

UNITED STATES COURT OF APPEALS
ELEVENTH JUDICIAL CIRCUIT

JAMES P. GERSTENLAUER
Circuit Executive

56 Forsyth Street, NW
Atlanta, Georgia 30303
404/335-6535

PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT FEDERAL PUBLIC DEFENDER
Middle District of Florida

The current four-year term of Donna Lee Elm, Federal Public Defender for the Middle District of Florida at Tampa, expires 8 September 2016. The Federal Public Defender, under authority of 18 U.S.C. § 3006A(g)(2)(A), provides criminal defense services to individuals unable to afford counsel and supervises a full-time staff of attorneys and administrative and clerical personnel. In accordance with regulations of the Judicial Conference of the United States and the Court of Appeals for the Eleventh Circuit governing the appointment and reappointment of Federal Public Defenders, a review committee has been established to evaluate Ms. Elm's performance in consideration of her request to be reappointed to a new four-year term. The Committee is soliciting written comments from members of the bar and concerned citizens about the performance of Ms. Elm and her office staff. If requested, the identity of a respondent to this solicitation will not be divulged without prior consent. However, Ms. Elm will be provided with a general description of the source and nature of any comments. **Comments should be submitted to James P. Gerstenlauer, Circuit Executive, United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, GA 30303, and must be received in the Circuit Executive's Office no later than 21 December 2015.**

Although the incumbent Federal Public Defender, Donna Elm, does seek reappointment, there is no presumptive right to reappointment. Therefore, the position will be advertised to the bar and general public. Accordingly, the Court is soliciting applications for this position from qualified persons. The Court encourages applications from all qualified persons, including women, members of minority groups, and individuals with disabilities. All applications, including the application of the incumbent Federal Public Defender, will be subjected to the same standard of review. The approximate salary range is \$142,740 to \$158,600, depending on experience and qualifications. Federal public defenders may not engage in the private practice of law and are subject to judiciary financial disclosure requirements.

To qualify for appointment as the Federal Public Defender applicants must:

- a. be members in good standing of at least one state bar or the District of Columbia or the Virgin Islands bar, and members in good standing of every other bar of which they are members;
- b. have been engaged in the active practice of criminal law for a period of at least five years, preferably with significant federal criminal trial and appellate experience;
- c. possess the ability to administer a Federal Public Defender's office effectively;
- d. possess, and have a reputation for:
 - (1) integrity and good character;
 - (2) sound physical and mental health;
 - (3) commitment to equal justice under law and vigorous representation of his or her clients;
 - (4) outstanding legal ability and competence (evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes);
- e. have a commitment to the vigorous representation of those unable to afford counsel; and
- f. not be related by blood or marriage to a judge of the Eleventh Circuit Court of Appeals or to a judge of the district court to be served, within the degrees specified in Title 28, United States Code, Section 458 at the time of the initial appointment.

Applications are available at www.ca11.uscourts.gov; from any federal Clerk of Court in the states of Alabama, Florida, and Georgia; and from the Circuit Executive, James P. Gerstenlauer, 56 Forsyth Street, NW, Atlanta, Georgia 30303. Applications should be submitted in confidence to the Circuit Executive and must be received in the Circuit Executive's Office no later than 21 December 2015. Email and fax copies of applications will not be accepted.

The United States Courts are equal opportunity employers.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**
56 Forsyth Street, NW
Atlanta, Georgia 30303

**APPLICATION FOR
FEDERAL PUBLIC DEFENDER FOR THE MIDDLE DISTRICT OF FLORIDA
with duty station at
Tampa, Florida**

(In response to any question, you may use continuation pages if necessary.)

General

1. Full name: _____

2. All other names by which you have been known: _____

3. Office address: _____

City _____ State _____
Zip _____ Telephone _____

4. Residential address: _____

City _____ State _____
Zip _____ Telephone _____

5. Place of birth: _____
Date of birth: _____

6. Length of residence in state: _____

7. Are you a citizen of the United States? _____ If not, of what country are you a citizen? _____ If you are a naturalized citizen, please state the date and place of naturalization. _____

8. Spouse's name: _____

15. Are you presently receiving treatment for a physical or mental illness or condition? Yes ___ No ___ If so, please give details. _____

Education

16. Colleges and universities attended, dates, degrees, and class standing (if known): _____

17. Continuing legal education courses completed within last 10 years: _____

Honors

18. Were you a member of the law review board? _____

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

20. List any honors, prizes, or awards you have received. _____

Professional Admissions

21. List all courts (including state bar admissions) and administrative bodies having 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
_____	_____
_____	_____
_____	_____
_____	_____

Law Practice

22. State the name, 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 that you possess and the character of your typical clients. Additionally, if your practice is substantially different now than previously, please give details of prior practice. _____

24. (a) Do you regularly appear in court? _____

(b) What percentage of your appearances in the last five years were in:

- (1) Bankruptcy Courts. _____%
- (2) Federal, District and Appeals Courts. _____%
- (3) State or Local Courts of Record. _____%
- (4) Administrative Bodies. _____%
- (5) Other. _____%

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

How frequently have you appeared in court?.. . . . _____%

How frequently have you appeared at administrative hearings?.. . . . _____%

What percentage of your practice involving litigation has been:

- Bankruptcy. _____%
- Civil.. . . . _____%
- Criminal. _____%
- _____ _____%
- _____ _____%
- _____ _____%

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

26. Summarize your courtroom experience for the past five years. _____

27. State the names and addresses of adversary counsel against whom you have litigated your primary cases over the past five years. _____

Public Office

28. Have you ever run for, or held, public office? If so, give details. _____

Prior Judicial Experience

29. (a) 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 dates of candidacy. _____

(b) Prior quasi-judicial service:
Name of agency _____
Position held _____
Hearing on what issues _____
Number of cases adjudicated _____
Dates of service _____

Business Involvement

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

whether you intend to resign such position immediately upon your appointment to judicial office.

- (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 the 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. (a) Have you ever been arrested, charged, or convicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? If so, please give details. Do not include traffic violations for which a fine of \$50 or less was imposed unless it also included a jail sentence.

- (b) Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If so, give particulars. _____

32. (a) Have you ever been sued by a client? If so, give particulars.

(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.

33. Have you ever been charged in any civil or criminal proceeding with conduct alleged to involve moral turpitude, dishonesty, or unethical conduct? If so, please give particulars, including the full style of the cause.

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

35. Have you filed appropriate tax returns as required by federal, state, local, and other government authorities? Yes _____ No _____ If not, please explain.

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

Professional and Other Activities

37. (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 belonged.

(b) List all organizations and clubs, other than bar associations and professional societies identified in response to 37(a), 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.

Supplemental Information

38. State any achievement or actions you have accomplished that demonstrated your commitment to equal justice under the law.

39. State any additional education or other experiences you believe would assist you in holding judicial office.

40. State any other pertinent information reflecting positively or adversely on you that you believe should be disclosed to the circuit council in connection with your possible appointment as Federal Public Defender.

41. List five individuals as references who are familiar with your abilities and personal character.

Name/Address

Confidentiality Statement: This form will be kept confidential and will be examined only by selected staff of the circuit executive's office, members of the Review Committee, and the judges of the Court of Appeals. The individuals whom you have listed as references above may be contacted by the panel, but no other employers, colleagues, or other individuals will be contacted without your prior approval.

I declare under penalty of perjury that the foregoing responses are true and correct.

Executed on:

Date

Signature of Candidate

Please return an unbound original completed application (no copies necessary) to:

James P. Gerstenlauer, Circuit Executive
U.S. Court of Appeals, Eleventh Circuit
56 Forsyth Street, NW
Atlanta, Georgia 30303

Applications must be received at the Circuit Executive's Office no later than Monday, December 21, 2015. Email and fax copies will not be accepted.