[MS-0494.010.012.011]

United States Department of Justice

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

July 5, 1979

Honorable Earl B. Gilliam
4545 Collwood Blvd
Unite 52
San Diego, California 92115

Dear Judge Gilliam:

In connection with your consideration for appointment to the Federal Judiciary, it will be necessary for you to do the following:

1. Submit to this office the information requested in the enclosed memorandum concerning financial disclosure and conflicts of interest. Since you have completed the Personal Data Questionnaire, you will note that some of the information is repetitive in part.

2. Have your doctor certify as to your physical and mental fitness to serve as a Federal Judge. The requirements are described in the enclosed form, "Physical Qualification-Judiciary," which your doctor should sign and return directly to this office. An envelope is enclosed for this purpose. Your doctor will also be contacted by the FBI during their investigation of your background.

If I can be of any further assistance, please let me know.

Sincerely,

Philip H. Modlin

Philip H. Modlin
Deputy Associate Attorney General

Enclosures

DOJ-1978-10

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 the 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. I have made no contributions to political parties or election committees during the last six years.

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.

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.

C. FINANCIAL DATA

Attachments in answer to Question 2.

(A) & (B) Please see attached Financial Statements which lists assets, liabilities and net worth.

(C) & (D) Sources and amounts received during Calendar years 1976 and 1977;attached hereto are income tax returns as requested under (D) of this question which lists all of said income and amounts for said years.

For the years 1976 and 1977 capital gains were at a minimum and are listed in said tax returns.

I have never filed or taken bankruptcy.

Attachment Re: Question C,2

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

October 11, 1979

United States Department of Justice
Office of the Associate Attorney General
Washington, D.C. 20530

Attention: Philip H. Modlin
Deputy Associate Attorney General

Dear Sir:

Please find enclosed information requested of Prospective Judicial Nominee Earl B. Gilliam.

Very truly yours,

Earl B. Gilliam

EARL B. GILLIAM

DBG/brb