[MS-0494.010.012.001]

The Superior Court
OF THE
State of California
COURTHOUSE SAN DIEGO 92101

CHAMBERS OF
EARL B. GILLIAM
JUDGE OF THE SUPERIOR COURT

MAILING ADDRESS
POST OFFICE BOX 2724
SAN DIEGO, CALIFORNIA 92112
(714) 236-2121

February 14, 1979

Hon. Alan Cranston
U. S. Senator
Russell Senate Office Building
Room 229
Washington, D.C. 20510

Dear Senator:

I have recently filed an application for appointment to the federal bench in California. Enclosed is a copy of my Personal Data Questionnaire which has also been filed with the California Federal Selection Commission.

Sincerely,

EARL B. GILLIAM

EBG/gh
Enclosure

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February 14, 1979

Hon. Samuel I. Hayakawa
U. S. Senator
Dirksen Senate Office Building
Washington, D. C. 20510

Dear Senator Hayakawa:

I have recently filed an application for appointment to the federal bench in California. Enclosed is a copy of my Personal Data Questionnaire which has also been filed with the California Federal Selection Commission.

Sincerely,

EARL B. GILLIAM

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April 9, 1979

Ms. Vivian Lichtman
Office of Lewis Martin
White House, West Wing
Washington, D.C. 20500

Dear Vivian:

Please find enclosed four copies of my Personal Data Questionnaire, wherein I am seeking appointment to the United States District Court, Southern District of California, which is located in San Diego.

I am sure Harry will be happy that I forwarded these copies to you.

Very truly yours,

EARL B. GILLIAM

EBG/dc
Enclosures

JUDICIAL CANDIDATES QUESTIONNAIRE

A. NAME AND POSITION

1. Name: Earl B. Gilliam (Earl Ben Gilliam)

2. Government position for which you are under consideration:

   District Court, Southern District, Judge

3. Address: (residence and mailing)

   7367 Caminito Carlotta, San Diego, California 92120

4. Office and home telephone numbers:

   Home: (714) 583-7642
   Office: (714) 236-2626 or 236-2121

5. Marital status:

   I am presently married, however, we are separated. A divorce action has been filed. The separation has been in existence for five years.

   My spouse's occupation is a self-employed realtor.

6. Jobs held in the past 10 years:

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

   b. August 1975 to present:
      Judge of the Superior Court in and for the County of San Diego, State of California.

B. PERSONAL DATA

1. Yes, my federal tax returns have been subject to an audit for the years 1976-1977. The subject of the audit and inquiry was referenced deductions for interest and rentals, etc. After said audit, additional taxes were levied, and same have been paid.

   As far as state tax returns have been concerned, there has never been an audit or investigation or inquiry.

2. I am not currently under federal, state, or local investigation for any possible law violation of any criminal statute, nor have I ever been.

3. Memberships and offices held in professional, fraternal, scholarly and civil organizations:

   Alpha Pi Boule

   Urban League

   NAACP

   California Judges Association

   National Bar Association and its local affiliate, Black Warriors Association

   Board of Directors of the Christians and Jews

   Board of Directors of Western States College of the Law

4. On two occasions I have been the subject of a complaint.

   a. In 1962, prior to becoming a judge, one of my clients complained to the local bar that my fee was too high. I answered that complaint with my response and I have never heard anything else further about it.

   b. In 1975 a complaint was filed against me to the State of California, Commission on Judicial Qualifications; to wit, Valdemira Silva Kaler v. San Diego Fish Company, et al., Small Claims Case No. 214009. I responded to the complaint and the matter was dropped. Please find enclosed a copy of the complaint and my explanation.

5. On two occasions I have been involved in civil litigation.

   a. Ronald Warren Briley v. State of California, Earl B. Gilliam, et al.
   United States District Court, Southern District of California, Case No. 74-534-T

   This was a case in which the plaintiff sued for $5 million naming the aforementioned parties as

party defendants, wherein certain surgical procedures were performed on said plaintiff pursuant to a criminal action filed in the Superior Court of the State of California. I was a member of the District Attorney staff and appeared for the District Attorney for the continuance of one of the hearings in this case. It is my understanding that this matter has been resolved by dismissal in federal court.

b. Janet L. Owens v. Hon. Earl B. Gilliam
Small Claims Court, San Diego Judicial District
Case No. 255157

I was sued on July 11, 1977 by Janet L. Owens, 25582 Van Lewen Street, Loma Linda, California 92354, for the sum of $181.00 for failure to refund $75.00 deposit. I owned apartments at 1255 Thomas Street, San Diego, California, with Carol Wayman and G. Phelps, both of San Diego, California. In 1977 I was the partner who oversaw the manager of said apartments. My functions were generally to make sure that the deposits of rents were made to the bank and to pay the expenses. A dispute developed between Ms. Owens and the manager over her deposit and she filed a lawsuit naming me as defendant. The matter was resolved by settlement a short time after I received notice of the action. Said matter was dismissed on July 29, 1977.

6. In the last ten years I have not held an office with a political party. However, I have been a candidate:

a. 1963-1975 - Municipal Court Judge.
I was a candidate for Judge of the Municipal Court to retain my judgeship on three different occasions, however, I had no opposition.

b. 1975 to present - Superior Court Judge.
I have been a candidate to retain my Superior Court judgeship on one occasion, however, I was not opposed.

7. During the last six years, I have made political contributions as follows:

a. Larry Kapiloff, State Assemblyman - approximately $50.00.

b. Yvonne Burke, Candidate for State Attorney General - approximately $150.00.

c. Lucille Moore, County Supervisor - approximately $100.00.

d. Jess Haro, Councilman, City of San Diego, approximately $100.00.

e. Charles Reed, Trustee for the Community College District - $100.00.

f. Yvonne Schultz, Candidate for City Council - approximately $100.00.

g. Tom Johnson, Candidate for School Board - approximately $50.00.

h. George Moscone, State Senator - approximately $50.00.

I have also attended dinners on behalf of candidates and office holders wherein the dinner price would be $100.00 or $150.00, but I only paid the cost of the dinner; such cases being, Bob Wilson, State Senator, and Jim Mills, State Senator.

8. The condition of my health is good.

9. I have had a physical examination recently in April of 1979 by Dr. Arvin J. Klein, 6367 Alvarado Court, San Diego, California 92120.

10. I know of nothing in my personal life which I feel would be an embarrassment to the Administration, nor anything about any of my family which would be an embarrassment to the Administration.

C. FINANCIAL DATA

1. Following are a list of corporations, business enterprises and partnerships in which I have some interest which is disclosed.

a. Bob Earl Corporation.

This is a family-owned corporation which was set up for tax purposes. Barbara J. Gilliam,

my wife, is a realtor and this corporation hires her to sell real estate. She is the president and I am the secretary-treasurer.

If I am nominated for said judgeship and if there is a conflict, I will resign and relinquish my interest in said corporation.

b. Western States College of the Law.

This is a law school which has been in existence for approximately 12 years. I presently serve as a member of the board of directors and for approximately 10 years I have been an instructor and professor of law teaching courses in contracts, torts, community property, and I presently am the head of the trial practice division.

If there is any conflict in my retaining the aforesaid positions to said law school and I am nominated as a federal judge, I will resign said positions with the law school.

c. Our-Bis Investment Club.

This is a group of eight men who have met once a month for the last eight years wherein we pay dues of $25.00 per month and invest in different projects. My total interest in said club is approximately $2,500.00. We have interest in items or assets such as second trust deeds, stocks, bonds, etc.

If my interest and membership in this club is in conflict with my nomination as a federal judge, I would resign from said partnership.

d. Gray-Dove Investments.

Approximately three weeks ago, I invested $10,000.00 with a friend, Ms. Lucy Goldman, for the purpose of buying land and developing it to build six homes, either single family dwellings or condominiums in the Mission Hills area of San Diego. My interest is approximately 1/24, and I expect this over-all business venture to capitalize out at well over a million dollars.

If my interest in this business venture is in conflict with my nomination as a federal judge, I will terminate same.

2. Statement of financial net worth.

See attachments.

D. FUTURE EMPLOYMENT RELATIONSHIPS

1. If I am confirmed by the Senate for nomination by the President for a federal judgeship, I would sever all connections with any business associations or business organizations.

2. I have no commitments or agreements to pursue outside employment during my service with the government except I would like to be free to continue teaching law at Western States College of the Law. However, if there is a conflict, then I would sever all connections with Western States.

E. POTENTIAL CONFLICTS OF INTEREST

1. Not applicable.

2. Not applicable.

3. The only activity in the last five years wherein either directly or indirectly there was an attempt on my part to defeat or modify any legislation was that legislation dealing with judges salaries or benefits in the State of California and I have in recent years talked with legislators in this state about pending legislation relative to the aforementioned subjects.

4. If in the future there would develop a conflict of interest in reference to the above-mentioned subject then it would not be proper for me to sit on a case involving the same. Therefore, I should disqualify myself.