[MS-0494, 010.005.014]

CALIFORNIA FEDERAL SELECTION COMMISSION
FOR FEDERAL JUDICIAL APPOINTMENTS
AND UNITED STATES ATTORNEYS

Personal Data Questionnaire

Instructions: All applicants must submit separate copies of this form to Mary G. Wailes, Esq., State Bar of California, 555 Franklin Street, San Francisco, California 94102, and to the office of either Senator Alan Cranston or Senator S. I. Hayakawa, Senate Office Building, Washington, D.C. 20510. You may attach any other information you consider pertinent.

Position Sought: [ ] Court of Appeals [X] District Court, District Southern [ ] U.S. Attorney, District _____

PERSONAL DATA

1. Full name: Earl Ben Gilliam

2. Social Security number: [redacted]

3. Date and place of your birth (if you are a naturalized citizen, please also give the date and place of your naturalization):
August 17, 1931
Clovis, New Mexico

4. Office address:
220 W. Broadway
Superior Court
San Diego, CA 92101
Telephone: (714) 236-2121

Home address:
4545 Collwood Blvd.
Unit 52
San Diego, CA 92115
Telephone: (714) 583-7642

5. List your residences for the past five years.
5986 College Avenue
San Diego, CA 92120

6. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served and your rank or rate.
I was never in military service

7. List each college and law school you attended, including the dates of attendance, the degree awarded, and your reason for leaving each school if no degree from that institution was awarded.
San Diego State University (formerly San Diego State College)
1949-1953, B.A. degree

Hastings College of the Law, University of California
1953-1957, LL.B

8. (a) What is the present state of your health?
Good

(b) Have you ever been hospitalized or prevented from working due to injury or illness or otherwise incapacitated for a period in excess of ten days? Yes If so, please give the particulars, including the causes, the dates, the places of confinement, and the present status of the conditions which caused the confinement or incapacitation.
Appendectomy, 1964, off work approximately 6 weeks; hospitalized Mercy Hospital, San Diego, CA. Approximate date of entry was August 18, 1964. No reoccurrence of symptoms.

(c) Do you suffer from any substantial impairment of eyesight or hearing or any other physical handicap? Yes
If so, please give details.
My right eye is artificial. Soon after I was born, the right eye began to water and later a contract formed over it. In approx. 1945, the eyeball hardened and the eye was removed. Since that time, I have had an artificial eye. The cause and effect is not known, and I don't recall ever having sight in it.

(d) Date of your most recent general physical examination: Approx. 1966
Name, address and telephone number of supervising physician:
Dr. Ralph George, Jr.
2290 Sixth Avenue, SAn Diego, CA 92103

(e) Have you ever been treated for or had any problem with alcoholism or any related condition associated with consumption of alcoholic beverages or any other form of drug addiction or dependency? No If so, give details.

(f) Have you ever been treated for or suffered from any form of mental illness? No If so, give details.

9. If you are now an officer or director or part of the management of any business organization or if you have an interest of 10% or more in any business, please give details, including the name of the enterprise, the nature of the business, the title of your position, the nature of your duties, and the term of your service. If it is not your intention to resign such positions, give up any other participation in the management of and divest yourself of any interest in any of the foregoing enterprises, please so state, giving reasons.

Bob Earl Corp. I hold office of Sec-Treas. It is a family-owned corporation wherein my wife as a real estate broker is hired by the corporation and sells property for the corporation. I don't see any need to resign due to lack of any conflict. However, if there is a conflict, there would be no hesitancy on my part.

10. What is your current occupation?

Judge of the Superior Court, County of San Diego, State of California

PROFESSIONAL EXPERIENCE

11. Date of your admission to the California Bar: December 17, 1957

12. List all courts in which you are presently admitted to practice, including the dates of admission in each case. Give the same information for administrative bodies having special admission requirements.

Prior to becoming a judge:
(a) Federal Courts (12/17/57
(b) State Courts of California (12/17/57)
(c) Workmen's Compensation Commission, etc.

13. Describe chronologically your law practice and experience after your graduation from law school, including:

(a) If you served as clerk to a judge, the name of the judge, the court, and the dates of the period you were a clerk.

(b) If you practiced alone, the addresses and the dates.

July 1961 through December 1963, I was sole practitioner with my offices located at 2847-1/2 and 2835 Imperial Avenue, San Diego, CA.

(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.

See attached 13(d)

14. What has been the general character of your practice? Divide it into periods with dates, if its character has changed over the years, describe your typical clients, and mention the areas, if any, in which you have specialized.

(a) Misdemeanors
(b) Felony
(c) Probate
(d) Business
(e) Tax
(f) Misc. Civil

I did not specialize, however, the majority of my practice was probate and business.

15. (a) How often have you appeared in court? [ ] Regularly [ ] Occasionally [ ] Not at all

I have been a judge since 1963. Question not applicable to me.

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

(1) Federal courts ____ (2) State courts of record ____

(3) Other courts or administrative tribunals or agencies ____

What percentage of such appearances was in: (1) Trial courts ____ (2) Appellate courts ____

(c) What percentage of your litigation in the last five years was: (1) Civil ____ (2) Criminal ____

(d) What percentage of your trials in the last five years was: (1) Jury ____ (2) Non-jury ____

(e) State the number of cases in courts of record (a) you tried to verdict or judgment (rather than settled) in the last five years and (b) you handled on appeal in the last five years, indicating whether you were sole counsel, chief counsel, or associate counsel.

(f) Describe five of the more significant litigated matters which you have handled (whether at the trial or appellate level) and give the citations if the cases were reported. Please list the judges and your opposing counsel in each case.

16. Summarize your experience in court prior to the last five years. If during any period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same data which was requested in Question 15(a)-(e). Prior to December 1963:

(a) I appeared in court almost on a daily basis - regularly;
(b) 5% in Federal Court;
95% in State Courts
100% in trial courts
(c) 15% Civil
85% Criminal
(d) 60% Jury
40% Non-jury
(e) Sole counsel 99% of time, approximately 100% to verdict or judgment; only two appeals as I recall.
(f) Peo. v. Davis, 62 Cal. 2d 791

17. Have you ever been engaged in any occupation, business or profession other than the practice of law? Yes
If so, please give the details, including dates.
1946-1961, worked parttime for my father in his fish market at 2835 Imperial Avenue, San Diego, CA.

1953-1957, worked as janitor at the law school while attending school.
1954-1956, worked parttime as recreation director, San Fran. Recr.Dept.whi while attending la school.

18. Have you ever held judicial office, or have you ever been a candidate for such an office? _____
If so, give the details, including the courts involved, whether elected or appointed, and the periods of service.
See Answer to Question 13.
I was appointed to both the Municipal and Superior Courts. I have had to run for both but never was opposed.

19. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? No
If so, give the details, including the offices involved, whether elected or appointed, and the length of your service.

20. List any legal books or articles you have published, giving the citations and dates. Please attach two examples of legal articles, books, briefs or other legal writings which reflect your personal work.

Attached are examples of legal writings, as Answers No. 20.

21. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. List also your chairing of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, committee of censors, grievance committee).
California Judges Association

COMMUNITY SERVICE/AWARDS

22. List any honors, prizes, awards, or other forms of recognition which you have received, both professional and non-professional.

1964, Young Man of Year, San Diego
1969, Commission General of 200th Anniversary of San Diego

23. Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.

While in private practice, I tried approx. 20 trials and in addition thereto I represented approximately 60 other persons in matters that were resolved prior to trial in the Municipal and Federal Courts. In those days attorneys received no pay for representing indigents.

24. Describe the nature and extent of your non-professional involvement in community affairs.

I have served on boards of various organizations including: YMCA, Salvation Army, Boys Club, Urban League, NAACP, Navy League, Board of Overseers for Hastings College of the Law. I presently serve on Boards of Directors for: (1) Western State College of the Law; (2) Christian & Jews; (3) Hambray House. I presently head the trial practice division of and teach a class on contracts at Western State College of Law. In the past, I have taught torts and trusts. I have been an instructor for approx. 10 years.

LEGAL OR DISCIPLINARY PROCEEDINGS

25. Have you ever been arrested, charged, or held by Federal, state or other law-enforcement authorities for violation of any Federal law, state law, county or municipal law, regulation or ordinance? No If so, please attach details. Do not include traffic violations for which a fine of $50 or less was imposed.

26. Have you, to your knowledge, ever been under Federal, state or local investigation for possible violation of a criminal statute? No If so, attach particulars.

27. Has a tax lien or other collection procedure ever been instituted against you by Federal, state or local authorities? No If so, attach particulars.

28. Have you ever been sued by a client? No If so, attach particulars.

29. Have you ever been a party or otherwise involved in any other legal proceedings? No If so, attach particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness.

30. Have you ever 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? No If so, please attach particulars.

31. Have any allegations ever been printed or broadcast or otherwise been made public concerning you or your activities or statements (irrespective of the factual accuracy of such allegations) which reflect adversely on your character or job performance? No If so, please attach full explanation.

32. Describe any aspects of your personal business or professional conduct which may reflect positively or adversely on you or which you believe should be disclosed prior to further consideration of you for nomination for the Federal Judiciary or U.S. Attorney.

See above

PHILOSOPHY

33. List the qualities or attributes you believe an individual should possess for the position you are seeking.

Experience, discipline, industrious, scholarly, fair, patient, firm.

34. What is your personal philosophy concerning the position you are seeking? If you are appointed, what do you hope to accomplish, and what would you consider to be your principal role? Please limit to 250 words.

See Attached No. 34.

Signature Earl B. Dalton

Date February 13, 1979

13. (d)

October 1957, through December 1957, special investigator, San Diego County District Attorney's Office where I supervised the Family Support Division.

December 1957 through June 1961, Deputy District Attorney, San Diego County -- I tried all types of criminal cases, i.e., misdemeanors to felony murder.

July 1961 through December 1963, I was a sole practitioner with my offices located at 2847-1/2 and 2835 Imperial Avenue, San Diego, California.

December 27, 1963, to August 24, 1975, Judge of the Municipal Court, San Diego Judicial District, San Diego, California.

August 24, 1975 to present -- Judge of the Superior Court, County of San Diego, California.

No. 34

A federal court judge has a grave responsibility to the people who appear in the courts, to the public, and to this country as a nation of laws. Such responsibility includes promoting ideals such as making sure that all persons and litigants who appear before the court are treated fairly and equally under the law. Furthering the ideals of the Constitution of the United States, the laws should be applied equally, firmly and fairly with reference to all citizens regardless of their station or position in life.

At all times, not only must justice be done, but it should also appear that justice is being done. The judge should at all times be patient, calm and courteous in the handling of the court business.

To be consistent with the foregoing and under the Constitutional protections, I submit that it would be my role as a judge that all matters, such as motions and trials, be acted on promptly; that the matters be handled competently and with judicial dispatch; that the decisions of the court be scholarly, judicious, fair and prompt; that the parties appearing before the court each have a full and fair hearing.

In accomplishing these goals, the court would be satisfying one of the main pillars of a democratic society which would be a reflection of a true democracy.