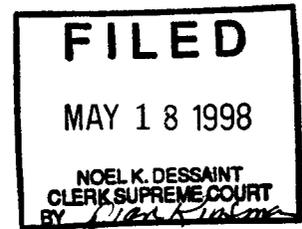


IN THE SUPREME COURT OF ARIZONA

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In the Matter of:

AMENDING THE APPLICATION FOR )  
NOMINATION TO JUDICIAL OFFICE )  
\_\_\_\_\_ )

Administrative Order  
No. 98- 23

Pursuant to Rule 7.a., Uniform Rules of Procedure for the Commissions on Appellate and Trial Court Appointments, the Supreme Court approves the "Application for Nomination to Judicial Office" after opportunity for public comment. The Court having considered proposed amendments and public comment thereon,

IT IS ORDERED that the "Application for Nomination to Judicial Office" is amended as set forth in the attachment hereto, effective this date.

Dated this 18th day of May, 1998.

For the Court:

\_\_\_\_\_  
CHARLES E. JONES  
Vice Chief Justice

**Note: Changes and additions in text are CAPITALIZED and deletions from text are indicated by strikeouts.**

### APPLICATION FOR NOMINATION TO JUDICIAL OFFICE

This original application and 16 copies must be filed with the Human Resources Division, Administrative Office of the Courts, 1501 W. Washington, Suite 227, Phoenix, AZ, 85007, not later than <time> on <date>. ~~Please attach additional pages where necessary for a complete response.~~ **READ THE INSTRUCTIONS THOROUGHLY BEFORE COMPLETING THIS APPLICATION FORM.** The contents of the application will be held in strictest confidence subject to the requirements of the applicable rules. The fact that you have applied is not confidential and the information provided may be verified by Commission members. **THE NAMES OF APPLICANTS, interviewees and nominees names will be ARE** made public and Commission files pertaining to nominees ~~may be~~ **ARE** provided to the Governor for review.

#### A. PERSONAL INFORMATION

1. Full name: \_\_\_\_\_
  
2. Office address: \_\_\_\_\_  
\_\_\_\_\_
  
3. Mailing address: \_\_\_\_\_  
\_\_\_\_\_
  
4. Have you continuously resided in Arizona for the past five years? \_\_\_\_\_
  
5. Indicate your county of residence for the past three years: \_\_\_\_\_  
OR: Have you resided in <Maricopa/Pima> County for the past year? \_\_\_\_\_
  
6. Birth date: \_\_\_\_\_ Age: \_\_\_\_\_

(The Arizona Constitution, Article VI, §§22 and 37, requires judicial nominees be 30 years of age or older before taking office and younger than age 65 at the time the nomination is sent to the Governor.)



11. List scholarships, awards, honors, citations and any other factors (e.g., employment) you consider relevant to your performance during college and law school.

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**C. PROFESSIONAL BACKGROUND AND EXPERIENCE**

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

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13. a. Have you ever been denied admission to the Bar of any state DUE TO FAILURE TO PASS THE CHARACTER AND FITNESS SCREENING? \_\_\_\_ If so, explain.
- b. HAVE YOU EVER HAD TO TAKE A BAR EXAMINATION MORE THAN ONCE IN ORDER TO BE ADMITTED TO THE BAR OF ANY STATE? \_\_\_\_ IF SO, EXPLAIN.

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14. Indicate your ~~present~~ employment HISTORY SINCE COMPLETING YOUR FORMAL EDUCATION. LIST YOUR CURRENT POSITION FIRST. IF YOU HAVE NOT BEEN EMPLOYED CONTINUOUSLY SINCE COMPLETING YOUR FORMAL EDUCATION, DESCRIBE WHAT YOU DID DURING ANY PERIODS OF UNEMPLOYMENT OR OTHER PROFESSIONAL INACTIVITY IN EXCESS OF THREE MONTHS. DO NOT ATTACH A RESUME. ~~List professional partners or associates, if any.~~

EMPLOYER	DATES	LOCATION
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15. List your ~~prior professional or business employment (list CURRENT LAW partners and associates, IF ANY and dates) since completion of your formal education.~~ YOU MAY ATTACH A FIRM LETTERHEAD OR OTHER PRINTED LIST. APPLICANTS WHO ARE JUDGES SHOULD ATTACH A LIST OF JUDGES CURRENTLY ON THE BENCH IN THE COURT IN WHICH THEY SERVE.

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16. ~~If you have not been employed continuously since completion of your formal education, describe what you did during the periods of unemployment or other professional inactivity in excess of three months.~~

16. Describe the nature of your present law practice, listing the major areas of law in which you practice and the percentage each constitutes of your total practice.

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17. List other areas of law in which you have practiced.

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18. Indicate any specialties for which you have applied for certification by the State Bar of Arizona and the results of that or of those applications.

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19. Describe your typical clients.

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20. Have you served regularly in a fiduciary capacity other than as a lawyer representing clients? If so, give details.

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21. Describe your experience as it relates to negotiating and drafting important legal documents, statutes and/or rules.

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22. Have you practiced in adversary proceedings before administrative boards or commissions? \_\_\_\_\_ If so, state:

(a) The agencies and the approximate number of adversary proceedings in which you appeared before each agency.

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(b) The approximate number of these matters in which you appeared as:

(i) Sole Counsel: \_\_\_\_\_

(ii) Chief Counsel: \_\_\_\_\_

(iii) Associate Counsel: \_\_\_\_\_

23. Have you handled any matters that have been arbitrated or mediated? \_\_\_\_\_ If so, state the approximate number of these matters in which you were involved as:

(i) Sole Counsel: \_\_\_\_\_

(ii) Chief Counsel: \_\_\_\_\_

(iii) Associate Counsel: \_\_\_\_\_

24. List not more than three contested matters you negotiated to settlement. State as to each case: (1) the date or period of the proceedings; (2) the names and addresses of all counsel involved and the party each represented; (3) a summary of the substance of each case; and (4) a statement of any particular significance of the case.

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25. Have you represented clients in litigation in Federal or Arizona trial courts? \_\_\_\_\_  
If so, state:

(a) The approximate number of cases in which you appeared before:

(i) Federal Courts: \_\_\_\_\_

(ii) State Courts of Record: \_\_\_\_\_

(iii) Lower Courts (Municipal/Justice Court): \_\_\_\_\_

(b) The approximate percentage of those cases which have been:

(i) Civil: \_\_\_\_\_

(ii) Criminal: \_\_\_\_\_

(c) The approximate number of those cases in which you were:

(i) Sole Counsel: \_\_\_\_\_

(ii) Chief Counsel: \_\_\_\_\_

(iii) Associate Counsel: \_\_\_\_\_

(d) The approximate percentages of those cases in which:

(i) You conducted extensive discovery<sup>1</sup>: \_\_\_\_\_

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<sup>1</sup>"Extensive discovery" is defined as discovery beyond standard interrogatories and depositions of the opposing party.



27. Have you served as a judicial law clerk or staff attorney to a court? \_\_\_\_\_ If so, state the name of the court and dates of service, and describe your experience.

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28. List not more than five cases you litigated or participated in as an attorney before mediators, arbitrators, administrative agencies, trial courts or appellate courts. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency and the name of the presiding judge or officer before whom the case was heard; (3) the names and addresses of all counsel involved and the party each represented; (4) a summary of the substance of each case, and (5) a statement of any particular significance of the case. ~~Attach sample copies of not more than two briefs which you personally drafted.~~

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29. If you now serve or have previously served as a mediator, arbitrator, part-time or full-time judicial officer, or quasi-judicial officer (e.g., administrative law judge, hearing officer, member of state agency tribunal, member of State Bar professionalism tribunal, member of military tribunal, etc.), give dates and details, including the courts or agencies involved, whether elected or appointed, periods of service and a thorough description of your assignments at each court or agency. Include information about the number and kinds of cases or duties you handled at each court or agency (e.g., jury or court trials, settlement conferences, contested hearings, administrative duties, etc.).

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30. List not more than five cases you presided over or heard as a judicial or quasi-judicial officer, mediator or arbitrator. State as to each case: (1) the date or period of the proceedings; (2) the name of the court or agency; (3) the names and addresses of all counsel involved and the party each represented; (4) a summary of the substance of each case, and (5) a statement of any particular significance of the case. ~~Attach sample copies of not more than two written opinions, if any, whether reported or not.~~

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31. Describe any additional PROFESSIONAL experience you would like to bring to the Commission's attention.

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**D. BUSINESS AND FINANCIAL INFORMATION**

32. Have you ever been engaged in any occupation, business or profession other than the practice of law or holding judicial or other public office, OTHER THAN AS DESCRIBED AT QUESTION #14? \_\_\_\_\_ If so, give details, including dates.

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33. Are you now an officer, director, or majority stockholder, or otherwise engaged in the management, of any business enterprise? \_\_\_\_\_

(a) If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

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(b) Is it your intention to resign such positions and withdraw from any participation in the management of any of such enterprises if you are nominated and appointed? If not, give reasons.

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34. Have you ~~failed to file~~ your state or federal income tax returns ~~in the~~ FOR ALL years you were legally required to file them? \_\_\_\_\_ If ~~so~~ NOT, explain.

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35. Have you paid all state, federal and local taxes when due? \_\_\_\_\_ If not, explain.

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36. Have you ever violated a court order including but not limited to an order for payment of child or spousal support? \_\_\_\_\_ If so, explain.

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37. If your parents, siblings, spouse or children are employed or engaged in any business OR PROFESSION, state their names and the name and address of their employer or the business in which they are engaged.

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**E. CONDUCT AND ETHICS**

38. Have you ever been expelled, terminated, or suspended from employment, or any school or course of learning on account of plagiarism, cheating, or any other "cause" that might reflect in any way on your integrity? \_\_\_\_\_ If the answer is "Yes," provide all details.

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39. ARE YOU CURRENTLY CHARGED WITH OR have you ever been arrested for or convicted of any felony, misdemeanor, or violation of the Uniform Code of Military Justice? \_\_\_\_\_ If so, give details.

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40. If you performed military service, please indicate the date and type of discharge. If other than honorable discharge, explain.

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41. List and describe any litigation concerning your practice of law in which you are or were a party.

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42. List and describe any litigation involving an allegation of fraud in which you are or were a defendant.

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43. List and describe any sanctions imposed upon you by any court for violation of any rule or procedure or for any other professional impropriety.

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44. To your knowledge, has any formal charge of professional misconduct ever been filed against you by the State Bar or any other official attorney disciplinary body in any jurisdiction? \_\_\_\_\_ If so, when? How was it resolved?

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45. TO YOUR KNOWLEDGE, HAS ANY FORMAL CHARGE OF JUDICIAL MISCONDUCT EVER BEEN FILED AGAINST YOU BY THE COMMISSION ON JUDICIAL CONDUCT OR ANY OTHER OFFICIAL JUDICIAL DISCIPLINARY BODY IN ANY JURISDICTION? \_\_\_\_\_ IF SO, WHEN? HOW WAS IT RESOLVED?

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46. During the last 10 years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal and State laws? \_\_\_\_\_ If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

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47. In the past year, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? \_\_\_\_\_ If so, state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

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48. Within the last five years, have you ever been formally reprimanded, demoted, disciplined, cautioned, placed on probation, suspended or terminated by an employer? \_\_\_\_\_ If so, state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

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49. Have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a complaint or accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? \_\_\_\_\_ If so, state the date(s) of such accusation(s), the specific accusation(s) made, and the background and resolution of such action(s).

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50. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? \_\_\_\_\_ If so, state the date you were requested to submit to such a test, type of test requested, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.

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51. ~~In the past year,~~ WITHIN THE LAST FIVE YEARS, have you failed to meet any deadline imposed by a court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? \_\_\_\_\_ If so, explain in full.

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52. ~~In the past year, have you suffered memory loss or impaired judgment for any reason?~~ HAVE YOU EVER BEEN A PARTY TO LITIGATION ALLEGING THAT YOU FAILED TO COMPLY WITH THE SUBSTANTIVE REQUIREMENTS OF ANY BUSINESS OR CONTRACTUAL ARRANGEMENT, INCLUDING BUT NOT LIMITED TO BANKRUPTCY PROCEEDINGS? \_\_\_\_\_ If so, explain in full.

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**F. PROFESSIONAL AND PUBLIC SERVICE**

53. Have you published any legal or non-legal books or articles? \_\_\_\_\_ If so, list with the citations and dates.

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54. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge? \_\_\_\_\_ If not, explain.

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55. Have you taught any courses on law or lectured at bar associations, conferences, law school forums, or continuing legal education seminars? \_\_\_\_\_ If so, describe.

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56. a. List memberships and activities in professional organizations, including offices held and dates.

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b. Have you served on any committees of any bar association (local, state or national) or have you performed any other significant service to the bar? \_\_\_\_\_ List offices held in bar associations or on bar committees. Provide information about any activities in connection with pro bono legal services (defined as services to the indigent for no fee), legal related volunteer community activities or the like.

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57. Describe the nature and dates of ANY COMMUNITY OR public service you HAVE PERFORMED THAT YOU consider relevant to your ability to serve your community as a judge.

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58. List any professional or civic honors, prizes, awards, or other forms of recognition which you have received.

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59. a. List any elected or appointed offices which you have held and/or for which you have been a candidate, and the dates.

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b. Have you been registered to vote for the last ten years? \_\_\_\_\_

Have you voted in ~~the~~ ALL general elections held during those years? \_\_\_\_\_  
IF NOT, EXPLAIN.

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60. Describe any interests outside the practice of law you would like to bring to the Commission's attention.

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### G. HEALTH

61. Are you physically and mentally able to perform the essential duties of a judge in the court for which you are applying? \_\_\_\_\_ Please identify any accommodations you may need to perform the job.

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**H. REFERENCES**

62. List the names, addresses, telephone numbers and, IF AVAILABLE, ELECTRONIC MAIL ADDRESSES of three references who are lawyers or judges, and who are familiar with your professional activities, who would enthusiastically recommend you as qualified to serve on the judiciary.

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63. List the names, addresses, telephone numbers and, IF AVAILABLE, ELECTRONIC MAIL ADDRESSES of three persons who are neither lawyers nor judges with whom you have had contact other than professionally, who would enthusiastically recommend you as qualified to serve on the judiciary.

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64. List the names, addresses, telephone numbers and, IF AVAILABLE, ELECTRONIC MAIL ADDRESSES of four lawyers with whom you have CONTINUOUSLY dealt ~~in a meaningful way~~ ON SUBSTANTIVE MATTERS as adversaries in the last five years. ~~Provide the names of those whom you have dealt with continuously on substantive matters.~~ If you have been a full-time judicial or quasi-judicial officer for the last five years, list the names, addresses and telephone numbers of four lawyers who have frequently appeared before you in contested matters.

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65. List the names, addresses, telephone numbers AND, IF AVAILABLE, ELECTRONIC MAIL ADDRESSES of three references who have served as fellow members of bar or professional association committees or activities, who would comment on your participation.

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66. List the names, addresses, telephone numbers AND, IF AVAILABLE, ELECTRONIC MAIL ADDRESSES of three references who are or were fellow participants in community organizations or activities, who would comment on your participation.

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**ADDITIONAL INFORMATION**

67. The Arizona Constitution requires that the Commission consider the diversity of the state's or county's population in making its nominations. Provide any information about yourself (your heritage, background, experience, etc.) that may be relevant to this requirement.

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68. Provide any additional information relative to your application or qualifications you would like to bring to the Commission's attention at this time.

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69. If you are selected by this Commission and appointed by the Governor to serve, are you aware of any reason why you would be unable or unwilling to serve a full term?  
\_\_\_\_\_ If so, explain.

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70. IF SELECTED FOR THIS POSITION, DO YOU INTEND TO SERVE FULLY, INCLUDING ACCEPTANCE OF ROTATION TO AREAS OUTSIDE YOUR AREAS OF PRACTICE OR INTEREST? (NOTE: OMIT TEXT FROM "INCLUDING" FOR APPELLATE VACANCIES.) \_\_\_\_\_ IF NOT, EXPLAIN.

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71. ATTACH A BRIEF STATEMENT EXPLAINING WHY YOU ARE SEEKING THIS POSITION.

72. ATTACH TO THE END OF YOUR APPLICATION ONE PROFESSIONAL WRITING SAMPLE WHICH YOU PERSONALLY DRAFTED (E.G., BRIEF OR MOTION). < - OR - ATTACH THREE SAMPLES IF APPLYING FOR AN APPELLATE COURT POSITION. > WRITING SAMPLES SHOULD BE NO MORE THAN A FEW PAGES IN LENGTH. YOU MAY EXCERPT A PORTION OF A LARGER DOCUMENT TO PROVIDE THE WRITING SAMPLE < S > .

73. IF YOU HAVE EVER SERVED AS A JUDICIAL OR QUASI-JUDICIAL OFFICER, MEDIATOR OR ARBITRATOR, ATTACH TO THE END OF YOUR APPLICATION SAMPLE COPIES OF NOT MORE THAN TWO WRITTEN ORDERS, FINDINGS OR OPINIONS (WHETHER REPORTED OR NOT) WHICH YOU PERSONALLY DRAFTED. WRITING SAMPLES SHOULD BE NO MORE THAN A FEW PAGES IN LENGTH. YOU MAY EXCERPT A PORTION OF A LARGER DOCUMENT TO PROVIDE THE WRITING SAMPLE(S).

**RELEASE OF INFORMATION:**

The undersigned hereby authorizes the Committees of the State Bar of Arizona, all Bar Associations, references, employers, credit reporting agencies, business and professional associates, and all governmental agencies to release to the Commission any information requested by said Commission in connection with the processing of my request for consideration as a judicial candidate. ~~Also, by signing I acknowledge my understanding that the contents of this application will be held in strictest confidence subject to the requirements of applicable Commission rules.~~ I understand the fact I have applied is not confidential and the information provided may be verified by Commission members.

ALL OF THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, AND submission of this Application expresses my willingness to accept appointment to the judicial position applied for in this application if tendered by the Governor.

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(Signature)

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(Date)

## AUTHORIZATION FOR BACKGROUND CHECKS

Credit, criminal and disciplinary records of applicants will be checked.

By submission of this application, applicant hereby authorizes the Judicial Nominating Commission, upon request of the Chief Justice of the Arizona Supreme Court, or his designee, to conduct credit, criminal background and disciplinary records investigations as part of the application process for judicial appointment.

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

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

\_\_\_\_\_

\_\_\_\_\_

Work Phone: \_\_\_\_\_

Home Phone: \_\_\_\_\_

FAX Number: \_\_\_\_\_

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

Place of Birth: \_\_\_\_\_

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

State Bar Number: \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 199 \_\_\_\_\_.

\_\_\_\_\_  
(Signature)