

**PUBLIC NOTICE FOR  
APPOINTMENT OF NEW MAGISTRATE JUDGE**

**POSITION OVERVIEW**

The Judicial Conference of the United States has authorized the appointment of a full-time United States magistrate judge for the Southern District of West Virginia at Charleston.

The duties of the position are demanding and wide-ranging: (1) conduct of most preliminary proceedings in criminal cases; (2) trial and disposition of misdemeanor cases; (3) conduct of various pretrial matters, including discovery, and evidentiary proceedings on delegation from a district judge; and (4) trial and disposition of civil cases upon consent of the litigants. The basic authority of a United States magistrate judge is specified in 28 U.S.C. § 636.

The current annual salary of the Magistrate Judge position is \$160,080. A full range of benefits is offered including, but not limited to: retirement, health, life, disability, and long-term care insurance. The term of office is eight years from the date of appointment. Magistrate Judges may be reappointed to subsequent eight-year terms. It is anticipated that the individual selected to fill the position at Charleston, West Virginia, will assume office on April 1, 2013, or as soon thereafter as practical.

**QUALIFICATIONS**

To be qualified for appointment an applicant must:

- A. Be, and have been for at least five years, a member in good standing of the bar of the highest court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States.
- B. Have been engaged in the active practice of law for a period of at least five years. The court may consider as substitute experience for the active practice of law the following, including any combination thereof:
  - 1. Judge of a state court of record or other state judicial officer.
  - 2. U. S. magistrate judge, bankruptcy judge, or other federal judicial officer.
  - 3. Attorney for federal or state agencies.
  - 4. Up to two years as a law clerk to any judge or judicial officers or as a staff attorney or pro se law clerk in a court.
  - 5. Other legal experience which is suitable as a substitute in the opinion of the majority of the court.

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, 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** established the following **additional** criteria as a suitable substitute for the active practice of law:

- a. 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;
- b. 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.
- C. 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 deliberation and decisiveness when required to act on his or her own reason and judgment.
  - D. Not be related by blood or marriage to a judge of the appointing court or courts, with the degrees specified in 28 U.S.C. § 458, at the time of the initial appointment.
  - E. In the case of any initial appointment, not be seventy years of age or older.

### **APPLICATION PROCESS**

A merit selection panel composed of attorneys and other members of the community will review all applicants and recommend to the district judges in confidence the five persons it considers best qualified. 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.

Electronic versions of the application form for the magistrate judge position in this court are available on the court's Internet website at [www.wvsc.uscourts.gov](http://www.wvsc.uscourts.gov). Hard copy application forms may also be obtained from Teresa L. Deppner, Clerk of the U. S. District Court,

2400 Robert C. Byrd United States Courthouse, 300 Virginia Street, East, Charleston, WV 25301 (telephone 304/347-3055). Applications must be submitted only by applicants personally and **must be received by** October 15, 2012. Each applicant shall submit the original application and seven copies in an envelope marked “confidential” to Teresa L. Deppner, Clerk of the U. S. District Court, 2400 Robert C. Byrd United States Courthouse, 300 Virginia Street, East, Charleston, WV 25301.

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel, the judges and the clerk of the district court. The panel’s deliberations will remain confidential.