

## **EVALUATING THE APPLICANTS**

The regulations of the Judicial Conference do not prescribe how the panel should evaluate the applicants. The procedures are generally left to the discretion of the individual courts and panels. The following suggestions are offered as a guide.

### **IN GENERAL**

Failure to meet any one of the statutory or regulatory requirements will result in automatic rejection of an applicant. A district court may establish additional qualification standards appropriate for a particular magistrate judge position, taking into account the specific responsibilities anticipated for the position. These additional qualification standards, however, must not be inconsistent with the court's policy as an equal opportunity employer.

The range of duties delegated to magistrate judges by district judges varies substantially from one district to another. The panel's objective is to recommend individuals most suited to the needs of the particular district court. Emphasis should be placed on those qualities and professional skills most often demanded for the specific duties to be assigned. Accordingly, the members of the panel should acquaint themselves with the specific duties that the successful applicant will be assigned by the judges. (Reference should be made both to the Federal Magistrates Act and to the local rules or standing orders of the district court for specific guidance in this regard.) Since full-time magistrate judges generally have a broader range of duties than part-time magistrate judges, the panel may require greater pertinent experience from applicants for a full-time magistrate judge position than from applicants for a part-time magistrate judge position. The difference is manifest in those situations where the part-time magistrate judge is located in a remote region and the range of duties is limited.

During their deliberations, the members should bear in mind the judicial nature of the office of United States magistrate judge. A considerable number of former United States magistrate judges have been appointed and are now serving as United States district and circuit judges. The position of magistrate judge is viewed by many as a proving ground that can provide invaluable practical experience for future Article III judges. Thus, the panel should recommend individuals who possess the same types of personal and professional qualities expected of district judges.

### **SCHOLARSHIP**

Panel members should consider each applicant's academic record and related achievements in law school and college. Special attention might be given to class standing, quality of the

schools attended, membership on the law review board, and membership in other associations.

## **ACTIVE PRACTICE OF LAW**

The panel should consider how long the applicant has practiced law and the type of legal practice. The applicant should have demonstrated professional competence, including an ability to deal with complicated legal problems, an aptitude for legal scholarship, and effective writing. The applicant also should be well regarded professionally by other lawyers. The members of the panel should also consider whether the applicant has been recently involved in any pro bono or public service activity. The panel should not confine its considerations to persons with any one type of legal work. It should consider candidates from all segments of the bar, including government service, law school faculties, legal aid associations, public interest establishments, and state courts.

## **KNOWLEDGE OF THE COURT SYSTEM**

Because the rules of procedure in the federal judicial system frequently differ from those practiced in the various state court systems, the panel might consider the applicant's familiarity with the federal court system. Recent litigation before the federal bench may indicate familiarity with the rules and procedures of federal court. Successful completion of legal courses in the Federal Rules of Evidence and the Federal Rules of Civil and Criminal Procedure also shows familiarity.

## **PERSONAL ATTRIBUTES**

The regulations of the Judicial Conference require that a magistrate judge be competent to perform the duties of the office; of good moral character; emotionally stable and mature; committed to equal justice under the law; in good health; patient; courteous; and capable of deliberateness and decisiveness. These characteristics, by their nature, are subjective and not readily quantifiable. Yet they may ultimately be the most important qualities necessary for the successful performance of judicial duties.

## **MEASUREMENT OF THE QUALIFICATIONS**

It is not possible to formalize a comprehensive or mathematical evaluation procedure. Nonetheless, some degree of uniformity is essential in the selection process. The panel may consider the following list of relevant qualities as a checklist to be applied to all applicants. The panel might assign a weight to each factor, signifying the degree of importance attached to each.

The members should also bear in mind that the essential roles of a magistrate judge are to dispense justice and to assist the judges of the district courts in disposing of the court's caseload effectively and efficiently. Thus, great weight should be accorded to those personal qualities, pertinent experience, and practical knowledge desired by the judges in the person who is selected to fill the magistrate judge position.

## **PERTINENT CRITERIA**

### ***Personal Characteristics***

- Intelligence
- Honesty and morality
- Maturity and stability
- Demeanor and temperament
- Reasonableness and objectivity
- Ability to work with others
- Compassion
- Fairness and commitment to equal justice for all people
- Decisiveness and deliberateness
- Industriousness
- Immunity from undue influences
- Mental and physical health
- Activity in civic and community affairs

### ***Legal Skills and Professional Background***

- Professional reputation among bar members
- Reputation for fairness
- Reputation for propriety and integrity
- Reputation for being well prepared
- Experience with complex problems
- Previous service as attorney, judge, or public official
- Writing skills
- Courtroom experience
- Knowledge of legal procedures
- Familiarity with federal rules and procedures
- Participation in professional associations and activities
- Pro bono and public-service activities
- Publications