JUDICIAL EVALUATION QUESTIONNAIRE and Application

This questionnaire will be used to facilitate the evaluation of candidates for a vacancy on the United States District Court for the District of Vermont. The duty station for this position is Rutland.

Your completed application may be shared with Senators Sanders and Welch, their staffs, their Judicial Nominations Advisory Panel, the Senate Judiciary Committee, and the White House. The information contained within this questionnaire will be kept confidential to the greatest extent possible, with the exceptions of the parties named above, as necessary to verify information you have provided within the application, or as part of an FBI background check. Indicate within your application if you have specific concerns about contact with particular parties or individuals, such as your current employer.

***You are reminded that individuals recommended to the White House for nomination for appointment to a federal judicial position must undergo an extensive FBI background check. You are encouraged to familiarize yourself with the nature of this background check. All information provided in this application must be complete and accurate to the best of your knowledge.***

Should you be selected as a finalist, Senators Sanders and Welch and their staffs will personally interview you and will specifically inquire whether there is any subject, including those addressed by the FBI background check, which might raise concerns about your qualifications to serve as a federal judge, or your ability to be confirmed by the U.S. Senate.

INSTRUCTIONS: Please answer the following questions in the space provided. Examples of similar completed Senate Judiciary Committee questionnaires by previous judicial nominees are publicly available. The completed questionnaire, along with three letters of recommendation and a personal statement as described below, should be sent in one email directly to DVTapplications@judiciary-dem.senate.gov on or before **December 1, 2023.** You will receive confirmation that your application has been received.

If you have any questions, please reach out to Greg Carter with Senator Sanders greg\_carter@help.senate.gov and Samir Sheth with Senator Welch at samir\_sheth@judiciary-dem.senate.gov.

Along with your completed questionnaire, please provide three (3) professional letters of recommendation in support of your candidacy. In addition, please provide a statement expressing your interest in, and qualifications for, filling the vacancy, along with any additional information about yourself that you believe should be considered. Please be sure to describe any experiences you have that are directly relevant to the position of trial judge. In addition, please describe efforts you have made to ensure equal access to the law for all individuals. The statement should be no more than 1,000 words.

**Questionnaire**

1. **Name**: State full name (include any former names used).
2. **Position**: State the position for which you have been nominated.
3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.
4. **Birthplace**: State year and place of birth.
5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.
6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.
7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.
8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.
9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.
10. **Bar and Court Admission**:
	1. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.
	2. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.
11. **Memberships**:
	1. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.
	2. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.
12. **Published Writings and Public Statements**:
	1. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.
	2. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.
	3. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.
	4. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where delivered they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.
	5. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.
13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.
14. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_\_
	* 1. Of these, approximately what percent were:
		2. jury trials: \_\_\_%
		bench trials: \_\_\_% [total 100%]
		3. civil proceedings: \_\_\_%
		criminal proceedings: \_\_\_% [total 100%]
15. Provide citations for all opinions you have written, including concurrences and dissents.
16. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
17. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
18. Provide a list of all cases in which certiorari was requested or granted.
19. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
20. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
21. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
22. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
23. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

a.       whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b.      a brief description of the asserted conflict of interest or other ground for recusal;

c.      the procedure you followed in determining whether or not to recuse yourself;

d.      your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

1. **Public Office, Political Activities and Affiliations**:
	1. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.
	2. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.
2. **Legal Career:** Answer each part separately.
	1. Describe chronologically your law practice and legal experience after graduation from law school including:
3. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;
4. whether you practiced alone, and if so, the addresses and dates;
5. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.
6. Whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.
	1. Describe:
7. the general character of your law practice and indicate by date when its character has changed over the years.
8. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

* 1. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.
1. Indicate the percentage of your practice in:
	* + 1. federal courts: \_\_%
			2. state courts of record: \_\_%
			3. other courts: \_\_%
			4. administrative agencies: \_\_%
2. Indicate the percentage of your practice in:
3. civil proceedings: \_\_%
4. criminal proceedings: \_\_%
	1. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
5. What percentage of these trials were:
6. jury: \_\_%
7. non-jury: \_\_%
	1. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.
8. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
	1. the date of representation;
	2. the name of the court and the name of the judge or judges before whom the case was litigated; and
	3. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
9. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)
10. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.
11. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.
12. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.
13. **Potential Conflicts of Interest**:
	1. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.
	2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.
14. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association’s Code of Professional Responsibility calls for “every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.
15. **Is there anything else the Senators, their staff, or the Advisory Panel should know about you or your interest in joining this position?**

**The Following Senate Judiciary Committee Questionnaire Parts**

**Are Provided For Your Awareness**

***DO NOT PROVIDE WRITTEN ANSWERS***

* **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).
* **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).
* **Selection Process**:
	1. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.
	2. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

The Following Standard FBI Questions May Be Discussed During an Interview

***DO NOT PROVIDE WRITTEN ANSWERS***

\* Do you have delinquent student loans or debts placed for collection, or have you had articles repossessed or undergone bankruptcy proceedings?

\* Are you current on all federal, state and local tax obligations? Have you made back payments on any tax, including income taxes, Medicare taxes, social security taxes, or unemployment taxes? Were you ever delinquent paying taxes?

\* Have you been involved in civil suits as plaintiff or defendant, including divorce?

\* Have you had involvement in any criminal matters, as suspect or subject, including any criminal charges, arrests, or convictions?

\* Have you been denied employment or been dismissed? Have you ever been disciplined for workplace misconduct or harassment? As a supervisor, have you ever ignored claims of workplace misconduct or harassment against an employee?

\* Have you had any contact with representatives of foreign countries?

\* Are you concealing any activity or conduct that could be used to influence, pressure, coerce, or compromise you in any way, or that could have an adverse impact on your character, judgment, stability, discretion, trustworthiness, or responsibility?

\* Have you had any professional complaints or non-judicial disciplinary actions, bar association grievances, better business complaints, student or military disciplinary proceedings, Equal Employment Opportunity complaints, Office of Professional Responsibility inquiries, etc.?

\* Have you experienced any business/investment circumstances that could or have involved conflict of interest allegations?

\* Have you undergone any counseling with psychiatrists, psychologists, other qualified counselors, or others (including marital counseling)?

\* Have you, since your 18th birthday, used, possessed, purchased or sold illegal drugs, including marijuana, or abused either prescription drugs or alcohol? If so, what is the last date you have used such substances?

\* Have you been involved in any organization that advocates the use of force to overthrow the U.S. Government, or any involvement in the commission of sabotage, espionage, or assistance of others?

\* Do you have any other current or past circumstances that could have a bearing on your suitability for a judgeship?

\* Has your drivers license ever been suspended? Is your license current? How many moving violations have you received? Have you had any car-related incidents involving drugs or alcohol?

\* Have you been a member of any organization or social or private club whose policies restrict membership on the basis of sex, race, color, religion, or national origin? Have you taken a leadership role in the organization or attempted to change its restrictive nature?

\* Have you ever traveled to Cuba? If so, what were the circumstances, and did you adhere to all relevant rules and regulations?

\* Have you authored any “controversial” articles or given any such speeches? You will be asked to provide copies of all speeches, articles, etc.

\* What real property do you own?