



## **PUBLIC NOTICE FOR THE APPOINTMENT OF A NEW MAGISTRATE JUDGE**

The Judicial Conference of the United States has authorized the appointment of a full-time United States Magistrate Judge for the Middle District of Pennsylvania at Harrisburg, Pennsylvania, upon the retirement of incumbent Magistrate Judge Martin C. Carlson, effective October 1, 2023. The essential function of courts is to dispense justice. An important component of this function is the creation and maintenance of diversity in the court system. A community's belief that a court dispenses justice is heightened when the court reflects the community's racial, ethnic, and gender diversity.

The duties of the position are demanding and wide-ranging and include the following: (1) To exercise all the powers and duties conferred or imposed upon United States Magistrate Judges by law or the Federal Rules of Criminal Procedure or the Federal Rules of Civil Procedure; (2) To administer oaths and affirmations, impose conditions of release under 18 U.S.C. § 3146, and take acknowledgments, affidavits, and depositions; (3) To try persons accused of misdemeanors committed within this district in accordance with 18 U.S.C. § 3401, order presentence investigation reports and sentence such persons; (4) To conduct proceedings in accordance with Fed.R.Cr.P. 40; (5) To conduct extradition proceedings, in accordance with 18 U.S.C. § 3184; (6) To appoint attorneys under the court's Criminal Justice Act Plan; (7) To review applications by prisoners for post-trial and other relief, make such orders as are necessary to obtain appropriate information which may be of assistance in determining the merits of any complaint, submit reports and recommendations to the district judge having jurisdiction over the case; (8) To act as a special master when designated by the district court; (9) To receive indictments returned by grand juries; (10) To conduct arraignments to the extent of taking a not guilty plea or noting a defendant's intention to plead guilty or nolo contendere; and (11) Conduct trials and the disposition of civil cases on consent of the parties.

The basic authority of a United States Magistrate Judge is specified in 28 U.S.C. § 636.

To be qualified for appointment an applicant must:

- (1) Be, and have been for at least five years, a member in good standing of the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and have been engaged in the active practice of law for a period of at least five years;

- (2) Be competent to perform all the duties of the office; be of good moral character; be emotionally stable and mature; be committed to equal justice under the law; be in good health; be patient and courteous; and be capable of deliberation and decisiveness;
- (3) Be less than seventy years old; and
- (4) Not be related to a Judge of the appointing district court with the degree of relationship specified in 28 U.S.C. § 458, i.e., “by affinity or consanguinity within the first degree of first cousin.”

A merit selection panel composed of seven individuals (five lawyers and two nonlawyer members of the community) will review all applicants and recommend to the district judges in confidence the five persons it considers best qualified.<sup>1</sup> The court will make the appointment following an FBI full-field investigation and an IRS tax check of the applicant selected by the court for appointment. The individual selected must comply with the financial disclosure requirements pursuant to the Ethics in Government Act of 1978, Pub. L. No. 95-521, 92 Stat. 1824 (1978) (codified at 5 U.S.C. app. §§ 101-111) as implemented by the Judicial Conference of the United States. An affirmative effort will be made to give due consideration to all qualified applicants without regard to race, color, age (forty and over), gender, religion, national origin, or disability. The current annual salary of the position is \$213,992.00. The term of office is eight years.

Application forms and more information on the Magistrate Judge position in this court may be obtained from the Clerk of the District Court or from the court’s internet website at [www.pamd.uscourts.gov](http://www.pamd.uscourts.gov). Applications must be submitted only by applicants personally and **must be received by Monday, March 27, 2023**. All documents are to be forwarded as one pdf file via email to:

[HR\\_PAMD@pamd.uscourts.gov](mailto:HR_PAMD@pamd.uscourts.gov)

Please include in the subject line:

MAGISTRATE JUDGE HARRISBURG

All applications will be kept confidential, unless the applicant consents to disclosure, and all applications will be examined only by members of the merit selection panel and the judges of the district court. The panel’s deliberations will remain confidential. Questions may be directed to Peter J. Welsh, Clerk of Court at (717) 221-3940.

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<sup>1</sup> No person may be considered by the court for a Magistrate Judge position while serving as a member of a merit selection panel, or for one year after such service is completed. But, the Judicial Conference on the Administration of the Magistrate Judges System may grant, on an individual case basis, waivers of the provision prohibiting a member of a merit selection panel from being considered for selection by the court.