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United States Department of Justice

Margaretta Preston

OFFICE OF THE ASSOCIATE ATTORNEY GENERAL

WASHINGTON, D.C. 20530

MEMORANDUM FOR: Judicial Candidates

FROM: Philip H. Modlin
Deputy Associate Attorney General

SUBJECT: Information Requested of
Prospective Judicial Nominees

A. NAME AND POSITION

1. Name: (include any former names used)

2. Government position for which you are under consideration.

3. Address: List current residence address and mailing address.

4. List all office and home telephone numbers where you may be reached.

5. Marital status: If married, identify spouse's present employer and spouse's employer for the five preceding years.

6. List all jobs held in the past 10 years, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

B. PERSONAL DATA

1. Have your federal or state tax returns been the subject of any audit or investigation or inquiry at any time? If so, explain.

2. Are you currently under federal, state, or local investigation for a possible violation of a criminal statute? If so, please give full details.

3. List all memberships and offices held in professional, fraternal, scholarly and civic organizations.

4. 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, professional association disciplinary committee, or other professional group? If so, please give full details.

5. Have you ever been involved in civil litigation, or administrative or legislative proceedings of any kind, either as plaintiff, defendant, respondent, witness or party in interest, which may be appropriate for consideration by the Committee of the Senate to which your nomination will be submitted? If so, please give full details.

6. List all offices with a political party held during the past 10 years. List any public office for which you have been a candidate during the past 10 years.

7. List all contributions to political parties or election committees during the past 6 years.

8. What is the condition of your health?

9. Have you had a physical examination recently?

10. Without details, is there or has there been anything in your personal life which you feel, if known, may be of embarrassment to the Administration in the event you should be nominated?

    What about any near relative?

C. FINANCIAL DATA

Please note that federal law and regulations governing conflicts of interest require Presidential appointees within 30 days of their entrance on duty to provide reports of specified financial interests as to themselves, their spouses and any other member of their immediate households. The initial four matters listed below are designed to elicit financial information similar to -- although, in some cases, broader in scope -- than that which all Presidential appointees

are required to provide by Executive Order of the President. The remaining paragraphs in this section seek elaboration on your financial status beyond that which the existing Executive Order and regulations require. The information which you provide will not be transmitted to the Senate Committee considering your nomination, or otherwise be made public, without your consent. As to all matters, please provide the requested information for yourself, your spouse, minor children and any other member of the immediate household.

1. List the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and education or other institutions --

   (A) with which you are now connected as an employee, officer, owner, director, trustee, partner, advisor, attorney, or consultant. (Attorneys and consultants need list only their major clients, but should include all of those whom you represent on a regular basis or which might give rise to an appearance of bias on your part in connection with your proposed appointment.);

   (B) in which you have any continuing financial interests, through a pension or retirement plan, stock bonus, shared income, severance pay agreement, or otherwise as a result of any current or prior employment or business or professional association. As to each financial arrangement, provide all details necessary for a thorough understanding of the way in which the arrangement operates, including information concerning any renewal right you may have if the arrangement is allowed to lapse and whether lump sum or severance benefits are available in lieu of continuation of the interest;

   (C) in which you have any financial interest through the ownership of stocks, stock options, bonds, partnership interests, or other securities. Any interests held indirectly through trusts or other arrangements should be included. (Please provide a copy of any trust or other agreement).

2. Provide a complete, current financial net worth statement that itemizes in detail:

   (A) the identity and value of all assets held, directly or indirectly. This itemization should include, but not be limited to, bank accounts, real estate, securities, trusts, investments and other financial holdings;

   (B) the identity and amount of each liability owed, directly or indirectly, which is in excess of $1,000. This itemization should include, but not be limited to, debts, mortgages, loans and other financial obligations for which you, your spouse or your dependents have a direct liability or which may be guaranteed by you, your spouse or your dependents. In identifying each liability, indicate the nature of the liability and the entity or person to which it is owed.

   A sample net worth statement is attached for your convenience. You may use any form you like.

   (C) List sources and amounts of all items of value received during calendar years 1976 and 1977 (including, but not limited to, salaries, wages, fees, dividends, capital gains or losses, interests, rents, royalties, patents, honoraria, and other gifts other than those of nominal value).

   (D) Please provide for review by this office (but not for submission to Senate Committee staff or to the public) copies of your federal income tax returns for the preceding three-year period.

D. FUTURE EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations, if you are confirmed by the Senate?

2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

E. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, stock options, deferred compensation agreements, future benefits and other continuing relationships with business associates, clients or customers.

2. Describe any business relationship, dealing or financial transaction which you have had during the last five years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

3. Describe any activity during the past five years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration and execution of law or public policy.

4. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

CONFIDENTIAL FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks				Notes payable to banks—secured			
U.S. Government securities—add schedule				Notes payable to banks—unsecured			
Listed securities—add schedule				Notes payable to relatives			
Unlisted securities—add schedule				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid tax and interest			
Doubtful				Real estate mortgages payable—add schedule			
Real estate owned—add schedule				Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts—itemize:			
Autos and other personal property							
Cash value—life insurance							
Other assets—itemize:							
				Total liabilities			
				Net worth			
Total assets				Total liabilities and net worth			
CONTINGENT LIABILITIES				**GENERAL INFORMATION**			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule.)			
On leases or contracts				Are you defendant in any suits or legal actions?			
Legal Claims				Have you ever taken bankruptcy?			
Provision for Federal Income Tax							
Other special debt							

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