

# **JUDICIAL QUALIFICATIONS COMMISSION**

## **State of South Dakota**

### **Judicial Application**

#### **PERSONAL DATA QUESTIONNAIRE**

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

Judicial Position: \_\_\_\_\_

Judicial Circuit: \_\_\_\_\_

Supreme Court District: \_\_\_\_\_

Birthplace/Hometown: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Instructions: Please complete this personal data questionnaire and return **one copy** to:

**Lori J. Grode**  
**State Court Administrator's Office**  
**500 E. Capitol Ave.**  
**Pierre, SD 57501**

Please completely answer each question. Except for Question 28, all questions must be answered completely within the application. No exhibits containing answers to application questions may be attached. It is expected that all of the following requests and questions will be answered fully and honestly. Do not read the questions narrowly. If you are uncertain of the information being sought, err on the side of disclosure. In addition, please obtain a copy of your credit report, from within 30 days prior to the date you complete this questionnaire, from one of the three primary reporting agencies (Equifax,

Experian, or TransUnion) and submit it to the Judicial Qualifications Commission with this application.

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

Work Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Work phone: \_\_\_\_\_

Home Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Home phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_

I would like correspondence concerning my application sent to my:

\_\_\_\_\_ home address or

\_\_\_\_\_ work address.

3. Do you live in the Circuit or District? Yes \_\_\_\_\_ No \_\_\_\_\_  
If "No", would you be willing to relocate into the Circuit or District?
  
4. 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? If you answered affirmatively, please describe the circumstances, the date and jurisdiction of offense and disposition.

5. Are you a United State's citizen or currently authorized to work in the United States on a full-time basis?
6. Have you had any military service? If so, give dates, branch of service, rank or rate, present status, and type of discharge.
7. List each college and law school you attended, including dates of attendance, the degrees awarded, and, if you left any institution without receiving a degree, the reason for leaving.

School Name:    Date of Attendance:    Degrees:    Standing or Class Rank:

8. 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.
9. Describe chronologically your work 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 have practiced 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.

10. What is the general character of your practice, who are your typical clients, do you specialize in any areas? Please divide your answer into periods with dates if its character has changed over the years. If you are currently a judge, additionally please describe the nature of your service on the bench. (Provide complete answer here)
11. Describe any prosecutorial, public defender, or legal aid functions you may have performed.
12. Describe the aspects of your legal experience which you believe qualifies you to serve on the judiciary. (Provide complete answer here)
13. Do you appear in court regularly, occasionally, or not at all? If you are currently a judge, please also provide the following answers for your time on the bench.
  - A. 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, associate counsel, and/or presiding judge.

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. If you are currently a judge, please include in your answer at least three cases over which you have presided. If the case involved a written opinion, please attach that opinion. Also, state as to each case: (Provide complete answer here)

- (1) The dates of the trial period or periods or timeframe of the litigation.
- (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.

14. State any judicial office you currently hold or 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.

15. Describe the major problem facing the judiciary today and how you would solve this problem. (Provide complete answer here)

16. 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.

17. Have you ever been a candidate (successful or unsuccessful) or applied for elective, judicial or other public office? If so, give details, including the year.

18. 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.

19. 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.

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

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

22. Have you consistently filed income tax returns?

23. Have you ever been sued by a client or a party? If so, give the particulars.

24. 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.

25. 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 you are currently a judge, please additionally provide any information requested relating to the Judicial Qualifications Commission. If so, give the particulars.

26. With respect to your legal service:

- A. Have you ever been cited for contempt of court? If so, give particulars.
- B. Have you, to the best of your knowledge and belief, complied with applicable statutes and canons of professional ethics? If not, give particulars.

27.

- A. Have you ever driven a car, truck, or motorcycle when legally intoxicated, impaired or when using illegal drugs? If so, please explain.
- B. Have you ever used illegal drugs? If so, please describe your use.
- C. Have you ever been in treatment for substance abuse, including either drugs and/or alcohol? If you answer affirmatively, please describe the year(s) of treatment, the type of treatment (inpatient/outpatient/other) and your current method of maintaining sobriety.
- D. Within the past ten (10) years, have you had any condition which has impaired or could impair your ability to practice law in a competent or professional manner? If so describe in detail. For the purpose of this question, "any condition" includes alcohol, drug or chemical abuse or dependency, mental, emotional, or behavior illness or compulsive gambling.
- E. Do you have any condition which has impaired, or if left untreated, could impair your ability to practice law in a competent and professional manner?

28. Please attach two examples of legal articles, books, briefs, opinions or memoranda, or other legal writings, which reflect your personal work. If briefs are submitted indicate the degree to which they represent your personal work.

29. 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.
30. 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.
31. Would a personal, discreet investigation of your life and background embarrass you in any way? If so, please explain.
32. What time do you normally arrive at work, and what time do you normally leave work?
33. South Dakota judges are expected to use computer technology for a wide variety of functions including word processing, legal research, case management, e-filing and email. Do you personally use a computer for any of the purposes listed above or for similar purposes? If not, will you participate in training to develop your personal skills using computer technology?
34. 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. (Provide complete answer here)
35. Describe any pro bono or community service activities in which you have been or are engaged. (Provide complete answer here)
36. Describe how you spend your leisure time (including special interests, hobbies, reading preferences, vacation activities).
37. List the names of three individuals who JQC or its investigator may contact to discuss your professional competence and qualifications for judicial office. Please include name, address, phone number and a one-sentence description of your relationship with the reference.
38. What is your numerical credit score from the Credit Report attached?

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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.

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Signature

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Date

## **Authorization and Release Judicial Qualifications Commission**

I, \_\_\_\_\_, hereby authorize the Division of Criminal Investigation for the State of South Dakota to release to the Judicial Qualifications Commission 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 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 as "nonpublic" under the provisions of 23A-27-17.

In consideration of the Division of Criminal Investigation releasing any information concerning me contained within its criminal history record files to the Judicial Qualifications Commission, 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.

Application Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **PRIVACY ACT STATEMENT**

**Authority:** The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 03/30/2018, the FBI Privacy Act Statement can be found at <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>.

### **APPLICANT NOTIFICATION OF PROCEDURES FOR OBTAINING AN AMENDMENT TO AN FBI RECORD**

Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure for obtaining a change, correction, or update of an FBI criminal history record are set forth at 28 CFR 16.34. Information regarding this process may be found at <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>.

**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 understand that the investigator will be reviewing my social media formats, and he will notify me that he will need access to the accounts 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, losses 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:

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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.

Please list all social media formats in which you maintain a user name and password. Please include all social media accounts in your name or in names of those who you share an account:

Dated this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_.  
*(Handwritten signature)*

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### Signature