POSITION VACANCY ANNOUNCEMENT

FEDERAL PUBLIC DEFENDER
WESTERN DISTRICT OF MISSOURI

The U.S. Court of Appeals for the Eighth Circuit is accepting applications [under authority of 18 U.S.C. § 3006A(g)(2)(A)] from all qualified persons for the position of Federal Public Defender for the Western District of Missouri headquartered in Kansas City. The term of appointment is four years; annual salary at an amount not to exceed the salary of the U.S. Attorney for the district, currently $155,500. The Federal Public Defender provides federal criminal defense services to individuals unable to afford counsel. An applicant must be/have been: (1) admitted to practice before the highest court of at least one state; (2) a member in good standing of every other state bar of which he/she is a member; (3) a minimum of five years' criminal practice, preferably with significant criminal trial experience; (4) administrative expertise; (5) reputation for integrity; and (6) a commitment to the representation of those unable to afford counsel. Federal Public Defenders may not engage in the private practice of law and are subject to judiciary financial disclosure requirements. A background investigation is required.

Application forms may be obtained on line or in hard copy from the Clerk of the U.S. District Court in the Western District of Missouri at http://www.mow.uscourts.gov/ , Clerk of the U.S. District Court in the Eastern District of Missouri at http://www.moed.uscourts.gov/ , or Circuit Executive's Office in St. Louis, Missouri by e-mail at CE8employment@ca8.uscourts.gov or by phone 314-244-2600. Applications should be submitted only by the applicant personally and should indicate the applicant's willingness to serve if selected. Applications should be submitted to Ms. Millie B. Adams, Circuit Executive, 111 South 10th Street, Suite 26.325, St. Louis, Missouri 63102-1116, and must be received by **June 30, 2013.** The U.S. Courts are equal opportunity employers.

INFORMATION FOR APPLICANTS

A. Federal Public Defender's Responsibilities/Qualifications

The Federal Public Defender functions under the authority of Title 18, United States Code Section 3006A(g)(2)(A) and the Criminal Justice Act Plan(s) of his/her district. The Federal Public Defender provides federal criminal defense services to individuals unable to afford counsel.

To be qualified for appointment, applicants must:

(1) be members in good standing of every state bar in which they are admitted to practice;

(2) possess a minimum of five years criminal practice experience, preferably with significant federal criminal trial experience;

(3) possess an ability to provide effective administration of the federal public defender organization;

(4) possess a reputation for integrity;

(5) possess a commitment to the vigorous representation of those unable to afford counsel; and

(6) not be related by blood or marriage to a judge of the Eighth Circuit Court of Appeals or to a judge of the district court to be served, within the degrees specified in section 458 of Title 28, United States Code, at the time of appointment.

B. No applications will be reviewed until after the deadline for receipt of applications.

C. The circuit court or its committee may/will contact your present and former associates, partners, employers, employees, supervisors, acquaintances, and individuals familiar with your ability and character unless you request that this not be done. If you make such a request, it will be necessary for you to explain how sufficient information can be obtained to make you a viable candidate in the selection process.

APPLICATION
UNITED STATES PUBLIC DEFENDER
WESTERN DISTRICT OF MISSOURI

Please be sure you have completed the application in its entirety; sign the application, and return a signed original and one hard copy, and all materials on a CD, DVD, or flash drive **(no bound materials, books or pamphlets please).** Applications must be received by **June 30, 2013** at the following address:

Office of the Circuit Executive
United States Courts for the Eighth Circuit
111 South 10th Street, Suite 26.325
St. Louis, Missouri 63102-1116

All applications must be typed. Please make certain all application forms are signed and dated. Application forms may be obtained on line or in hard copy from the Clerk of the U.S. District Court in the Western District of Missouri at http://www.mow.uscourts.gov/, Clerk of the U.S. District Court in the Eastern District of Missouri http://www.moed.uscourts.gov/, at or from the Circuit Executive's Office in St. Louis, Missouri by e-mail at CE8employment@ca8.uscourts.gov or by phone 314-244-2600.

All questions must be answered fully. If a question or a section is not applicable, please so state. If more space is required, please attach a separate form and indicate to which question the attachment refers.

Inquiries should be directed to the Circuit Executive, 111 South 10th Street, Suite 26.325, St. Louis, Missouri 63102.

1. Full name _____
_____

2. All other names by which you have been known

_____

_____

3. Office address and phone number

_____

_____

4. Residential address, home phone number, cell phone number and e-mail address

_____

_____

5. Where should you be contacted?

_____

_____

6. Place of birth _____

7. Date of birth _____

8. State of residence _____

9. Length of residence in state _____

10. Are you a citizen of the United States of America?_____

11. Military service

Service	Branch	Dates

12. Are you related by blood or marriage to any member of the federal judiciary?
If so, give their names. _____

13. Do you have any mental or physical impairments or disabilities that may affect your

ability to perform the essential duties of this job? _____ If so, please specify. (A signed HIPAA waiver form to permit examination of medical records will be required as part of a background investigation before the court makes an appointment.)

14. Do you now or have you in the past used illegal drugs, abused the use of alcohol or had a substance abuse problem? _____ If yes, describe the circumstances and state whether you now receive or have received counseling or treatment of any kind.

_____

_____

_____

_____

15. List the colleges, universities, and law schools attended, the dates, and degrees earned.

_____

_____

_____

16. Please state your approximate class ranking in law school (by percentage or quartile).

_____

_____

17. Please summarize your criminal law experience and practice.

_____

_____

_____

18. List all continuing legal education courses dealing with criminal law and sentencing you have attended or completed within the last five years.

_____

_____

_____

19. If you have published any books or articles, please list them giving citations and dates.

_____

_____

20. List any honors, scholarships, prizes or awards you have received (including, e.g., law review, moot court, order of the coif, etc.).

_____

_____

21. List all courts (including state bar admissions) and administrative bodies that have special admission requirements in which you are presently admitted to practice giving the dates of admission in each case.

Court or Administrative Body	Date of Admission

22. State the names, dates, and addresses of all law firms with which you have been associated in practice, and of all governmental agencies or private business organizations in which you have been employed, periods you have practiced as a sole practitioner, and other prior practice.

Position	Firm Address	Dates

23. Describe the general nature of your current practice including any legal specialties which

you possess and describe your typical clients. Additionally, if your practice is substantially different now than previously, please give the details or your prior practice.

24. a) Do you regularly appear in court?

a) What percentages of your appearances in the last five years were in:

1. Federal courts _____%
2. State or local courts of record _____%
3. Administrative bodies _____%
4. Other _____%

25. During the last five years, what percentage of your practice has been trial practice?

_____%

How frequently have you appeared in court? _____ times per month

How frequently have you appeared at administrative hearings? _____ times per month

What percentages of your practice involving litigation has been:

Civil _____%

Criminal _____%

Other:

_____ _____%

_____ _____%

_____ _____%

State the number of cases you have tried to conclusion in courts of record during each of the past five years, indicating whether you were sole, associate, or chief counsel. Give citations of any reported cases.

_____

_____

_____

_____

Describe any major cases you were involved in during the last five years, including nature of case, docket and number.

_____

_____

_____

26. State the names, addresses, phone numbers and e-mail addresses of opposing counsel in the three most legally significant cases you have had in the last five years.

_____

_____

_____

27. Summarize your courtroom experience prior to the last five years.

_____

_____

_____

28. Are you now or have you been a member of any Criminal Justice Act (CJA) panel from which lawyers are selected and appointed for criminal defense services? _____
If so, indicate court and location of each panel. _____

_____

_____

_____

29. Have you ever held judicial office or been a candidate for judicial office? If so, please state the courts involved and the dates of service or date of candidacy.

_____

_____

_____

30. a) If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprises, the nature of the business, and the nature of your duties.

_____

_____

_____

b) Since being admitted to the bar, have you ever engaged in any occupation, business, or profession other than the practice of law? If so, please give details including dates.

_____

_____

_____

c) State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization, or association involved, and the dates such compensation was paid.

_____

_____

_____

31. Are you familiar with the canons of the code of conduct for Federal Public Defenders Volume II Guide to Judiciary Policies and Procedures, Chapter II pg. II-13 (a copy of which is attached to this application), and the limitation upon federal employees on earning outside income prescribed under Title VI of the Ethics Reform Act of 1989, Pub. L. No. 101-194, Sections 601-603, 103 Stat. 1716, 1760-1763 (1989), as amended?

_____

32. Have you ever been arrested, charged or convicted for violation of any federal law, state law, county or municipal law, regulation, or ordinance? If so, please give details. Do not

include traffic violations for which a fine of $150 or less was imposed unless it also included a jail sentence.

_____

_____

_____

_____

33. a) Have you ever had a claim prosecuted or been sued by a client? If so, please give particulars including results.

_____

_____

b) Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, please give particulars including the amounts involved.

_____

_____

c) Have you ever been a party to a lawsuit? If so, please give particulars including the results.

_____

_____

_____

34. Have you ever been charged in any civil or criminal proceedings with conduct alleged to involve moral turpitude, dishonesty, and/or unethical conduct? If so, please give particulars including the full name of the case.

_____

_____

_____

35. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court or administrative agency, bar association, or other professional group? If so, please give the particulars.

_____

_____

_____

_____

36. Have you filed appropriate tax returns as required by federal, state, local, and other government authorities? _____ If not, please explain.

_____

_____

37. Do you have any liens or claims outstanding against you by the Internal Revenue Service? _____ If yes, please explain.

_____

_____

_____

38. a) List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office you have held in such groups and committees to which you have belonged.

_____

_____

_____

_____

b) List all organizations and clubs, other than bar associations and professional societies identified in response to Questions 42a, of which you have been a member during the past ten years including the titles and dates of any offices you

have held in each such organization.

_____

_____

_____

39. Do any of the organizations set forth in Question 42(b) discriminate on the basis of race, color, gender, marital status, national origin, or disability?

_____

_____

40. State any achievements or actions you have accomplished, demonstrating your commitment to equal justice.

_____

_____

41. State any additional education or other experiences you believe will assist you in performing the duties of the position for which you are applying.

_____

_____

_____

42. State any other pertinent information reflecting positively or adversely on you which you believe should be disclosed to the circuit court in connection with your possible selection as Public Defender.

_____

_____

_____

43. List five individuals who are familiar with your abilities and personal character:

Name	Address	Phone & E-mail

I declare under penalty of perjury that the foregoing is true and correct. Executed on:

_____ _____

Date Signature

B. Code of Conduct for Federal Public Defender Employees.

1. **Introduction**

This code of conduct applies to all federal public defender employees (1) As used in this code, "federal public defender employees" (or "defender employees") means federal public defenders, assistant federal public defenders, and all other staff employees of the federal public defender office. "Public defenders" means only the federal public defenders and assistant federal public defenders. This code of conduct does not apply to private counsel appointed under the Criminal Justice Act, or to attorneys provided by a bar association or legal aid agency or by a community defender organization established in accordance with the provisions of the Criminal Justice Act (18 U.S.C. § 3006A(g)(2)(B)).

Nothing contained in these canons is intended to limit or modify the primary responsibility of public defenders, as appointed counsel, to render effective legal representation to clients as required by the Constitution and laws of the United States and by applicable rules governing professional conduct, including the codes of professional responsibility applicable in the jurisdiction in which the public defender practices.

The Judicial Conference has authorized its Committee on Codes of Conduct to render advisory opinions concerning the application and interpretation of this code. Defender employees (other than the federal public defender) should consult with the federal public defender, and the federal public defender may consult with the court of appeals, for guidance on questions concerning this code and its applicability before a request for an advisory opinion is made to the Committee on Codes of Conduct. In assessing the propriety of one's proposed conduct, a defender employee should take care to consider all relevant canons in this code, the Ethics Reform Act, and other applicable statutes and regulations**Error! Hyperlink reference not valid.** (e.g., receipt of a gift may implicate canon 2 as well as canon 5C(2) and the Ethics Reform Act gift regulations). Should a question remain after this consultation, the affected defender employee may request an advisory opinion from the Committee. Requests for advisory opinions may be addressed to the Chairman of the Committee on Codes of Conduct in care of the General Counsel, Administrative Office of the United States Courts, One Columbus Circle, N.E., Washington, D.C. 20544.

Adopted September 19, 1995 by the Judicial Conference of the United States
Effective January 1, 1996**Error! Hyperlink reference not valid.**

[1] When Actually Employed (WAE) employees are subject to canons 1, 2, and 3 and such other provisions of this code as may be determined by the appointing authority.

[2] See Guide to Judiciary Policies and Procedures, Volume II, Chapter VI, Statutory and Regulatory Provisions Relating to the Conduct of Judges and Judicial Employees.

[3]Canon 6 was revised at the September 1998 Judicial Conference.

CANON 1: A FEDERAL PUBLIC DEFENDER EMPLOYEE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE OFFICE

An independent and honorable defender system is indispensable to justice in our society. A defender employee should personally observe high standards of conduct so that the integrity and independence of the office are preserved and so that the defender office reflects a devotion to serving the public defender's clients and the principle of equal justice under law. Defender employees should require adherence to such standards by personnel subject to their direction and control. The provisions of this code should be construed and applied to further these objectives. The standards of this code shall not affect or preclude other more stringent standards required by law, by applicable codes of professional responsibility, by court order, or by the federal public defender.

CANON 2: A FEDERAL PUBLIC DEFENDER EMPLOYEE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES

A defender employee should not engage in any activities that would put into question the propriety of the defender employee's conduct in carrying out the duties of the office. A defender employee should not use public office for private gain.

CANON 3: A FEDERAL PUBLIC DEFENDER EMPLOYEE SHOULD ADHERE TO APPROPRIATE STANDARDS IN PERFORMING THE DUTIES OF THE OFFICE

In performing the duties prescribed by law, by resolution of the Judicial Conference of the United States, by court order, or by the federal public defender, the following standards apply:

A. A defender employee should respect and comply with the law and these canons. A defender employee should report to the appropriate supervising authority any attempt to induce the defender employee to violate these canons.

Note: A number of criminal statutes of general applicability govern defender employees' performance of official duties. These include:

18 U.S.C. § 201 (bribery of public officials and witnesses);

18 U.S.C. § 211 (acceptance or solicitation to obtain appointive public office);

18 U.S.C. § 285 (taking or using papers relating to government claims);

18 U.S.C. § 287 (false, fictitious, or fraudulent claims against the government);

18 U.S.C. § 508 (counterfeiting or forging transportation requests);

18 U.S.C. § 641 (embezzlement or conversion of government money,

property, or records);

18 U.S.C. § 643 (failing to account for public money);

18 U.S.C. § 798 and 50 U.S.C. § 783 (disclosure of classified information);

18 U.S.C. § 1001 (fraud or false statements in a government matter);

18 U.S.C. § 1719 (misuse of franking privilege);

18 U.S.C. § 2071 (concealing, removing, or mutilating a public record);

31 U.S.C. § 1344 (misuse of government vehicle);

31 U.S.C. § 3729 (false claims against the government).

This is not a comprehensive listing but sets forth some of the more significant provisions with which defender employees should be familiar.

B. A defender employee should be faithful to professional standards and maintain competence in the defender employee's profession.

C. A defender employee should be patient, dignified, respectful, and courteous to all persons with whom the defender employee deals in an official capacity, and should require similar conduct of personnel subject to the defender employee's direction and control. A defender employee should diligently discharge the responsibilities of the office in a nondiscriminatory fashion.

D. A defender employee should not solicit or accept a payment of money or anything of value from a client, except that a defender employee may accept an appropriate memento or token that is neither money nor of commercial value. A defender employee should never disclose any confidential communications from a client, or any other confidential information received in the course of official duties, except as authorized by law. A former defender employee should observe the same restrictions on disclosure of confidential information that apply to a current defender employee.

E. A defender employee should not engage in nepotism prohibited by law.

Note: See also 5 U.S.C. § 3110 (employment of relatives); 28 U.S.C. § 458 (employment of judges' relatives).

F. Conflicts of Interest.

(1) In providing legal representation to clients, a public defender should observe applicable rules of professional conduct governing the disclosure and avoidance of conflicts of interest.

(2) In the performance of administrative duties, a defender employee should avoid

conflicts of interest. A conflict of interest arises when a defender employee knows that he or she (or the spouse, minor child residing in the defender employee's household, or other close relative of the defender employee) might be so personally or financially affected by a matter that a reasonable person with knowledge of the relevant facts would question the defender employee's ability properly to perform administrative duties.

(3) When a defender employee knows that a conflict of interest may be presented in the performance of duties, the defender employee should promptly inform the federal public defender. The federal public defender, after determining that a conflict or the appearance of a conflict of interest exists, should take appropriate steps to restrict the defender employee's performance of duties in such a matter so as to avoid a conflict or the appearance of a conflict of interest. If the conflict involves a conflict between or among clients, the federal public defender should consider withdrawal from one or more representations, or other appropriate remedial actions, as necessary to comply with applicable rules of professional conduct. A defender employee should observe any restrictions imposed by the federal public defender in this regard.

CANON 4: A FEDERAL PUBLIC DEFENDER EMPLOYEE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE

A defender employee, subject to the proper performance of official duties, may engage in the law-related activities enumerated below.

A. A defender employee may speak, write, lecture, teach, and participate in other activities concerning defender services, the legal system, and the administration of justice.

B. A defender employee may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A defender employee may assist such an organization in raising funds and may participate in the management and investment of such funds. A defender employee may make recommendations to public and private fund-granting agencies on projects and programs concerning the law, the legal profession, and the administration of justice. A defender employee may solicit funds for law-related activities, subject to the following limitations:

(1) A defender employee should not use or permit the use of the prestige of the office in the solicitation of funds.

(2) A defender employee should not solicit subordinates to contribute funds to any such activity but may provide information to them about a general fund-raising campaign.

(3) A defender employee should not solicit or accept funds from lawyers, clients, or other persons likely to have official business with the federal public defender

office, except as an incident to a general fund-raising activity.

C. A defender employee may promote the development of professional organizations and foster the interchange of information and experience with others in the profession. A defender employee may make himself or herself available to the public at large for speaking engagements and public appearances designed to enhance the public's knowledge of the operation of defender services and the criminal justice system.

CANON 5: A FEDERAL PUBLIC DEFENDER EMPLOYEE SHOULD REGULATE EXTRA-OFFICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH OFFICIAL DUTIES

A. Avocational Activities. A defender employee may write, lecture, teach, and speak on subjects unrelated to the profession, and may engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of the office, interfere with the performance of official duties, or adversely reflect on the public defender's role as an advocate. A defender employee may solicit funds for avocational activities, subject to the limitations set forth in canon 4B.

B. Civic and Charitable Activities. A defender employee may participate in civic and charitable activities that do not detract from the dignity of the office, interfere with the performance of official duties, or adversely reflect on the public defender's role as an advocate. A defender employee may serve as an officer, director, trustee or advisor of an educational, religious, charitable, fraternal, or civic organization, and may solicit funds for any such organization subject to the limitations set forth in canon 4B.

C. Financial Activities.

(1) A defender employee should refrain from financial and business dealings that tend to detract from the dignity of the office or interfere with the performance of official duties.

(2) A defender employee should not solicit or accept a gift from anyone seeking official action from or doing business with the federal public defender office, or from anyone whose interests may be substantially affected by the performance or nonperformance of official duties; except that a defender employee may accept a gift as permitted by the Ethics Reform Act of 1989 and the Judicial Conference regulations thereunder. A defender employee should endeavor to prevent a member of a defender employee's family residing in the household from soliciting or accepting any such gift except to the extent that a defender employee would be permitted to do so by the Ethics Reform Act of 1989 and the Judicial Conference regulations thereunder.

Note: See 5 U.S.C. § 7353 (gifts to federal employees). See also 5 U.S.C. § 7342 (foreign gifts); 5 U.S.C. § 7351 (gifts to superiors).

(3) A defender employee should report the value of gifts to the extent a report is

required by the Ethics Reform Act, other applicable law, or the Judicial Conference of the United States.

Note: See 5 U.S.C. App. §§ 101 to 111 (Ethics Reform Act financial disclosure provisions).

D. Practice of Law. A defender employee should not engage in the private practice of law. Notwithstanding this prohibition, a defender employee may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the defender employee's family, so long as such work does not present an appearance of impropriety and does not interfere with the defender employee's primary responsibility to the defender office.

Note: See 18 U.S.C. § 3006A(g)(2)(A) (prohibiting public defenders from engaging in the private practice of law). See also 18 U.S.C. § 203 (representation in matters involving the United States); 18 U.S.C. § 205 (claims against the United States).

CANON 6: A FEDERAL PUBLIC DEFENDER EMPLOYEE SHOULD REGULARLY FILE REPORTS OF COMPENSATION RECEIVED FOR ALL EXTRA-OFFICIAL ACTIVITIES

A defender employee may receive compensation and reimbursement of expenses for outside activities provided that receipt of such compensation or reimbursement is not prohibited or restricted by this code, the Ethics Reform Act, and other applicable law, and provided that the source or amount of such payments does not influence or give the appearance of influencing the defender employee in the performance of official duties or otherwise give the appearance of impropriety. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by a defender employee and, where appropriate to the occasion, by the defender employee's spouse or relative. Any payment in excess of such an amount is compensation. A defender employee should make and file reports of compensation and reimbursement for outside activities to the extent prescribed by the Ethics Reform Act, other applicable law, or the Judicial Conference of the United States.

Notwithstanding the above, a defender employee (other than a defender employee serving without compensation) should not receive any salary, or any supplementation of salary, as compensation for official government services from any source other than the United States.

Note: See 5 U.S.C. App. §§ 101 to 111 (Ethics Reform Act financial disclosure provisions). See also 5 U.S.C. App. §§ 501 to 505 (outside earned income and employment).

CANON 7: A FEDERAL PUBLIC DEFENDER EMPLOYEE SHOULD REFRAIN FROM INAPPROPRIATE POLITICAL ACTIVITY

A. A defender employee should not be a candidate for or hold partisan elective office and should not solicit partisan political contributions. A defender employee should not engage in any political activity while on duty or in the defender employee's workplace and may not

utilize any federal resources in any such activity. Political activity includes, but is not limited to, displaying campaign literature, badges, stickers, signs or other items of political advertising on behalf of any party, political committee, or candidate for political office and soliciting signatures for political candidacy or membership in a political party.

B. A defender employee may engage in political activity not otherwise prohibited, provided that such activity does not detract from the dignity of the office or interfere with the proper performance of official duties. A defender employee who participates in political activity should not use his or her position or title in connection with such activity.

Note: See also 18 U.S.C. chapter 29 (elections and political activities).