

## JUDICIAL CANDIDATE QUESTIONNAIRE

It is our understanding that you are interested in an appointment to fill a judicial vacancy. In order to assist us in evaluating your candidacy, please complete this questionnaire and return it to Jeff Polesovsky, Director of Boards and Commissions, at the Office of Governor Kasich, 77 South High Street, 30<sup>th</sup> Floor, Columbus, Ohio 43215, fax number: (614) 466-9354, along with a copy of your resume, no later than 6:00 pm on Friday, December 14, 2012. The truthful answer to any question or questions may not necessarily disqualify you from the position you seek, but your answers to these questions will be considered as part of the information upon which the decision about the appointment is based. Do not, however, disclose information that you are required to keep confidential or that is subject to the attorney-client privilege.

Applicants may submit up to five letters of recommendation with their resume and questionnaire. Letters of recommendation should address the applicant's legal experience and competence, temperament, personal integrity, and work ethic, based on the recommender's personal knowledge of the applicant.

You may type your answers onto this questionnaire and use additional paper, if necessary, to fully respond to each question.

1. Name:

Please list all other names by which you have been known.

2. Home Address:

How long have you resided at this address?

3. Home Telephone Number:

4. Business Address:

5. Office Telephone Number:  
Office Facsimile:

6. Date of Birth:

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7. Are you a U.S. citizen?

8. Length of residence in the State of Ohio:

9. County of Residence: \_\_\_\_\_

10. College or University attended and degree(s) received:

Law School attended, degree received, date degree conferred:

11. Have you ever been a member of the armed forces of the United States, its reserve components, or the National Guard? Yes \_\_\_ No \_\_\_ If yes, please state branch, service period, and last rank, and please indicate if you did not receive an honorable discharge, and if you were ever court-martialed, or were ever assigned non-judicial punishment, resigned in lieu of court-martial, or were administratively discharged.

12. Date of admission to practice law in Ohio:  
Ohio Bar Admission Number:

How many years have you been engaged in the active, full-time practice of law in Ohio?

If some of your years of legal practice have been outside the state of Ohio, please identify the other state(s) in which you have practiced, and dates of practice in those other states:

13. List all other states in which you are admitted to practice law and list all federal courts and administrative bodies having special admission requirements, in which you are currently admitted to practice.

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14. Have you ever been denied a license to practice law? Yes \_\_\_\_\_ No \_\_\_\_\_
15. Other than your license to practice law, have you ever applied for or held a license for a business, trade, or profession that required proof of good character or examination? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please identify the license and issuing authority.

Have you ever been denied any such business, trade or professional license, had such license revoked or suspended, or been disciplined or had action taken against you with regard to such a license? Yes \_\_\_\_ No \_\_\_\_ If yes, please explain the circumstances.

16. Who is your current employer? (Please include your employer's name, address, and telephone number, the dates of your employment, and the names of persons familiar with the quality of your work for this employer.)

Please list your other employers since obtaining your license to practice law. Include addresses and telephone numbers of those employers, if available.

17. Have you ever clerked for a judge? Yes \_\_\_\_ No \_\_\_\_ If so, please provide the name of the judge, the court, and the approximate dates of your clerkship.

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### PRIOR JUDICIAL OR PUBLIC SERVICE

18. If you have held any judicial or quasi-judicial office, for each such office held (excluding private arbitrator, but including administrative-law judge), state the approximate number of cases that you have presided over each year that have gone to verdict or judgment, and what percent were jury trials, and bench trials. Please state what percent were civil cases, and criminal cases.
  
19. During your time of judicial service, if any, please provide information about two to three significant cases over which you have presided, including a short (one-paragraph) summary of the nature of the case, the outcome, the citation of the case, if reported, or case docket number and, if available to you, the names and contact information for the counsel who had a significant role in the case. Please also supply a copy of any significant opinion that you wrote in each case. If you did not write an opinion in any of these cases, please provide a copy of an opinion that you consider to be among the most significant that you have written. [CANDIDATES FOR OHIO SUPREME COURT ONLY: Please also provide citations for your three most significant opinions on federal or state constitutional issues.]
  
20. List chronologically any elected or appointed public offices you have held or sought, other than any judicial offices listed above, including the terms of service, and whether such positions were elected or appointed. If appointed, please include the name of the individual or entity that appointed you.

### LEGAL PRACTICE

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21. Describe the general nature of your legal practice during the past ten years, including typical clients or matters, and identify any areas of concentration.
  
22. During the past ten years, what percentage of your professional time has been spent on litigation matters, including matters before administrative bodies? What is the percentage of your practice in: (a) federal court; (b) state courts; and (c) administrative agencies? What is the percentage of your practice in civil proceedings, and in criminal proceedings?
  
23. Please provide details on three of the most significant matters that you personally handled, whether or not you were attorney of record. (Do not disclose information you are required to keep confidential or that is subject to the attorney-client privilege.) Give the citations, if it was a case that was reported, and the court, docket number and year if unreported, if this information is readily available to you. Give a short (one-paragraph) summary of the substance of each matter. If the matter was a case, identify the party or parties whom you represented, the date of representation, the court and judge before whom the case was litigated, and the name, address and telephone number of the co-counsel and principal counsel for the other parties. Describe the nature of your participation in the matter and its final disposition.

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24. Describe the extent and nature of your appellate experience, if any, including the type of issues addressed, including your practice, if any, before the Ohio Courts of Appeals, Supreme Court of Ohio, United States Court of Appeals for the Sixth Circuit, or United States Supreme Court.
25. Have you served as a mediator or arbitrator? Yes \_\_\_\_ No \_\_\_\_  
If so, describe your work as a mediator or arbitrator, including your years of experience, panel affiliations if any, and typical subject matter. Please describe in general terms one or more significant matters that you have handled as a mediator or arbitrator, without compromising any confidentiality obligations.
26. Please supply a copy of one to three briefs or legal memoranda (if you currently are a lawyer) or judicial opinions (if you currently are a judge) that you wrote and filed, preferably within the past 6 years. While it is preferable that the work product submitted be exclusively your own, if others contributed to the written work that you submit, please generally describe their roles in each. If you are unable to supply the requested writing sample(s), please explain why.

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### TEACHING AND WRITING ON TOPICS DEALING WITH THE LAW

27. Have you written or participated in the writing of any books or articles dealing with legal issues? Yes \_\_\_\_ No \_\_\_\_  
If so, describe the publication(s) and your involvement.

28. Have you ever taught any law school courses or any continuing legal education courses? Yes \_\_\_\_ No \_\_\_\_  
If so, describe the extent and nature of those teaching experiences.

### OTHER BUSINESS INTERESTS

29. Are you currently an officer, director, owner or manager for, or otherwise engaged in, any private business enterprise (excluding your legal practice)?  
Yes \_\_\_\_ No \_\_\_\_

If so, state the name of each such enterprise, the nature of the business, the nature of your duties, and whether you intend to maintain that position upon appointment to judicial office.

30. Do either you or your spouse own or are either you or your spouse the majority shareholder of any business that will derive income from the court to which you seek appointment or the county in which the court is located? Yes \_\_\_\_ No \_\_\_\_  
If yes, please identify the business and the amount of annual income anticipated to be received from the court or the county.

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31. Are either you or any member of your family a partner, associate or employee of any law firm that that will represent clients within the jurisdiction of the court to which you seek appointment? Yes \_\_\_\_ No \_\_\_\_ If yes, please identify the name of the individual, his or her law firm, and what action you will take to prevent any actual or perceived appearance of a conflict of interest should you be appointed as judge.
32. Do you have any financial, business, or other conflicts of interest that could prevent you from holding judicial office? Yes \_\_\_\_ No \_\_\_\_ Explain how you would address any such conflict if it were to arise.

### OTHER

33. For the last ten years, please list all professional, business, civic, charitable and community organizations of which you have been a member, including titles of offices held, dates of membership, and any noteworthy accomplishments.
34. Have you ever, as an adult, been arrested or charged by federal, state or other law enforcement authorities for alleged violation of any federal, state, county or municipal law, regulation or ordinance? Yes \_\_\_\_ No \_\_\_\_

Have you ever, as an adult, pleaded "guilty" or "no contest" to, or been convicted of, a violation of any federal, state, or other law, regulation, or ordinance? Yes \_\_\_\_ No \_\_\_\_

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If the answer to either of the above questions is "yes," please describe the circumstances, approximate dates, and the ultimate disposition. (Do not include minor traffic offenses, i.e., traffic offenses for which a fine of \$250.00 or less was imposed, exclusive of costs, unless it also included a jail sentence.)

35. Have you ever been the target of any legal or disciplinary proceeding involving alleged moral turpitude, dishonesty, or unethical conduct? Yes \_\_\_ No \_\_\_  
If so, please describe the circumstances and ultimate disposition. (You do not have to list attorney discipline complaints filed with the Disciplinary Counsel or a local bar association's Certified Grievance Committee if you were not required to file a written response to the complaint and the complaint was summarily dismissed.)

Has any professional disciplinary body for any profession or business in which you hold a license ever reprimanded or disciplined you, either formally or informally, including any action taken with regard to your license to practice law? Yes \_\_\_ No \_\_\_

If so, please provide the approximate dates and explain the circumstances, and provide a copy of any opinion or findings issued.

36. Have you ever been found in contempt of court or found to have violated Rule 11? Yes \_\_\_ No \_\_\_ If so, please explain the circumstances.

If your practice involves criminal defense work or prosecution, have you ever been found by a court or a disciplinary body to have rendered ineffective assistance of counsel [criminal defense], or engaged in prosecutorial misconduct [prosecution]? Yes \_\_\_ No \_\_\_ If the answer to either of the above questions is yes, please explain the circumstances.

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37. Has a client ever filed suit against you or asserted a claim against you for malpractice? Yes \_\_\_ No \_\_\_\_  
If so, please describe the circumstances and outcome, and provide a copy of any order or judgment adjudicating your conduct.
38. Has any (other) civil litigation or garnishment action ever been filed against you? Yes \_\_\_ No \_\_\_ If yes, please identify. Have you ever had any civil, administrative, or arbitration judgment or garnishment entered against you, any law firm in which you were a partner, or any business in which you were owner or the majority shareholder? Yes \_\_\_ No \_\_\_\_ If yes, please identify.
39. Are you currently in arrears on any court-ordered child support payments? Yes \_\_\_ No \_\_\_\_ . If yes, please explain the circumstances.
- Has any civil protection order or restraining order or emergency custody order relating to domestic violence or any other subject ever been entered against you? Yes \_\_\_ No \_\_\_\_ If yes, please identify.
40. Have you filed all tax returns required by federal, state, and local taxing authorities? Yes \_\_\_\_ No \_\_\_ If not, please explain.
41. Have you ever failed to pay any debt owed to a governmental entity or any government-insured debt? Yes \_\_\_ No \_\_\_\_ If yes, please identify.

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42. Is there any circumstance or condition that might prevent you from performing your judicial responsibilities if you were appointed? Yes \_\_\_\_ No \_\_\_\_
43. If you currently hold, or have ever held, a judicial office, is there anything in the opinions you have written or the decisions you have rendered that would suggest that you have biases for or against particular litigants (for example, employers v. employees, prosecutors v. defense attorneys)? Yes \_\_\_\_ No \_\_\_\_  
If so, please explain.

### THE ROLE OF A JUDGE

44. Why do you aspire to be a judge?
45. How have you demonstrated a strong work ethic to achieve success in your professional life?



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49. How would you describe your judicial philosophy?
50. Describe what you believe to be the appropriate role of the courts in our political process, particularly from the standpoint of the court's role and authority as a co-equal branch of state government. If you are a candidate for appointment to an appellate court vacancy, please attach a copy of any legal opinions or legal commentaries (either written by you or another judge or justice) that reflect your views on the role of the judiciary in our political process.



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**STATEMENT OF TRUTHFULNESS**

I, \_\_\_\_\_, being first duly sworn, depose and state that all of the answers and information provided in response to the questions in this questionnaire are true, accurate and complete to the best of my knowledge and are made in good faith.

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

**WAIVER**

I, \_\_\_\_\_, being first duly sworn, depose and state that I understand that any information provided to the Governor's Office in support of my application or in response to any investigation that the Governor's Office may conduct with regard to my responses and/or my qualifications and suitability for judicial office may be a "public record" under Ohio law. I hereby waive any right of privacy of any information provided regarding my application, and I authorize the Governor's Office to investigate any of my responses provided to this questionnaire or otherwise and my qualifications and suitability for judicial office.

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

\_\_\_\_\_  
Typed Name

I hereby certify that the Statement of Truthfulness and Waiver were sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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Pursuant to Gov.BarR.V(11)(E)(1), I, \_\_\_\_\_, request that the private portions of any grievance file(s) concerning me that is/are maintained by the Office of Disciplinary Counsel of the Supreme Court of Ohio or any of the Certified Grievance Committees be made available for inspection by certain members of the staff of the Governor of the State of Ohio as designated by that office. I authorize members of the staff of the Governor to request, receive and review such information.

I understand that the files maintained by the Disciplinary Counsel and by the Certified Grievance Committees may consist of materials which are private pursuant to Gov.Bar R.V(11)(E) but are not otherwise privileged and those materials over which the Disciplinary Counsel or the Certified Grievance Committee may assert its own attorney-client privilege and/or may avail itself of the work product doctrine. In making this request, I further understand that the Disciplinary Counsel, the Certified Grievance Committees, and/or the Governor's office are making no representations about the future discoverability of or disclosure requirements regarding these or any other materials as a result of the inspection of such materials pursuant to this authorization.

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

\_\_\_\_\_  
Ohio Attorney Registration Number

\_\_\_\_\_  
Date