerships, trusts, or other businesses (other than your law practice but including real estate investments other than your residence) with which you are now or during the last five years have been affiliated as an officer, director, trustee, partner, or equity owner of more than 1% of the voting common stock or other financial interests.

* 1. Please provide the name and address of the organization, the nature of the business and your position as well as the term of your affiliation.
  2. Please describe the nature of said interest and what steps, if any, you will take to avoid any potential conflict of interest under the Code of Judicial Conduct should you be appointed.

**Additional Information**

75. List three cases, matters, or activities in which you have significantly participated and of which you are the most proud, and explain why.

76. Why do you want to become a clerk-magistrate?

77. What are the four attributes or qualities you believe should be given the greatest weight in evaluating candidates for the position of clerk-magistrate, and how do you assess yourself pursuant to those attributes?

78. A diverse range of interests, personal perspectives and life experiences adds much to the judicial mix. Describe something about your personal background or experiences that would contribute to your perspective as a clerk-magistrate.

79. What is the greatest strength or asset of the Court for which you are applying and how would you preserve and improve it?

80. What is the greatest challenge confronting the Court for which you are applying and how would you address it?

81. *Optional*: Please set forth any additional information that you wish to bring to the Commission's attention regarding your experience and suitability for this position.

82. Please attach as Appendix A-1 one example of a brief, memorandum of law, legal opinion or example of legal writing (not to exceed 20 pages) prepared solely by you within the last five years. If you do not have a sample of this length or type, please include an excerpt from a longer writing or a sample that exemplifies your writing skills. **Please do not exceed the 20-page limit and remember to redact your name and any further identifying information.**