

GOVERNOR'S JUDICIAL NOMINATIONS ADVISORY COMMITTEE

CANDIDATE QUESTIONNAIRE

Please place your answer to each question in the spaces provided below. If more space is needed, please attach additional pages as necessary. If in lieu of a written answer you prefer to speak with the Committee Chair or Governor's Legal Counsel on a matter you regard as sensitive, please so indicate. Thank you.

I. PERSONAL

A. Name: _____

B. Court(s) for which you wish to be considered: _____

C. Citizenship and Residency

1. Are you a citizen of the United States? ___ Yes ___ No

2. How long have you resided in the State of Maine? ___ Years

3. How long have you resided in the State of Maine immediately preceding the date of this application? ___ Years ___ Months

4. Town or City of your current residence: _____

II. EMPLOYMENT AS AN ATTORNEY

If you are a sitting judge (excluding magistrates), please move to section III.

A. What has been the general character of your law practice, dividing it into periods with dates, if the character has changed over the years?

B. Describe the areas of law in which you have primarily specialized.

C. Describe briefly your primary clients and your most significant representations.

D. Describe briefly what you regard as your two most significant litigated matters. Identify briefly the parties you represented, nature of the issues, final disposition, the cases' significance, and citations if the cases were reported.

E. Litigation and Appearances

For purposes of this section, "litigation" and "appearance" mean contested proceedings such as motions for injunctive relief, suppression of evidence, pre-trial conferences, and the like.

1. With respect to the **last five years**:

a. Have you appeared in court regularly, occasionally or not at all? If the frequency of your appearances in court has varied, please explain.

b. What percentages of your litigation have been:

1. Civil _____ %
2. Criminal _____ %

c. What percentages of your litigation have been:

1. Trial _____ %
2. Appellate _____ %

d. What percentages of your appearances have been in:

1. Federal Court _____ %
2. State Supreme Judicial Court _____ %
3. State Superior Court _____ %
4. State District Court _____ %
5. Other Courts _____ %
6. Administrative agencies (identify) _____ %

e. Estimate the number of cases in courts of record that you have tried to verdict or judgment (rather than settled), indicating whether you were sole, lead or supporting counsel.

f. What percentages of your trials have been:

1. Jury _____ %
2. Non-jury _____ %

2. With respect to the period **before the last five years**, was your practice meaningfully different than during the most recent five years listed above? ___ Yes ___ No.
If yes, please explain.

3. What percentage of your work, if any, has been mediations: ___%

4. Have you consistently complied with Maine Bar requirements to earn annual continuing legal education credits? ___ Yes ___ No. If no, please explain.

III. EXPERIENCE AS A JUDGE OR MAGISTRATE

Have you ever served as a judge or magistrate? ___ Yes ___ No. If no, please move to *section IV*. If yes, please:

- A. List courts and dates.

- B. Identify particular skills or expertise that you have developed on the bench.

- C. Identify what you regard as the most important lessons you have learned on the bench.

- D. Identify and explain what you regard as the three most significant cases over which you have presided.

- E. Identify and explain what you regard as the three most significant opinions, with citations if any, that you have written.

- F. Characterize the frequency with which your decisions have been appealed and overruled.

- G. Identify and explain what you regard as the primary cases, if any, over which you presided that raised public controversy or debate.

- H. Disclose whether, while a judge, you have:

1. Participated in any proceeding in which you had stock or other financial interest in one of the parties of the matter of controversy? Yes No. If yes, please explain.

Did you disclose that interest prior to the commencement of the trial? ___ Yes ___ No. If no, please explain.

2. Received any compensation from outside sources for any service rendered, including a service for charitable or non-profit organization. ___ Yes ___ No. If yes, please explain.

IV. ASSOCIATIONS

A. Military Service

1. Have you served in the military, reserves or other? ___ Yes ___ No. If yes, please identify:

a. Branch of service: _____

b. Dates of service: _____

c. Rank at time of discharge: _____

d. Awards or citations: _____

B. Public Office

1. Have you ever held public office other than judicial office? ___ Yes ___ No. If yes, please identify the office, whether you were elected or appointed, and the length and dates of your service.

2. Have you ever been an unsuccessful candidate for elective public office?
___ Yes ___ No. If yes, please identify the office and date.

C. Businesses

Have you in the last ten years been an officer or director or otherwise engaged in managing any business enterprise? ___ Yes ___ No. If yes:

1. Provide the name of the enterprise, nature of the business, title or description of your position, nature of your duties and term of service.

2. Is it your intention to resign such positions and withdraw from any participation in the management of such enterprises if you are nominated and confirmed? ___ Yes ___ No. If no, please explain.

V. ADVERSARIAL PROCEEDINGS

If you answer "yes" to any part of the questions in this section, please explain in the space below, noting question number. Include as applicable the offense, name and place of the court or agency, parties, dates of the beginning and end of any action or proceeding, case numbers, dollar amounts, nature of the claims and defenses, and judgment or other disposition.

To the best of your knowledge and recollection:

- A. Have you ever: (If yes to any question asked, please explain where indicated below.)
1. Failed to answer any summons or other legal process served upon you personally at any time? ___ Yes ___ No
 2. Been sued by a client? ___ Yes ___ No

3. Defaulted in the performance of any court-imposed obligation, including payment of alimony or child support or compliance with another court order or decree? ___ Yes ___ No
4. Been a party or otherwise involved in any other legal proceeding? *(Include all legal proceedings in which you were named as a party-in-interest, including divorce/dissolution proceedings, a material witness, a named co-conspirator or correspondent, and any grand jury investigation in which you were a subject, or in which you appeared as a witness. Do not include proceedings in which you were sued only in a representative capacity such as guardian ad litem.*
___ Yes ___ No.
5. Had any unsatisfied judgments against you? ___ Yes ___ No
6. Had property owned by you either judicially or non-judicially foreclosed?
___ Yes ___ No
7. Had a restraining, protection from harassment or abuse, or other order entered against you?
___ Yes ___ No

(Note question # with explanation)

VI. LEGISLATIVE QUESTIONS

The Legislature's Joint Committee on the Judiciary typically asks a broad range of questions of judicial nominees. Because the following are among those most often asked, please briefly state your views on:

- A. Your willingness to apply the law notwithstanding your personal disagreement with it.

B. A judge's obligation to respect legislative will.

C. Whether judicial proceedings ought to be open to the press and public.

D. How the system of justice in Maine can be improved.

E. Whether mandatory sentencing is too inflexible.

F. Releasing the names of, and extending leniency to, juveniles.

G. Remedies other than fines that a court might impose on indigent criminal defendants.

VII. OTHER

Please provide any other information that may reflect positively on you that you believe should be disclosed.

VIII. CERTIFICATION, AUTHORIZATION AND WAIVER

I hereby certify that, to the best of my knowledge, the information provided in this questionnaire is true and complete. I waive any privilege of confidentiality I may have with respect to information concerning my qualifications that the Committee may desire to obtain for its own confidential use. I authorize the Committee to obtain and examine my personnel files from current and past employers, and to obtain information, records, and documents regarding me from any credit reporting agency, law enforcement agency, court, taxation, bar or other occupational licensing board, educational institution and disciplinary body. I further authorize these institutions, organizations, and individuals to make available to the Committee all confidential and non-confidential documents, records, and information concerning me that the Committee may request. I understand that, if I am nominated, copies of my resume and this Questionnaire will be provided to the Legislature for public review, and that my Appendix to this Questionnaire will be subject to private review by requesting members of the Legislature.

Signature of Applicant

Printed Name

Date

Please proceed to the Appendix on the next page

APPENDIX TO CANDIDATE QUESTIONNAIRE

**INFORMATION EXEMPT FROM PUBLIC DISCLOSURE
UNDER MAINE FREEDOM OF ACCESS ACT**

Please place your answer to each question in the spaces provided below. If more space is needed, please attach additional pages as necessary. If in lieu of a written answer you prefer to speak with the Committee Chair or Governor's Legal Counsel on a matter you regard as sensitive, please so indicate. Thank you.

I. PERSONAL INFORMATION

A. Name: _____

B. Have you ever used or been known by any other name? ___ Yes ___ No.

If yes, please provide: _____

C. Contact Information

1. Mobile telephone: _____

2. Email: _____

3. Home address: _____

4. Work telephone: _____

II. FAMILY INFORMATION

A. Marital status: ___ Married ___ Single ___ Divorced ___ Widowed. How long have you been in that status? _____

B. Full names and occupations of current spouse or domestic partner, and each former spouse or domestic partner, if any.

C. Names and ages of children, and occupations of those over 18 years old.

- D. Please disclose any family circumstances that could reasonably be viewed as having a negative bearing on your actual or perceived fitness to serve as a judge.

III. COMPLAINTS, CHARGES OF MISCONDUCT OR DISCIPLINARY ACTIONS

If you answer “yes” to any part of the questions in this section, please explain in the space below, noting question number. Include as applicable the offense, name and place of the court or agency, parties, dates of the beginning and end of any action or proceeding, case numbers, dollar amounts, nature of the claims and defenses, and judgment or other disposition. Again, if in lieu of a written answer you prefer to speak with the Committee Chair or Governor’s Legal Counsel on a matter you regard as sensitive, please so indicate.

To the best of your knowledge and recollection:

- A. Have you ever:
1. Been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of complaint to, any court, administrative agency, Attorney General, Board of Overseers of the Bar, bar association, disciplinary committee, or other professional group? ___ Yes ___ No
 2. Been under federal, state or local investigation for possible violation of a criminal statute? ___ Yes ___ No
 3. Been arrested, charged with, pled guilty or “nolo contendere” to, or been convicted of the violation of any law or ordinance, or been requested to appear before any prosecuting or investigative agency in any matter other than minor traffic offenses? ___ Yes ___ No
 4. Had any proceedings brought to have you declared a ward of any court or adjudged an incompetent? ___ Yes ___ No
 5. Been involved in a client fee dispute procedure? ___ Yes ___ No
 6. If you served in the military, been:
 - a. Less than honorably discharged? ___ Yes ___ No
 - b. The subject of any charges that may have resulted in disciplinary action or court martial? ___ Yes ___ No

7. Been suspended or expelled from a secondary, college or graduate school, or withdrawn from such a school with misconduct allegations or charges pending? ___ Yes ___ No
8. Been terminated from a job for disciplinary reasons, or resigned from such a job with misconduct allegations or charges pending? ___ Yes ___ No
9. Have you ever had a harassment, sexual harassment or discrimination allegation brought against you? ___ Yes ___ No

(Note question # with explanation)

- B. Have you or any of your immediate family members, business partners or associates ever been under federal, state or local investigation for possible violation of a criminal statute? ___ Yes ___ No. If yes, please explain.

IV. CREDIT/FINANCIAL INFORMATION

If you answer "yes" to any part of the questions in this section, please explain in the space below, noting question number. Include as applicable the offense, name and place of the court or agency, parties, dates of the beginning and end of any action or proceeding, case numbers, dollar amounts, nature of the claims and defenses, and judgment or other disposition.

To the best of your knowledge and recollection:

- A. Have you ever:
1. Made an assignment for the benefit of creditors? ___ Yes ___ No

2. Had a tax lien or other collection procedure instituted against you by federal, state or local authorities? ___ Yes ___ No

B. If requested, are you willing to furnish to the Committee Chair or Governor's Legal Counsel a list of assets and liabilities and copies of your federal and state income tax returns for the past three years? ___ Yes ___ No. If no, please explain.

V. HEALTH

A. Is there any reason why you may not be able to perform the essential job functions with or without reasonable accommodation? ___ Yes ___ No. If yes, please explain.

B. Have you ever been treated for, or had any problem with, alcohol or drug dependency? ___ Yes ___ No. If yes, please explain.

VI. REFERENCES

These references are confidential and will not be disclosed to the applicant.

Please list the names, email addresses, and phone numbers of:

A. Two persons the Committee may contact to discuss your personal character and background.

- B. Three other persons the Committee may contact to discuss your professional competence and qualifications.

VII. OTHER PERSONAL CONDUCT HISTORY

- A. Please disclose any:

1. Social media websites to which you have posted images or text.

2. Such posts that may reasonably be raised to question your actual or perceived fitness or qualifications to serve as a judge.

3. If requested, are you willing to furnish to the Committee Chair or Governor's Legal Counsel your passwords to social media accounts about which a reasonable question has arisen? ___ Yes ___ No. If no, please explain.

VIII. OTHER INFORMATION RELATED TO GENERAL CHARACTER

- A. Please identify any personal or professional matter or circumstance that may reasonably be raised to question your actual or perceived fitness or qualifications to serve as a judge.

- B. Please provide any other information that may reflect adversely on you that you believe in good faith should be disclosed.

Signature of Applicant

Printed Name

Date