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TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: STANDARDS AND PROCEDURES FOR THE APPOINTMENT OF A FULL-TIME MAGISTRATE JUDGE AT CHARLESTON

GENERAL ORDER

In accordance with 28 U.S.C. § 631 and the Regulations of the Judicial Conference of the United States Establishing Standards and Procedures for the Appointment and Reappointment of United States Magistrate Judges, it is hereby **ORDERED** that a Merit Selection Panel be established to consider the appointment of a new Magistrate Judge for the Southern District of West Virginia, at Charleston, to a full eight-year term. Upon a unanimous vote of the district judges of this court, it is further **ORDERED** that the following persons shall constitute the Merit Selection Panel of this court:

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It is further **ORDERED** that Charles M. Love, III, Esquire be designated as Chair for the panel. The Chair shall set the time and place for and preside at all meetings and propose the rules and procedures to be adopted for the review of applications.

Members of the panel are hereby notified to proceed with a review of each of the applications received for the office of Magistrate Judge to ensure that all applicants are qualified pursuant to statutory and regulatory requirements. Following the initial screening of applications, the Merit Selection Panel, in its discretion, may choose to conduct personal interviews of some or all of the qualified applicants. When evaluating the applicants, the Merit Selection Panel shall consider each applicant's academic record and related achievements in law school, how long the applicant has practiced law and the type of legal practice, the applicant's familiarity with the federal court system, any other pertinent evidence as to the applicant's good character, judgment, legal ability, temperament, and commitment to equal justice under the law.

The Guide to Judiciary Policy, Volume 3, Chapter 4, addresses the **minimum** qualifications for appointment as a United States Magistrate Judge. See § 410.10.10. In considering whether an applicant has been engaged in the active practice of law for at least five years, the appointing court is authorized to deem as a suitable substitute "other legal experience." Further, under § 420.10.20, the appointing court may establish additional qualification standards appropriate for a particular magistrate judge position. Exercising this authority as the appointing court, the judges of the Southern District of West Virginia, **unanimously**, hereby establish the following **additional** criteria as a suitable substitute for the active practice of law:

(1) up to two years for teaching at an accredited law school as a full professor, associate professor, adjunct professor, or lecturer-in-law, where the credit hours taught, when accumulated over any period of time, aggregate at least ten hours in order to equal one year of teaching;

(2) up to three (rather than two) years as a law clerk where the applicant served as law clerk for a federal district court judge and as law clerk for a federal circuit court judge.

Taking into account the specific responsibilities anticipated for this particular magistrate judge position, additional qualification standards to be considered include:

(a) demonstrable excellence in legal research and writing, such as publications in legal journals, drafting legal briefs or judicial opinions, or serving as an editor or contributor for legal publications; and,

(b) familiarity with civil discovery, mass tort litigation or multidistrict litigation, as counsel or as a law clerk; and,

(c) familiarity with federal criminal proceedings, as counsel or as a law clerk.

After all written information has been obtained, all interviews have been completed, and all follow-up information has been gathered, members of the Merit Selection Panel shall determine collectively which individuals among the applicants meet the standards and appear qualified for appointment as a United States Magistrate Judge. Following these discussions, the Merit Selection Panel shall designate the names of five applicants that it finds most qualified to serve as a United States Magistrate Judge. Decisions by the panel shall be by majority vote of all of the members.

The Merit Selection Panel shall submit its report to Chief Judge Joseph R. Goodwin no later than November 30, 2012. The report of the panel shall specify the total number of individuals who applied for the position and the names of the five persons it has determined to be most qualified. All written information received or prepared by the panel concerning the recommended applicants must accompany the panel's report to the court. Panel members shall

keep confidential all information, written and oral, obtained in the course of performing their duties.

The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (40 and over), gender, religion, national origin, or disability.

In compliance with the Judicial Conference Regulations, the court hereby **ORDERS** that public notice may include, but not be limited to, general local newspapers at Charleston, postings on the court's website or The West Virginia State Bar's website, e-mail from The West Virginia State Bar, the Kanawha County Bar Association, and The Mountain State Bar Association.

Dated this 21st day of SEPTEMBER, 2012.

ENTER:

JOSEPH R. GOODWIN, CHIEF JUDGE

JOHN T. COPENHAVER, JR., JUDGE

ROBERT C. CHAMBERS, JUDGE

THOMAS E. JOHNSTON, JUDGE

IRENE C. BERGER, JUDGE

DAVID A. FABER, SENIOR JUDGE