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ALMANAC OF THE FEDERAL JUDICIARY

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February 1988

Your Honor:

I enclose the profile of you that was published in the 1988 Almanac of the Federal Judiciary. I also enclose the Almanac's Introduction, which answers many of the questions posed by subscribers and judges over the years.

The Almanac contains profiles of all sitting U.S. district and circuit judges. It is a serious reference work designed primarily for use by lawyers and law libraries. The information in the profiles helps both lawyers and judges expedite the conduct of litigation. Law school placement offices also subscribe, for use by students considering judicial clerkships.

Volume I of the Almanac was first published in July 1984. It covers district judges. Volume II was first published in November 1985. It covers circuit judges.

Please review your profile. If any of the information is incorrect or out-of-date, please make revisions and suggest additions directly on the copy or on separate pages. If you think we should revise the "Lawyers' Evaluations" section, please suggest the names of experienced lawyers whom we should consult. (Provide address or phone number if possible.)

We are especially eager to expand our "Judge's Special Guidelines" section. That section answers the following question: What should a lawyer appearing before your court know about you, your perception of the trial judge's task, and your expectations of federal practitioners? We will reproduce your submission (or revised submission), up to 500 words, without substantive editorial changes. We want to expand this section into a forum in which judges share their suggestions and observations with federal practitioners — a feedback loop no less significant than that provided, from lawyers to judges, in our "Lawyers' Evaluation" section.

Please let me know if you have any questions.

Sincerely,

Barnabas D. Johnson

Barnabas D. Johnson
Editor

Enclosures

INTRODUCTION

The ALMANAC OF THE FEDERAL JUDICIARY, VOLUME I, is a compilation of information on all sitting judges of the United States District Courts. Volume II of this loose-leaf service profiles all federal circuit judges.

The information contained in this volume came from many sources. Among these were the judges themselves, the media, our independent research, and lawyers throughout the country. During the past four years, we have talked with over three thousand federal litigators about the judges in their district, asking each of them to discuss the judges' demeanor, legal knowledge, expectations of counsel, etc. ALMANAC subscribers have been especially helpful. We are grateful for this help, and welcome additional information as we prepare future editions.

The following will assist readers in understanding and interpreting information contained in the ALMANAC:

1. General Information: The various sources often provide conflicting data. We gave highest weight to information supplied by the judges. In some cases, we called chambers for clarification or details. Copies of judges' profiles are sent to them after publication. We urge each judge to send us proposed corrections for the next update. The names of a judge's spouse and children appear only if the judge supplied these to us. Where judges have not provided information and where other sources did not agree, we weighed our various sources and their likely reliability in light of all other information, included what we thought was correct, and omitted the rest. We ask subscribers to inform us of errors or omissions, to help us update our profiles.

2. Publications: Books and articles written by judges often reveal much about them. Some judges are very prolific. We included all books but only the 15 most recent articles (unless more than 15 were written during the past 10 years, in which case all were included).

3. Judiciary Committee Hearings: Summaries or excerpts of the testimony of nominees or witnesses are supplied where these might be of interest, especially if they help fill gaps in profiles of recent appointees.

4. Noteworthy Rulings: These are summaries of reports in major newspapers and the legal press. Also, some judges have suggested cases for inclusion here.

5. Media Coverage: These are summaries of stories, in addition to those covered under "Noteworthy Rulings," that appeared in major newspapers and the legal press.

6. Lawyers' Evaluation: As indicated, this part of the ALMANAC is based on thousands of discussions over four years with federal litigators throughout the country. In most instances, the Lawyers' Evaluation section has two parts: first, a summary or distillation of what appears to be the consensus of lawyers' responses, and second, specific comments — within quotation marks — that flesh out or otherwise modify part or all of the summary.

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Occasionally, we do not attempt a distillation and merely provide, within quotes, the various responses of lawyers contacted. The following points should be borne in mind regarding this section:

A. Our summary section reports a consensus, where possible. It follows a pattern, covering issues of courtesy, impartiality, legal knowledge, promptness, motion practice, approaches to settlements, handling of trials, etc. Not every category is covered with reference to every judge. We omit a category when we do not have enough information relating to it, although we sometimes touch upon it in the specific comments section.

B. Specific comments are precisely that. A particular quote might reflect the opinion of only one lawyer, although many reflect observations shared by several lawyers. Often these quotes are contradictory, reflecting a range of views. Sometimes, indeed, two or more judges in the same district will be referred to as "the best in the district," or as "the most scholarly," etc. We believe that these specific comments add a valuable dimension to this section, but we ask readers to interpret them cautiously.

C. We welcome continuing candid, confidential feedback from subscribers. The best way to let us know how you think our profile of a judge should be improved is to copy the profile, mark it up with your editorial suggestions, and send the marked copy to us. Also, our Lawyers' Comments Questionnaire is appended to this Introduction; feel free to copy it and fill it out for our consideration. We are especially eager for more information about new judges.

7. Judge's Special Guidelines: The questionnaire we sent judges asked: "What should a lawyer appearing before your court know about you, your perception of the trial judge's task, and your expectations of federal practitioners?" Where judges answered this question, we provide that answer as given.

Subscribers might notice that we have not presented case management statistics in this edition. The Administrative Office of the U.S. Courts says budget cuts require that they stop compiling them. We are trying to get this decision reversed.

We hope that Volume I of the ALMANAC will help practitioners and others who use it to better understand and appreciate the federal district judges they encounter. Beyond that, we hope it will in some way lead to improvements in the federal bench. The job of a federal judge is by no means easy, and preparation of these two volumes of the ALMANAC OF THE FEDERAL JUDICIARY has heightened our respect for the very many gifted and dedicated lawyers who, often at considerable personal sacrifice, have taken on this difficult task. We hope the criticisms of judges that appear in these pages — whether originating from the media, practitioners, or others — will not cause offense. None is intended. Together, an informed bench and bar must continue to sustain and improve our federal judicial system.

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Miscellany

During hearings before the Senate Judiciary Committee in June 1984, Brewster was asked what he would do as a federal judge if an unskilled lawyer appeared before him. Brewster said he would, if necessary, see that an associate lawyer was appointed to help assure protection of the defendant's rights. Brewster also said that he believed that working long hours was the best way to clear up overloaded court calendars and that he was looking forward to that task.

William B. Enright

District Judge; California, Southern
Courtroom 3, U.S. Courthouse; 940 Front St.
San Diego, CA 92189; (619) 557-5537
Appointed in 1972 by President Nixon
Born: 1925

Education Dartmouth College, A.B., 1947; Loyola Univ. (Los Angeles), LL.B., 1950

Military Service Ens., U.S. Navy, 1943-46; Lt. (j.g.), U.S. Naval Reserve, 1946-62

Private Practice Partner, Enright, Levitt, Knutson & Tobin, San Diego, 1954-72

Government Positions Deputy District Attorney, San Diego County, 1951-54

Professional Associations A.B.A.; Diplomate, American Board of Trial Advocates; Fellow, American College of Trial Lawyers; American Bar Foundation; American Judicature Society; State Bar of Calif. (Governor, 1967-70; Vice President, 1970; Executive Committee, Law in a Free Society, 1970-present); Calif. Board of Legal Specialization, 1970-72; San Diego County Bar Assn. (Director, 1963-65; President, 1965); Advisory Board, Joint Legislative Committee for Revision of the Penal Code, 1970-72; Judicial Council, 1972; Judicial Conference Committee on Operation of the Jury System, 1977

Pro Bono Activities Board of Directors, Defenders, 1965-72 (President, 1972); Former Member, Board of Trustees, San Diego County Law Library and Justice Foundation

Other Activities Dartmouth Club of San Diego; Alpha Sigma Nu; Phi Delta Phi; Rotary Club

Honors & Awards Honor Award, San Diego County Bar Assn., 1970; Extraordinary Service to Legal Profession Award, Municipal Court, San Diego Judicial District,1971

Noteworthy Rulings

1984: Denied Nancy S. Bradshaw free appointed counsel after a 13-month unsuccessful search for a lawyer willing to take her sex-bias case. Bradshaw was known as a perennial litigant inclined to attack the competency of her attorneys. The Ninth Circuit upheld Enright's decision because this was an extreme case.

1985: Sentenced financier J. David Dominelli to 20 years in prison for conducting a multimillion-dollar investment swindle. "It boggles the mind, the nature and extent of the fraud that was perpetrated," Enright said. "Your action impacted the lives of many people [and] changed their lives forever." He also ordered Dominelli to pay restitution to 1,000 investors who lost $80 million and to pay more than $2 million in back taxes.

Media Coverage

1980: According to a criminal defense lawyer quoted in a Los Angeles Daily Journal profile, Enright is "a brilliant guy" and was "one of the better [criminal] defense attorneys in town." Enright told the Journal that once he was on the bench, "I thought of the judges in whose courts I was most comfortable and of the judges for whom I had the most respect. Then I attempted to so conduct myself that I would emulate their example. For example, I think I've asked one question of a witness in front of a jury in all my eight years on the bench. I've never commented on the evidence." Similarly, when lawyers are arguing to Enright on a law and motion matter, he does not interrupt them with questions, according to the report. Enright advised lawyers arguing to him to adopt a conversational approach, just as they would with a jury. "He should be himself, and he should be sincere, he said. Enright does not always require lawyers to speak from the podium in his courtroom, provided they have voices that carry well enough for the court reporter to hear. On the other hand, Enright added, "I am a great believer in the concept that an attorney is an officer of the court. . . . I believe a lawyer should be a zealous advocate for his client, but he should be completely professional." He almost always writes out a memorandum of his decision even in law and motion matters. "I think the parties are always entitled to know why you decided it," he said.

Lawyers' Evaluation

Courteous to lawyers and litigants. Not influenced by the identities of the parties or the lawyers. Tends to have a current docket; accommodates emergency requests. Has knowledge of current legal developments and a good understanding of the issues in both complex and ordinary cases. Rules on motions promptly and knowledgeably. Does not tend to push too hard for settlement. Tends to be neutral in both criminal and civil rights cases. During trial, does not dislike a lawyer's making numerous objections and does not strictly control a lawyer's questioning of and general behavior toward witnesses.

Specific comments: "Reads the pleadings and citations." "Hard working." "Courteous but firm." "The best."

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Miscellany

Enright takes a special interest in sentencing, according to the Los Angeles Daily Journal, and his procedures are sometimes "quite unusual." Federal judges can modify or reduce a sentence within 120 days after its imposition. In many cases, Enright makes his own motion to do so and then takes the motion under submission. That way he can retain jurisdiction over the sentence for as long as he likes and reduce it whenever he feels the prisoner is ready to be released, according to the report. "In some cases, I'm my own parole board," he told the Journal.

Enright said the federal parole commission has some natural "institutional bias" to keep prisoners in, whereas the staffs of the prisons have a similar bias to have prisoners released. Thus, the institutional staff may recommend the parole of a prisoner only to be turned down by the parole commission. "I like to think I'm a kind of a safety valve in those situations," Enright said. He also uses some unusual procedures when he gives defendants probation, occasionally ordering them to perform community service, often with the Salvation Army. His most famous technique is his "keys." "In an appropriate case . . . I will give a key to the probationer and tell him, 'This is a visible symbol to you, and I want you to have it. That's your key to prison. . . . If you come back here, I'll know I gave you that key, and you and I will have nothing more to talk about.' I think it's a visible symbol that has helped some people get through an exemplary probation. I think in eight years I've had two keys come back."

Earl B. Gilliam

District Judge; California, Southern
U.S. Courthouse; 940 Front St.
San Diego, CA 92189; (619) 557-6625
Appointed in 1980 by President Carter
Born: 1931

Education San Diego State College, B.A., 1953; Univ. of Calif., Hastings College of the Law, J.D., 1957

Private Practice San Diego, 1961-63

Government Positions District Attorney's Office, San Diego, 1957-61

Academic Positions Head (part-time), Trial Practice Department, Western State Univ. Law School, San Diego, 1969-present

Previous Judicial Positions Judge, Municipal Court of San Diego County, 1963-75; Judge, Superior Court for the State of Calif., County of San Diego, 1975-80

Professional Associations San Diego County Bar Assn.; San Diego County Judges Assn.

Pro Bono Activities Boards of YMCA, Salvation Army, Boys' Club

Honors & Awards Young Man of the Year, San Diego, 1964

Publications

Arthur M. Schaffer—Retirement, 9 CRIMINAL JUSTICE JOURNAL vi-xii (1986)

Noteworthy Rulings

1986: Ordered attorney Phillip A. DeMassa to serve six months in a halfway house for one count of harboring a fugitive and three counts of illegal currency transactions. DeMassa had faced a maximum sentence of 20 years after pleading guilty. The prosecution of DeMassa had caused a nationwide furor among defense counsel, who saw it as part of a larger federal assault on the criminal defense bar. Gilliam indicated that he, too, was troubled by some aspects of the case, but that DeMassa had done wrong. DeMassa agreed to pay a $100,000 fine as part of his plea bargain. His $11 million civil suit against the prosecutors, for their alleged "outrageous" charges against him, is pending.

Media Coverage

1980: Criminal defense attorneys in San Diego call Gilliam a very compassionate judge, according to a profile in the Los Angeles Daily Journal. "He is an extremely sympathetic person and tries very deeply to understand the defendant in front of him," one lawyer said. But Gilliam is considered tough in his sentencing practices. He told the Journal that he involves himself very little in an attorney's presentation of a case. The judge said he runs his court fairly informally. "If you run a strictly formal court," he said, "it seems to me it takes quite a bit more time to get a lawsuit heard."

1984: In a later profile in the L.A. Daily Journal, lawyers noted that Gilliam "tries to keep some humor present in his courtroom without making a mockery of it." One said, "People know him and he's friendly to them. But that doesn't get in the way of his rulings." Another described Gilliam's courtroom: "It's not push, pull, hurry up, get out of here." Gilliam tries hard to accommodate attorneys whose scheduled appearances in his courtroom conflict with matters they need to handle before other judges. To some attorneys, this means he doesn't move his cases along. The Journal added that Gilliam is considered a tough sentencer of sophisticated white-collar criminals.

Bar Association Evaluations

The San Diego County Bar Assn. evaluated Gilliam as a Superior Court judge in 1977. He received the following ratings (with I representing "poor," 2 "needs improvement," 3 "satisfactory," 4 "good," and 5 "outstanding"): Legal skills 3.0; Impartiality 3.6; Judicial temperament and demeanor 3.5; Industry and promptness 3.0; Overall evaluation 3.3

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Lawyers' Evaluation

Courteous to lawyers and litigants. Not influenced by the identities of the parties or the lawyers. Accommodates emergency requests. Does not always have knowledge of current legal developments nor a good understanding of the issues in complex cases. Has a good understanding of the issues in ordinary cases. Does not always rule on motions promptly or knowledgeably. Does not tend to push too hard for settlement. During trial, does not dislike a lawyer's making numerous objections and does not strictly control a lawyer's questioning of and general behavior toward witnesses.

Specific Comments: "Often not prepared. Doesn't seem to work that hard." "Liberal, pro-plaintiff, not always well prepared on complex issues." "Not so decisive." "Accomodating to attorneys." "Practical approach." "Average judge."

Miscellany

Gilliam was the first black on the Municipal Court in San Diego. After he was elevated to the Superior Court, he became the only black on that court. He spends his leisure time swimming, jogging and playing racquetball, he told the Los Angeles Daily Journal.

J. Lawrence Irving

District Judge; California, Southern
U.S. Courthouse, 940 Front St.
San Diego, CA 92189; (619) 557-6016
Appointed in 1982 by President Reagan
Born: 1935

Education Univ. of Southern Calif., B.S., 1959, LL.B., 1963

Military Service Pfc, U.S. Army, 1954-56

Private Practice Higgs, Fletcher & Mack, San Diego, Associate, 1963-66, Partner, 1966-69; Jones & Irving (later Jones, Tellam, Irving & Estes), 1969-77; J. Lawrence Irving, Inc., 1975-78; Partner, Irving & Butz, Inc., 1978-82

Noteworthy Rulings

1984: Issued a warrant for the arrest of financier J. David Dominelli, who reportedly fled the country in defiance of Irving's previous order prohibiting him from leaving Calif. Irving had earlier declared Dominelli's company, J. David & Co., bankrupt and ordered its assets liquidated and distributed to investors and creditors.

Media Coverage

1983: Lawyers interviewed by the Los Angeles Daily Journal said that Irving's lack of familiarity with the criminal system made him "less jaded and more receptive" to some of the theories of criminal defense. This has led to his popularity with defense attorneys, according to a profile in the Journal. "He's a prince," said one lawyer. "He doesn't know all that much about criminal law, but he has a good attitude about learning it. . . . He has a great empathy for lawyers, and that's a gift among federal judges." "With most judges, when there's a ruling that's close, they rule in the government's favor," said another. "Judge Irving brings a whole different perspective to the federal bench. He listens."

"I try to keep things informal," Irving said. "I want to make the lawyers as comfortable as I can. I'm happy to talk with attorneys. Sometimes they'll stop in after a trial and ask how I feel they were doing." Irving said he does not believe in being an activist on the bench. "I try as much as possible to let the lawyers try the case. . . . If I felt one particular point was a vital one, I would tell the attorneys or hold a conference before asking the question in court. I'd be afraid of the effect it would have on the jury," he said. "[A] judge asking a question of a witness during questioning would have a tremendous impact on a jury." Irving does actively participate, however, in voir dire. "I ask all the questions," he said. "I encourage lawyers to submit questions to me, and so far, I've had no objections to voir dire in my courtroom."

One San Diego lawyer told the Journal, "If I were designing a judge, I'd use 90 per cent of Judge Irving's qualities. He's really a good judge. He's very friendly and very concerned. He hasn't put on a black robe and forgotten that he has underwear on underneath."

Lawyers' Evaluation

Courteous to lawyers and litigants. Not influenced by the identities of the parties or the lawyers. Tends to have a current docket; accommodates emergency requests. Has knowledge of current legal developments and a good understanding of the issues in both complex and ordinary cases. Rules on motions promptly and knowledgeably. Does not tend to push too hard for settlement. During trial, somewhat strictly controls a lawyer's questioning of and general behavior toward witnesses.

Specific Comments: "Very good. Fair. Pleasant." "Lets competant counsel try their cases." "Was an experienced trial lawyer. Now he is a fine trial judge." "Great judge."

Miscellany

In a Los Angeles Daily Journal profile, Irving said, "Judges should be at least 40. They have to have some gray hair. There's no substitute for life experience." Irving was inspired to become an attorney by an aunt who was one of the pioneer women attorneys a few decades ago. Josephine Irving rose from a secretary in a lawyer's office to become managing attorney at Gray, Cary, Ames & Frye, San Diego's largest law firm. "At that time, there weren't more than a couple of women attorneys in San Diego," he said. The Journal reported that Irving was at that time the only Reagan district court appointee rated as "exceptionally well qualified" by the A.B.A. During Senate Judiciary Committee hearings in 1982, Irving said

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that trials should nearly always be public; only in extraordinary circumstances should there be limited access.

Judith N. Keep

District Judge; California, Southern
Courtroom 6, U.S. Courthouse
940 Front St.; San Diego, CA 92189
(619) 557-5542; Appointed in 1980
by President Carter
Born: 1944

Education Scripps College (Claremont, Calif.), B.A., 1966; Univ. of San Diego, J.D., 1970

Private Practice Defenders, Inc., 1971-73 (Specialty: Defense of indigents); solo practice, 1973-76

Government Positions Asst. U.S. Attorney, 1976

Other Employment Teacher of English at a private girls' school, San Diego, 1966; Law Clerk, Westgate-California Corp., 1970

Previous Judicial Positions Judge, Municipal Court, San Diego, 1976-80

Honors & Awards J.D. awarded summa cum laude

Media Coverage

1981: "She is to my mind just excellent, "a senior city attorney said about Keep in a Los Angeles Daily Journal profile. "She is bright and articulate and controls her courtroom very well." Another attorney called Keep "a hell of a judge" and "an extremely competent, smart person." "She's even-tempered, but still in charge of her courtroom," said a civil attorney. "She's reasonably decisive and not afraid to call them the way she sees them. She doesn't agonize over things." Keep is "friendly and genuinely warm in court," according to a criminal defense lawyer. When Keep was first appointed, he said, "a lot of people expected her to be a breath of liberal air, and they have been disabused of that. She is not a knee-jerk liberal by any stretch of the imagination," he said.

Keep told the Journal that her nomination was "just a product of the times." "It's obvious I got the position because I'm a woman." As a result she feels "a tremendous obligation to take advantage of the opportunity and do a good job for the court and for women," she stated. Keep's courtroom is a bit less formal than some other federal judges'. She has even been known to sit in the jury box during trials to listen to witnesses testify. "If I'm judging a witness's credibility," she said, "it's important that I see them."

Bar Association Evaluations

Keep was evaluated as a Municipal Court judge by the San Diego County Bar Assn. in 1977. She receive the following ratings (with 1 representing "poor," 2 "needs improvement," 3 "satisfactory," 4 "good," and 5 "outstanding"):
Legal skills 4.1
Impartiality 4.2
Judicial temperament and demeanor 4.4
Industry and promptness 4.3
Overall evaluation 4.2
Keep received the highest ratings among the 33 Municipal Court judges evaluated in that survey.

Lawyers' Evaluation

Courteous to lawyers and litigants. Not influenced by the identities of the parties or the lawyers. Tends to have a current docket; accommodates emergency requests. Has knowledge of current legal developments and a good understanding of the issues in both complex and ordinary cases. Rules on motions promptly and knowledgeably. Does not tend to push too hard for settlement. Tends to be neutral in both criminal and civil rights cases. Imposes heavy sentences. During trial, generally doesn't strictly control a lawyer's questioning of and general behavior toward witnesses.

Specific Comments: "Can grasp complicated issues and sort them out." "Doesn't listen to oral argument." "Liberal." "Tough, fair, decisive. Very intelligent. One of our best judges." "Doing a good job."

John S. Rhoades

District Judge; California, Southern
U.S. Courthouse, 940 Front Street
San Diego, CA 92189; (619) 557-5960
Appointed in 1985 by President Reagan
Born: 1925
Spouse: Carmel; Children: Mark, John, Matthew, Peter Luke, Christopher

Education Stanford Univ., A.B., 1948; Hastings College of Law, J.D., 1951

Military Service Navy, 1943-46; Naval Reserve until 1966

Private Practice Solo Practice, 1957-60; Rhoades, Hollywood & Neil, 1960-85

Government Positions Prosecuting Attorney, San Diego, 1955-56; Deputy City Attorney, San Diego, 1956-57

Professional Associations American Board of Trial Advocates; Federation of Insurance Counsel; State Bar of Cal.; Cal. Medical-Legal Committee (past

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