



## **APPLICATION FOR JUDICIAL OFFICE**

*Instructions to the applicant and  
summary of the nomination process*

### **I. INSTRUCTIONS FOR OBTAINING APPLICATION FORM**

The application form, waiver form, and summary of instructions are available on the state Courts web page at <http://www.utcourts.gov/admin/jobs>. The application form, waiver form, and summary of instructions are also available in the formats listed below. In all requests for an electronic file, be sure to designate the required format and include a return e-mail address. You are urged to request the electronic file by e-mail which will automatically provide the return e-mail address.

\* Please note that the application instructions and form for Judicial Office have been updated as of October 2018.

Adobe PDF Form  
Microsoft Word

Please make requests to: Administrative Office of the Courts  
Attn: Amy Hernandez  
450 S. State Street  
PO Box 140241  
Salt Lake City, Utah 84114-0241  
Phone: (801) 578-3809  
FAX: (801) 238-7828  
[amymh@utcourts.gov](mailto:amymh@utcourts.gov)

The application form, waiver forms and these instructions are also available in all of the above formats on the Courts Web-site: [www.utcourts.gov](http://www.utcourts.gov).

### **II. INSTRUCTIONS FOR COMPLETING APPLICATION FORM**

- A. Type all answers. Do not include these instructions with the completed application form.
- B. When preparing responses on a typewriter, if more space is needed, attach additional pages to the end of the application form and type the corresponding question number next to the information.
- C. When preparing responses on a word processor, include all information immediately after the question and allow the word processor to repaginate the document.
- D. Answer all questions completely. If a question does not apply, write "Not applicable" in the space provided. If information is not available, write "Not available" and state your reasons for the unavailability.
- E. Type your full name in the Header of the first page of the application. Please make sure that

your name is on each page of the application.

- F. Following is a checklist of materials to be submitted with the application. Please copy materials on both sides of the page on three hole punched paper (the original application may be single sided). Please do not staple any documents.

- \_\_\_ Original application plus six copies of Section 2 of the application form, including any supplemental pages
- \_\_\_ Original and six copies of the following 4 notarized documents (pages 17 – 20 of appl.) Please attach all four documents to each copy of the application form:
  - Accuracy of the Application statement
  - Waiver of Right to Review the Records in the Nomination & Appointment Processes
  - Waiver of Confidentiality of Records
  - Fair Credit Reporting Act Disclosure and Authorization
- \_\_\_ A resume attached to each application form
- \_\_\_ One brief paragraph summary of education and work history that will be made available to the public if selected for nomination
- \_\_\_ A check or money order for \$8.70 made payable to the Administrative Office of the Courts to cover the cost of a credit check (if you have applied for a justice court judgeship within the previous six months payment is not necessary).
- \_\_\_ If you are simultaneously applying for more than one judgeship in a county, please contact Amy Hernandez at [amymh@utcourts.gov](mailto:amymh@utcourts.gov) to determine whether multiple application packages are required.

Note: Applications for Justice Court judgeships are different than those for District, Juvenile and Appellate judgeships. Also the application and instructions have been updated as of October 2018.

- G. Mail applications to:

Administrative Office of the Courts  
Attn: Amy Hernandez  
450 S. State Street  
PO Box 140241  
Salt Lake City, UT 84114-0241

Since the Administrative Office of the Courts cannot be responsible for applications not received, please send applications by registered or certified mail, return receipt requested. Upon receipt, the application will be reviewed for completeness. A notice of receipt listing any deficiencies in the application materials will be sent to you within five days. An application is not considered unless all deficiencies are corrected before the expiration of the filing deadline. If you do not receive an acknowledgment of receipt of your application within five days, contact Amy Hernandez, at [amymh@utcourts.gov](mailto:amymh@utcourts.gov) to ensure that your application has been received.

Applications faxed or emailed to the Administrative Office of the Courts by the application deadline must be immediately followed by a mailed original application, post marked by the application deadline, along with the requisite number of copies and the required check or money order to cover the cost of a credit check.

- H. The deadline for applications is stated in the published notice of vacancy. The notice of the vacancy allows for an application period of at least 15 days from initial release of publication. It may, however, be longer. At the discretion of the Nominating Commission, the application period may be reopened after the deadline has passed. If fewer than nine applications are received for a judicial vacancy, the recruitment period will be extended for an additional 15 days.

After the initial application period if, in counties of the first and second class, there are not at least three qualified applicants, the position shall be re-advertised and applications may be accepted from persons who are not residents of the county or an adjacent county in which the court is located. Also in such circumstances applicants would only be required to have, at the minimum, a high school diploma or GED. See U.C.A. §78A-7-201.

### **III. SUMMARY OF THE NOMINATION PROCESS**

- A. The date, time, and location of the organizational meeting of the Nominating Commission will normally be given in the notice of the vacancy. The public is invited to attend and may arrange through the Administrative Office of the Courts to submit oral or written statements. Testimony concerning individual applicants or cases is prohibited.
- B. An investigation of the applicants is conducted by the Administrative Office of the Courts and the results are submitted to the Commissioners. The Commissioners may conduct their own investigation. The scope of the investigation may include, but is not limited to, citizenship, residency, age, credit, taxes, education, employment, mental or physical health, civil litigation, criminal litigation, law enforcement investigation and criminal charges, admission to the practice of law, service in the United States' armed forces, or disciplinary action by any judicial conduct commission or state bar association of any jurisdiction. The names of applicants may be provided to other persons as necessary to accomplish the investigation but are not released to the public. The results of the investigation are not disclosed to the public. The Commission may disclose the investigation results to the appropriate investigative or prosecutorial authorities if the investigation reveals criminal activity or a breach of ethics by an applicant.
- C. Applicants should not personally contact Nominating Commission members regarding their application for the judicial vacancy.
- D. Applicants selected for interviews are notified of the date, time, location, and format of the interview. Applicants eliminated from consideration are notified as soon as possible after that decision is made.
- E. Applicants are evaluated on the basis of several criteria: integrity, impartiality, industry, legal knowledge and ability, judicial temperament, financial responsibility, health, and public service.
- F. The Commission publishes the names of the proposed nominees and invites comments regarding their qualifications.

- G. The names of three to five nominees are submitted to the local government executive, council or commission for each judicial vacancy. The nominees are listed in alphabetical order without any indication of preference by the Commissioners.
- H. Applications may be considered by Commissioners who have a business, professional, or personal relationship to the applicant. Commissioners must recuse themselves if they are within the third degree of consanguinity. For other relationships, Commissioners are required to disclose on the record of the Commission the nature of the relationship. The Commission by majority vote determines whether the relationship requires the recusal of the Commissioner.

## IV. EVALUATION CRITERIA

### A. Statutory Minimum Requirements

**Age.** U.C.A. *Section 78A-7-201* requires that a justice court judge be 25 years old and retire upon attaining the age of 75 years.

**Residency.** All judges must be United States citizens. Justice court judges must be a resident of the county in which the court is located or an adjacent county for at least six months immediately preceding appointment and be a qualified voter of the county in which the judge resides.

**Education Requirements.** In counties of the first and second class, a justice court judge shall have a degree from a law school that makes one eligible to apply for admission to the bar in any state. In counties of the third, fourth, fifth and sixth class, a justice court judge shall have at the minimum a high school diploma or GED.

**Restricted Activities.** *Section 78A-7-206* of the Utah Code establishes further restrictions on the activity of judges.

(1) A justice court judge may not appear as an attorney in any criminal matter in a federal, state, or justice court or appear as an attorney in any justice court or in any juvenile court case involving conduct which would be criminal if committed by an adult.

(2) A justice court judge may not hold any office or employment including contracting for services in any justice agency of state government or any political subdivision of the state including law enforcement, prosecution, criminal defense, corrections, or court employment.

(3) A justice court judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in state government or any political subdivision of the state.

(4) A justice court judge may not own or be employed by any business entity which regularly litigates in small claims court.

### B. Qualities of Judges

The following criteria for evaluating applicants are derived from sections of the American Bar Association's Guidelines for Reviewing Qualifications of Applicants for State Judicial Office,

which offer some guidance for determining fitness for office. Following the modified ABA guidelines are some additional considerations. Although not all justice court judges are required to be attorneys, these guidelines provide useful suggestions and standards for all applicants.

## 1. American Bar Association Guidelines

### a. Introduction

These guidelines are intended for use by bar association committees and judicial nominating commissions which are evaluating applicants for state and local judicial office. It is assumed that the evaluators desire to recommend to the electorate or to the appointing authority the applicants who are most qualified by virtue of merit.

The guidelines attempt to identify those characteristics to be sought after in the judicial applicants. They attempt to establish criteria for the prediction of successful judicial performance. The identified traits are not mutually exclusive and cannot be wholly separated one from another. The outlined areas have been selected as essential for inquiry in considering all applicants for judicial office. With the exception of integrity, which is always indispensable, the degree to which the characteristics should be present in any particular applicant may vary in relation to the responsibility of the office.

These guidelines are not intended to deal with methods or procedures for judicial selection; nor are they intended to provide specific operating rules for the commissions and committees. The guidelines are not intended as a definitive review of the qualifications of sitting judges when being considered for retention or evaluation, since judicial experience will then provide important additional criteria which are treated elsewhere.

It is hoped that the use of these guidelines, if made known to the public and the press, will enhance the understanding and respect to which the judiciary is entitled in the community being served. The ultimate responsibility for selecting the judiciary is in the appointing power of any given judicial system. The function of these guidelines is to present minimum criteria for appointment; the more rigorous the criteria the better the quality of the judiciary.

- b. Integrity.** An applicant should be of undisputed integrity. The integrity of the judge is, in the final analysis, the keystone of the judicial system; for it is integrity which enables a judge to disregard personalities and partisan political influences and enables him or her to base decisions solely on the facts and the law applicable to those facts. It is, therefore, imperative that a judicial applicant's integrity and character with regard to honesty and truthfulness be above reproach. An individual with the integrity necessary to qualify must be one who is able, among other things, to speak the truth without exaggeration, admit responsibility for mistakes and put aside self-aggrandizement. Other elements demonstrating integrity are intellectual honesty, fairness, impartiality, ability to disregard prejudices, obedience to the law and moral courage.

An applicant's past personal and professional conduct should demonstrate consistent adherence to high ethical standards. If applicable, the evaluator should make inquiry of judges before whom the applicant has appeared and

among other members of the bar as to whether or not an applicant's representations can be relied upon. An applicant's disciplinary record, if any, should be considered. Hence, an applicant should waive any privilege of confidentiality, so that the appropriate disciplinary body may make available to the evaluator the record of disciplinary sanctions imposed and the existence of serious pending grievances. The reputation of the applicant for truthfulness and fair dealing in extra-legal contexts should also be considered. Inquiry into an applicant's prejudices that tend to disable or demean others is relevant. However, since no human being is completely free of bias, the important consideration is that of whether or not the applicant can recognize his or her own biases and set them aside.

- c. **Legal Knowledge and Ability.** An applicant should possess a high degree of knowledge of established legal principles and procedures and have a high degree of ability to interpret and apply them to specific factual situations.

Legal knowledge may be defined as familiarity with established legal principles and evidentiary and procedural rules. Legal ability is the intellectual capacity to interpret and apply established legal principles to specific factual situations and to communicate, both orally and in writing, the reasoning leading to the legal conclusion. Legal ability connotes also certain kinds of behavior by the judge such as the ability to reach concise decisions rapidly once he or she is apprised of sufficient facts, the ability to respond to issues in a reasonably unequivocal manner and to quickly grasp the essence of questions presented.

Legal knowledge and ability are not static qualities, but are acquired and enhanced by experience and the continual learning process involved in keeping abreast of changing concepts through education and study. More important is the demonstration of an attitude reflective of willingness to learn the new skills and knowledge which will from time to time become essential to a judge's performance and of a willingness to improve judicial procedure and administration.

A review of an applicant's academic distinctions and professional colleagues who have had first-hand dealings with the applicant will be helpful in evaluating knowledge and ability.

- d. **Professional Experience.** Professional experience should be long enough to provide a basis for the evaluation of the applicant's demonstrated performance and long enough to ensure that the applicant has had substantial experience that would allow them to successfully analyze legal problems and the judicial process.

The extent and variety of an applicant's experience should be considered in light of the nature of the judicial vacancy that is being filled. A successful applicant will have a broad range of professional and life experiences that will add depth to the judicial office they hold.

- e. **Judicial Temperament.** An applicant should possess a judicial temperament, which includes common sense, compassion, decisiveness, firmness, humility, open-mindedness, patience, tact and understanding.

Judicial temperament is universally regarded as a valid and important criterion in the evaluation of an applicant. There are several indicia of judicial temperament

which, while premised upon subjective judgment, are sufficiently understood by lawyers and non-lawyers alike to afford workable guidelines for the evaluator.

Among the qualities which comprise judicial temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion and humility. Because the judicial function is essentially one of facilitating conflict resolution, judicial temperament requires an ability to deal with counsel, jurors, witnesses and parties calmly and courteously, and the willingness to hear and consider the views of all sides. It requires the ability to be even-tempered, yet firm; open-minded, yet willing and able to reach a decision; confident, yet not egocentric. Because of the range of topics and issues with which a judge may be required to deal, judicial temperament requires a willingness and ability to assimilate data outside the judge's own experience. It requires, moreover, an even disposition, buttressed by a keen sense of justice which creates an intellectual serenity in the approach to complex decisions, and forbearance under provocation. Judicial temperament also implies a mature sense of proportion; reverence for the law, but appreciation that the role of law is not static and unchanging; understanding of the judge's important role in the judicial process, yet recognition that the administration of justice and the rights of the parties transcend the judge's personal desires. Judicial temperament is typified by recognition that there must be compassion as the judge deals with matters put before him or her.

Factors which indicate a lack of judicial temperament are also identifiable and understandable. Judicial temperament thus implies an absence of arrogance, impatience, pomposity, loquacity, irascibility, arbitrariness or tyranny. Judicial temperament is a quality which is not easily identifiable, but which does not wholly evade discovery. Its absence can usually be fairly ascertained.

Wide-ranging interviews should be undertaken to provide insight into the temperament of a judicial applicant.

- f. **Diligence.** An applicant should be diligent and punctual. Diligence is defined as a constant and earnest effort to accomplish that which has been undertaken. While diligence is not necessarily the same as industriousness, it does imply the elements of constancy, attentiveness, perseverance, and assiduousness. It does imply the possession of good work habits and the ability to set priorities in relation to the importance of the tasks to be accomplished.

Punctuality should be recognized as a complement of diligence. An applicant should be known to meet procedural deadlines in trial work and to keep appointments and commitments. An applicant should be known to respect the time of other lawyers, clients and judges.

- g. **Health.** An applicant should be in good health. Good health embraces a condition of being sound in body and mind relative to the extraordinary decision making power vested in judges. Physical disabilities and diseases which do not prevent a person from fully performing judicial duties will not be a cause for rejection of a candidate. However, any serious condition which would affect the candidate's ability to perform the duties of a judge may be further investigated by the evaluator. The evaluator may require a candidate to provide a physician's written report of a recent thorough medical examination addressing the condition of concern.

Good health includes the absence of erratic or bizarre behavior which would significantly affect the candidate's functioning as a fair and impartial judge. Addiction to alcohol or other drugs is of such an insidious nature that the evaluator should affirmatively determine that a candidate does not presently suffer from any such disability.

The ability to handle stress effectively is a component of good mental health. A candidate should have developed the ability to refresh him or herself occasionally with non-work-related activities and recreations. A candidate should have a positive perception of his or her own self-worth, in order to be able to withstand the psychological pressures inherent in the task of judging.

The evaluator should give consideration to the age of a candidate as it bears upon health and upon the number of years of service that the candidate may be able to perform.

- h. Financial Responsibility.** An applicant should be financially responsible. The demonstrated financial responsibility of an applicant is one of the factors to be considered in predicting the applicant's ability to serve properly. Whether there have been any unsatisfied judgments or bankruptcy proceedings against an applicant and whether the applicant has promptly and properly filed all required tax returns are pertinent to financial responsibility. Financial responsibility demonstrates self-discipline and the ability to withstand pressures that might compromise independence and impartiality.
- i. Public Service.** Consideration should be given to an applicant's previous public service activities.

The rich diversity of backgrounds of American judges is one of the strengths of the American judiciary. Experience which provides an awareness of and a sensitivity to people and their problems may be just as helpful in a decision making process as a knowledge of the law. There is, then, no one career path to the judiciary. A broad, non-legal academic background, supported by varied and extensive non-academic achievements are important parts of an applicant's qualifications. Examples of such non-legal experience are involvement in community affairs and participation in political activities, including election to public office. The most desirable applicant will have had broad life experiences.

There should be no issue-oriented litmus test for selection of an applicant. No applicant should be precluded from consideration because of his or her opinions or activities in regard to controversial public issues. No applicant should be excluded from consideration because of race, creed, sex or marital status.

While interviews of applicants may touch on a wide range of subjects in order to test an applicant's breadth of interests and thoughtfulness, the applicant should not be required to indicate how he or she would decide particular issues that may arise on litigated cases. However, an applicant's judicial philosophy and ideas concerning the role of the judicial system in our scheme of government are relevant subjects of inquiry.

- 2. Other Considerations for Qualification** - In addition to the modified\_ABA guidelines, the commissioners may wish to consider the following in analyzing the qualifications of an applicant for judicial office.

- a. **Impartiality.** A judge must be able to determine the law and sometimes the facts of a dispute objectively and impartially. Applicants should be challenged on their ability to make the transition from advocate to arbiter, on their ability to hear and consider all sides of an issue, and on their ability to put aside prejudice and bias.
- b. **Industry.** Applicants must demonstrate a willingness to dedicate themselves to diligent, efficient, and thorough work. Work habits differ; work techniques vary; but rising court caseloads demand industry of judges. This means the ability to manage time efficiently, to persevere against obstacles, to prepare thoroughly and punctually, and to resolve issues concisely and decisively.
- c. **Age.** U.A.C. *Section 78A-7-201* requires that a justice court judge be 25 years or older. Otherwise, there are no restrictions on the age of nominees to judicial office. Applicants should not be judged by their age alone. But they may be judged by the qualifications that may wax or wane with age: maturity, stability, legal skills, health, and vitality.
- d. **Justice Court Judges.** Justice court judges are in contact with the public more than any other judge. Justice courts are established by counties and municipalities and have the authority to hear class B and C misdemeanors, violations of ordinances, small claims, and infractions committed within their territorial jurisdiction. Justice court judges serve the citizens of the city or county who appoints them and are often the first or only interaction many citizens will have with the court.
- e. **Diversity on the Bench.** When deciding among applicants whose qualifications appear in all other respects to be equal, it is relevant to consider the background and experience of the applicants in relation to the current composition of the bench for which the appointment is being made. The idea is to promote a judiciary of sufficient diversity that it can most effectively serve the needs of the community.

## V. CANON 4 CODE OF JUDICIAL CONDUCT

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.

- A. A judge or a candidate for a judicial office shall not:
  - 1. act as a leader or hold any office in a political organization;
  - 2. make speeches for a political organization or publicly endorse or oppose a candidate for public office;
  - 3. solicit funds for or pay an assessment or make a contribution to a political organization or candidate for public office, or attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;
  - 4. publicly identify himself or herself as a member of a political organization, except as necessary to vote in an election;
  - 5. seek, accept or use endorsements from a political organization;
  - 6. use court staff or make excessive use of court facilities or other court resources in seeking judicial office;

7. knowingly, or with reckless disregard for the truth, make any false or misleading statement in seeking judicial office;
  8. make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court; or
  9. make pledges, promises, or commitments other than the faithful, impartial and diligent performance of judicial duties.
- B. A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited by Canon 4 of the Utah Code of Judicial Conduct.
- C. A judge standing for retention shall act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary and shall encourage members of the judge's family to adhere to the same standards of conduct.
- D. If a judge standing for retention has drawn public opposition, the judge may operate a campaign for office subject to the following:
1. the judge shall comply with all applicable election, election campaign, and election campaign fund-raising laws and regulations;
  2. the judge shall not directly solicit or accept campaign funds or solicit public statements of support, but may establish committees of responsible persons to secure and manage the expenditure of funds for the campaign and to obtain public statements of support. Committees may solicit campaign contributions and public statements of support from lawyers and non-lawyers. Surplus contributions held by the committee after the election shall be contributed without public attribution to the Utah Bar Foundation. Committees must not permit the use of campaign contributions for the private benefit of the judge or members of the judge's family;
  3. the judge shall review and approve the content of all campaign statements and materials produced by his or her campaign committee before their dissemination;
  4. the judge may speak to public gatherings on the judge's own behalf;
  5. the judge may respond to personal attacks or attacks on the judge's record, provided the response is consistent with other provisions of Canon 4, Rule 4.2 of the Utah Code of Judicial Conduct; and
  6. when a party or lawyer who made a contribution of \$50 or more to the judge's campaign committee appears in a case, the judge shall disclose the contribution to the parties. The requirement to disclose shall continue from the time the judge forms a campaign committee until 180 days after the judge's retention election.
- E. A judge shall resign from judicial office upon becoming a candidate for a non-judicial elective office, unless permitted by law to continue to hold judicial office.
- F. A judge is not required to resign from judicial office upon becoming a candidate for a non-judicial appointive office, provided that the judge complies with other provisions of the Utah Code of Judicial Conduct



10. Business Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

11. Are you a citizen of the United States? \_\_\_\_\_

12. Are you currently admitted to practice law in Utah? \_\_\_\_\_

**APPLICATION QUESTIONNAIRE FOR JUDICIAL OFFICE  
Section 2 Qualifications**

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

Age: \_\_\_\_\_

Court for which this application is being submitted: \_\_\_\_\_

County of Residence: \_\_\_\_\_

Please provide a statement explaining why you are seeking this judicial position:

**EDUCATION**

13. Show all post high school education

School Name and Location	Dates of Attendance	Major	Degree Awarded
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14. Indicate any academic distinctions you have received.

**If you have been admitted to practice law, please fill out the following section:**

15. Show all jurisdictions, including Utah, in which you are or were admitted to practice law. Include the date of your admission and **your identification number**, if any.

16. Have you been entitled to practice law in each of the jurisdictions and before each of the courts listed in question 15 continuously from the date you first became entitled to practice until the date of this

application? \_\_\_\_\_

If not, state jurisdiction involved the dates during which you have not been so entitled, and the nature of and the facts surrounding the disqualification.

17. Have you ever been denied admission to practice law in any state? \_\_\_\_\_ If so, state the name of the jurisdiction and the reason for the denial.
18. a. Have you ever been disbarred, suspended from the practice of law, reprimanded, censured, or otherwise disciplined as an attorney in any jurisdiction? \_\_\_\_\_
- b. Are you aware of any formal disciplinary proceedings\* currently pending against you as an attorney in any jurisdiction? \_\_\_\_\_
- \* For purposes of this question, a "formal proceeding" is one in which the complaint has survived initial screening and has been referred for disposition on the merits.
- c. Have you ever been held in contempt by a court or sanctioned by a court? \_\_\_\_\_

If you answered "yes" to any part of this question, state the jurisdiction in which the matter occurred, the date of the action, the citation and number of the case, the facts of the case, and the disposition of the matter.

19. If a lawyer, indicate the general character of your practice of law over the course of your legal career. Your answer should include, but is not limited to, the following:
- § the courts in which you have practiced
  - § the nature of cases you have handled
  - § the volume of cases handled in each case type
  - § the percentage of your time that has been spent in litigation
  - § the amount and type of actual in-court experience you have had - both in trials and in other appearances
  - § your appellate experience

**JUDGESHIPS**

20. Show courts on which you have sat as a duly appointed or elected judge.

State	Court	Dates	Reason for Termination	Nature of Jurisdiction
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21. Have you ever served as a judge pro tempore, court commissioner, arbitrator or quasi-judicial fact finder? \_\_\_\_ If so, please indicate the court or organization, the length of your appointment and the nature of the work.

**Court/Organization**                      **Dates**                      **Nature of Work**

22. a. Have you ever been reprimanded, censured, suspended, removed from the bench, or otherwise disciplined as a judge in any jurisdiction? \_\_\_\_
- b. Are any formal complaints\* currently pending against you, or has any disciplinary action ever been taken against you by the judicial conduct commission of any state? \_\_\_\_

\* For purposes of this question, a "formal complaint" is one which has survived initial screening and has been referred for disposition on the merits.

If you answered "yes" to any part of this question, state the jurisdiction involved, the date of the action, the citation and number of the case, the facts of the case, and the disposition of the matter.

**ELECTED OFFICES**

23. Show any elected offices you have held.

**EMPLOYMENT HISTORY**

24. Show all businesses, professions, or employment you have had or been engaged in, since you were 21 years of age. List your current or most recent employment first. Employers listed may be contacted by the Judicial Nominating Commission or court staff.

Period of Employment	Employer Name and Address	Position Held	Immediate Supervisor	Reason for Termination
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25. Have you ever been discharged from employment or have you ever resigned from any employment after being told that your conduct or work was unsatisfactory? \_\_\_\_ If so, fully state the facts concerning the matter. For purposes of this question, "employment" does not include your retention by a client for the rendition of legal services.
26. Please explain how you believe your work experiences relate to the judgeship for which you are applying.

***SERVICE IN THE ARMED FORCES***

27. Have you ever been a member of any branch of the armed forces of the United States? \_\_\_\_ If so, state the following:
- Branch of Service: \_\_\_\_\_
- Service Number: \_\_\_\_\_
- Dates of Active Duty: \_\_\_\_\_
- Rank at Separation: \_\_\_\_\_
- Was your discharge other than honorable? \_\_\_\_ If so, explain:

**LITIGATION AS A PARTY**

28. Do you have any outstanding judgments against you? \_\_\_\_ If so, state the name and address of the creditor(s), the amount of the judgment outstanding, and the date, nature, and court of the judgment.
29. a. Have you ever been convicted of a criminal charge, whether or not later expunged, or are any criminal charges pending against you? (Do not include traffic offenses except for DUI, Reckless Driving, Failure to Stop at the Command of a Police Officer, Leaving the Scene of an Accident and Joy Riding.) \_\_\_\_
- b. Have you in your individual capacity ever been or are you currently a party to any civil litigation except for divorce? \_\_\_\_
- c. Have you ever been adjudicated as bankrupt or has a petition in bankruptcy ever been filed by you or against you either alone or in conjunction with others? \_\_\_\_
- d. Have you ever been or are you currently a defendant in a malpractice suit? \_\_\_\_
30. If you answered "yes" to any portion of question 29, state fully the name and location of the court, the case number, the names of the parties, the name and location of the law enforcement agency involved, the facts concerning the matter, the disposition of the matter including any sentence imposed, whether or not an appeal was taken or is pending, and the results of the appeal.
31. Are you currently the subject of an investigation which could result in civil or criminal action against you? \_\_\_\_ If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

**MENTAL AND PHYSICAL HEALTH**

32. Appendix A, Utah Code of Judicial Administration sets forth evaluation criteria for the selection of judges, including integrity, judicial temperament, diligence, and health. These criteria are reproduced as part of the introduction to this application form. Under these criteria, can you perform the duties of a judge with or without reasonable accommodation? \_\_\_\_ If No, please offer additional detail as necessary.

**PROFESSIONAL AFFILIATIONS**

33. List the names and dates of membership of any professional organization of which you currently are a member, including bar associations. List any elected or appointed offices or committee memberships held within these organizations.

***COMMUNITY AND CIVIC INVOLVEMENT***

34. List the names and dates of membership of any civic or community organization of which you are currently a member. List any elected or appointed offices or committee memberships held within these organizations and any other fact which you believe is significant.

***PUBLICATIONS***

35. List by title and publication any relevant articles you have published either as sole author or co-author.

**REFERENCES**

36. Letters of recommendation are not submitted by the applicant. Please provide the contact information for five references we can contact if you are selected for an interview. Include reference names, phone numbers, email addresses and mailing addresses, and your relationship to the named reference. The judicial nominating commission or its staff will contact the references listed at their discretion.

**Name**            **Phone Number**            **Email Address**            **Mailing Address**            **Relationship**

**ACCURACY OF APPLICATION**

- 37. Is there any fact not set forth in your answers that in your opinion might be relevant to your qualifications to serve on the court for which you have applied or that could reflect either positively or negatively upon your candidacy for judicial office? \_\_\_\_\_ If so, state fully the facts concerning the matter.
  
- 38. I understand that submission of this application expresses my willingness to accept appointment to the position for which I have applied, subject to reaching an agreement as to salary and benefits. \_\_\_\_\_  
(Initials)
  
- 39. I understand that by submitting this application I am consenting to investigations concerning: verification of education, criminal charges and law enforcement investigations, credit information, court records, judicial and attorney disciplinary proceedings, any employers or references listed, and verification of any other information listed herein. \_\_\_\_\_  
(Initials)
  
- 40. I hereby state that the answers to all questions contained in this application are true to the best of my knowledge and that knowingly providing false information may subject me to removal from office. \_\_\_\_\_  
(Initials)

Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

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Applications should be sent to:                   Administrative Office of the Courts  
  Attn: Amy Hernandez  
  450 S State Street  
  PO Box 140241  
  Salt Lake City, Utah 84114-0241

The Administrative Office of the Courts cannot be responsible for applications not received. A notice of receipt showing any deficiencies in the application will be emailed to all applicants. Inquiries should be directed to Amy Hernandez at the Administrative Office of the Courts, at the above address or by email at [amymh@utcourts.gov](mailto:amymh@utcourts.gov)

**WAIVER OF RIGHT TO REVIEW THE RECORDS IN THE NOMINATION AND APPOINTMENT PROCESSES**

I, \_\_\_\_\_, the undersigned applicant for the position of judge of the \_\_\_\_\_ Court, hereby waive any right which I may enjoy by virtue of state or federal statute, rule, regulation, or other law to review the records of the Utah Justice Court Nominating Commission, the Administrative Office of the Courts and the Judicial Council as they pertain to nominations for appointment to this position.

\_\_\_\_\_  
(Date)

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

State of \_\_\_\_\_

} ss.

County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**WAIVER OF CONFIDENTIALITY OF RECORDS**

I, \_\_\_\_\_, the undersigned applicant for the position of judge of the \_\_\_\_\_ Court, hereby waive the benefit of any state or federal statute, rule, regulation or other law prescribing the confidentiality of any records or documents, whether formal or informal, pending or closed, maintained by any public or private agency or organization as those records or documents pertain to citizenship, residency, age, credit, taxes, education, employment, mental or physical health, civil litigation, criminal litigation, law enforcement investigation, admission to the practice of law, service in the United States' armed forces, or disciplinary action by any judicial conduct commission or state bar association of any jurisdiction.

I hereby authorize and request every public or private agency, organization, or person maintaining such records to furnish to the Utah Judicial Nominating Commission, the Office of the Court Administrator, or their agents or representatives any information contained therein and to permit them to inspect and make copies of such records and documents.

I hereby release the Utah Judicial Nominating Commission, the Office of the Court Administrator, their agents and representatives, and any agency, organization, or person furnishing them information from all liability arising out of any investigation concerning this application.

\_\_\_\_\_  
(Date)

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

State of \_\_\_\_\_

} ss.

County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**FAIR CREDIT REPORTING ACT DISCLOSURE AND AUTHORIZATION**

When considering your application for judgeship, the Nominating Commission, as an agent for the state, will obtain and use a consumer report from a consumer reporting agency. A consumer reporting agency is any person or business that assembles or evaluates consumer credit or other information on individuals. A consumer report is any information from a consumer reporting agency which may bear on a person's credit worthiness, character, reputation or other information that might be used in an employment decision.

When the Nominating Commission obtains a consumer report, the information in that report will be used to make decisions that may directly and adversely affect you. You may request a copy of the consumer report before the Nominating Commission meets to make its final decisions. For additional information about your rights, you should review the Fair Credit Reporting Act or contact the Federal Trade Commission.

By signing below, you acknowledge an understanding of your and the Nominating Commission=s rights under the Fair Credit Reporting Act. You voluntarily authorize the Nomination Commission to obtain consumer reports from consumer reporting agencies and to consider those reports in making decisions about your application for judicial office.

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

\_\_\_\_\_  
(Date)

State of \_\_\_\_\_

} ss.

County of \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

PLEASE RETURN TO:

Office of Professional Conduct  
645 South 200 East  
Salt Lake City, Utah 84111  
Telephone: 801-531-9110  
Fax: 801-531-9912  
Email: opc@opcutah.org

**GENERAL AUTHORIZATION, WAIVER AND RELEASE**

I, \_\_\_\_\_ FIRST & LAST NAME, BAR NUMBER pursuant to Rule 14-515(a)(1) of the Rules of Lawyer Discipline and Disability hereby expressly in writing waive confidentiality and request that the Office of Professional Conduct provide a complete report on my grievance history.

- I will pick up the file in person and show proper identification.  
Or
- I authorize \_\_\_\_\_ to pick up this information for me, who will show proper identification.

Or

- I authorize the Office of Professional Conduct to mail this information to the following address:

Amy Hernandez (amymh@utcourts.gov)  
Administrative Office of the Courts  
P.O. Box 140241  
450 South State Street  
Salt Lake City, Utah 84114-0241

\_\_\_\_\_  
Signature of Attorney

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_) :SS

On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me, \_\_\_\_\_, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was, \_\_\_\_\_, to be the person whose name is signed above in my presence and acknowledged to me that he/she has read and understands the contents thereof.

\_\_\_\_\_  
NOTARY PUBLIC

Residing at: \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_