

JUDICIAL QUALIFICATIONS COMMISSION

State of South Dakota

Circuit Judge Application

PERSONAL DATA QUESTIONNAIRE

Judge

Name: _____

Instructions: Please complete this personal data questionnaire and return to: Judicial Qualifications Commission, PO Box 230, Rapid City, SD 57709-0230. **Please completely answer each question.** If there is not enough space within this questionnaire, please attach additional pieces of paper. In addition, please obtain a copy of your **credit report**, from within **30 days of the date you complete this questionnaire**, from one of the three primary reporting agencies (**Equifax, Experian, or TransUnion**) and submit **one** copy of the credit report, along with an **original** and **eight** copies of this application, to the Judicial Qualifications Commission.

1. State your full name and Social Security Number:
2. Office and home addresses, zip codes, telephone numbers including area code:
Office:

Home:

3. Have you ever been convicted of or pled guilty or nolo contendere/no contest for a violation of any federal law or regulation, state or municipal law, or ordinance?
4. Are you a United State's citizen or currently authorized to work in the United States on a full-time basis?
5. Have you had any military service? If so, give dates, branch of service, rank or rate, present status, and type of discharge.
6. List each college and law school you attended, including dates of attendance, the degrees awarded, class standing, and, if you left any institution without receiving a degree, the reason for leaving.

School Name: Date of Attendance: Degrees: Standing:

7. List all courts in which you have practiced, with dates of admission. Give the same information for administrative bodies, which require special admission to practice.

8. Describe chronologically your law practice and experience after your graduation from law school up to this date, including:
 - A. 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.

 - B. Whether you practice alone, and if so, the addresses and the dates.

 - C. The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each.

 - D. Law school teaching experience, including name of school, dates, courses and faculty rank.

 - E. Any other relevant particulars.

9.
 - A. What is the general character of your practice, dividing it into periods with dates if its character has changed over the years.

 - B. Describe your typical clients, and mention the areas, if any, in which you specialize.

 - C. Describe any prosecutorial, public defender, or legal aid functions you may have performed.

 - D. Describe the aspects of your legal experience, which you believe qualifies you to serve on the judiciary.

10.
 - A. Do you appear in court regularly, occasionally, or not at all? If the

frequency of your appearances in court varies, describe each such variance, giving dates.

- B. What percentage of these appearances was in:
- (1) Federal courts.
 - (2) State courts of record.
 - (3) Other courts.
- C. What percentage of your litigation was:
- (1) Civil.
 - (2) Criminal.
- D. State the number of court trials and the number of jury trials you tried to a verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

Role: Court Trials: Jury Trials: Counsel Status:

- E. Describe five of the most significant litigation matters, which you personally handled and give the citation, if the case was reported. Give a capsule summary of the substance of each case, and a succinct statement of what you believe to be the particular significance of the 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 dates of the trial period or periods.
 - (2) The name of the court and the name of the judge before whom the case was tried, and
 - (3) The individual name addresses and telephone numbers of co-counsel and counsel for the other parties.

11. State the judicial office you now hold, and the judicial offices you have previously held, giving the dates and details including the court involved, whether elected or appointed, periods of service and a description of the jurisdiction of each of such courts with any limitations upon the jurisdiction of each court.

12. Describe two of the most significant opinions you have written, or attach copies of them. Give the citations if the opinions were reported, as well as citations to any appellate review of such opinions.
13. Describe the major problems facing the judiciary today and how you would overcome these problems.

14. Have you ever held public office other than a judicial office? If so, give the details, including the offices involved, whether elected or appointed and the length of your service, giving dates.

15. Have you ever been an unsuccessful candidate for elective, judicial or other public office? If so, give details, including dates.

16. Have you ever been engaged in any occupation, business, or profession other than the practice of law or holding judicial or other public office? If so, give details, including dates.

17. Are you now an officer or director or otherwise engaged in the management of any business enterprise?
 - A. If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, the nature of your duties and the term of your service.

 - B. Is it your intention to resign such positions and withdraw from any participation in the management of any such enterprises if you are nominated and appointed? If not, give reasons.

18. Have you, to your knowledge, ever been under federal, state or local investigation for possible violations of a criminal statute? If so, give particulars.

19. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, give particulars.

20. Have you consistently filed income tax returns?

21. Have you ever been sued by a client or a party? If so, give the particulars.
22. Have you ever been a party or otherwise involved in any other legal proceedings? If so, give the particulars. Do not list proceedings in which you were merely a guardian ad litem or stockholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or a co-respondent, and any grand jury investigation in which you appeared as a witness.
23. Have you ever been held in contempt of court?
24. Have you been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, give the particulars.
 - A. Has a complaint ever been filed against you with the Judicial Qualifications Commission?
 - B. Have you ever been verbally warned by the Judicial Qualifications Commission?
 - C. Have you ever received a written reprimand from the Judicial Qualifications Commission?
 - D. Have you ever been sanctioned by the South Dakota Supreme Court?
 - E. Have you ever been placed on probation by the South Dakota Supreme Court?
 - F. Have you ever been disbarred from practicing law or removed from the bench in the State of South Dakota or any other state or tribe?
25. With respect to your judicial service:
 - A. Have you participated in any proceedings in which you had a stock or other financial interest in one of the parties or in the matter in controversy? If so, give particulars.

- B. Is there a rule or custom in your court as to judges sitting on such cases? If so, state the rule or custom and whether or not you have complied with it?
 - C. Have you to the best of your knowledge and belief complied with applicable statutes and canons relative to such matters as were in force and applicable at the time? If not, give particulars.
 - D. Have you ever received compensation from outside sources for services rendered, including fees or expenses for lectures or teachings? If so, give particulars.
26. A. Have you ever driven a car, truck, or motorcycle while or after drinking alcohol or using illegal drugs?
- B. Have you ever used illegal drugs?
27. Furnish at least two examples of legal articles, books, briefs, or other legal writings, which reflect your personal work. If briefs are submitted indicate the degree to which they represent your personal work. If you attached opinions in response to question 12, that will suffice as your examples for this question.
28. A. List all bar associations and professional societies 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.
- B. List also chairmanships of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance.
29. List any honors, prizes, awards or other forms of recognition which you have received (including any indication of academic distinction in college or law school), other than those mentioned in answers to the foregoing questions.
30. Would a personal, discreet investigation of your life and background embarrass you in any way? If so, please explain.
31. If selected for this judicial position, would you be willing to change your place of residence within the circuit or district if required?

32. What time do you normally arrive at work, and what time do you normally leave work?

33. State briefly and concisely as possible why you seek nomination to the bench, and what qualities you believe you possess which would serve you especially well were you appointed to serve.

34. Describe any pro bono or community service activities in which you have been or are engaged.

Signature

Date

By submitting this personal data questionnaire, you are certifying that the information is true, correct, and complete to the best of your knowledge and belief.

Authorization and Release

I, _____, hereby authorize the Division of Criminal Investigation for the State of South Dakota to release to the Judicial Qualifications Commission and its representatives any information concerning me contained in the criminal history record files of the Division. I understand that the criminal history record files contain records of arrests which may have resulted in a disposition other than a finding of guilty (i.e. dismissed charges, or charges that resulted in a not guilty finding). I further understand that the information may contain listings of charges that resulted in a suspended imposition of sentence, even though I successfully completed the conditions of said sentence and was discharged under SDCL 23A-27-17. I acknowledge that this type of information may be released, even though this record is designated "nonpublic" under the provisions of SDCL 23A-27-17.

In consideration for the Division of Criminal Investigation releasing any information concerning me contained within its criminal history record filed to the Judicial Qualifications Commission and authorized representatives, I, _____, on behalf of myself, my spouse, legal representatives, heirs, and assigns, hereby release, waive, discharge and agree to hold harmless the Division of Criminal Investigation, its officers and employees, from all liability for any claim or damages resulting from the release of this information.

Dated this _____ day of _____, _____, at
_____, _____.

Name
Social Security # _____

Witness: _____

Witness: _____

**JUDICIAL QUALIFICATIONS COMMISSION
AUTHORIZATION FOR RELEASE OF INFORMATION**

TO WHOM IT MAY CONCERN: I authorize any Investigator or duly accredited representative of the Judicial Qualifications Commission bearing this release, or a copy thereof, within one year of its date, to review and receive full disclosure of all records, or any part, concerning myself, whether the records are public, private, or confidential. Including information as to my character, general reputation, personal characteristics and mode of living, whichever are applicable, may be made, and such disclosed.

I consent to your release of all public and private information that you have concerning me, my work record, background, military service records, educational records, financial status, credit report (I understand that if information from my credit report is used to determine that I will not be appointed; I have the right to this information in writing, orally, or electronically of the decision; be provided the consumer reporting agency contact information; that the consumer reporting agency does not make the hiring decision; request a copy of the consumer credit report; and dispute the credit report with the consumer reporting agency), civil litigation or penalties, criminal history record, investigatory files, performance ratings, complaints or grievances filed against me, and internal affairs investigations or discipline, including my files which are deemed to be confidential or sealed.

I release you, your organization, and all others from liability or damages that may result from furnishing the information requested, including any liability or damage according to any state or federal laws. I release you, as the custodian of the records from all liability for damages of whatever kind which may result to me, my heirs, family, or associates because of compliance with this authorization and request to release information or any attempt to comply with it.

In consideration of the Judicial Qualifications Commission and its representatives' acceptance and processing of my application for appointment, I agree to hold them, their agents and employees harmless for all claims and liability associated with my application for employment or in any way connected with the decision whether or not to appoint me. I further agree to indemnify and hold harmless the person to whom this request is presented and its agents and employees, from all claims, damages, loses and expenses, including reasonable attorney's fees, arising out of or by reason of complying with this request.

A photocopy or fax copy of this release form is as valid as the original, even though the photocopy or fax copy does not contain an original signature. If you have questions regarding the validity of this release, you may contact me at the address listed on this form.

BACKGROUND INVESTIGATION INFORMATION

Full Name: _____ Soc. Sec. #. ____ - ____ - _____

All Previous/Other Names Used: _____

Birth Date and Place: _____

Do you have a valid driver's license? ___ Yes ___ No Driver's License #: _____

List all addresses and states in which you have resided: _____

Have you ever been convicted of a crime, imprisoned, or placed on probation for any offense in criminal or military court? If yes, please explain. _____

Signature

Date