

CALIFORNIA
COURTS AND JUDGES
HANDBOOK

2013-2014 EDITION

VOLUME TWO



**JAMES
PUBLISHING**
INCORPORATED

LAW PUBLISHERS

CALIFORNIA JUDICIAL CENTER
LIBRARY

OCT 18 2013

SAN FRANCISCO

Contact us at (800) 440-4780 or www.JamesPublishing.com

demeanor is excellent. He's a strong, dynamic and forceful man," "It's pleasant," "He's got a cordial demeanor," "He's a nice person—a cool guy" and "[His demeanor is] very good." One lawyer disagreed with the others and opined, "He's impatient and intimidating."

Intelligence/Knowledge

Judge McCarville's legal knowledge was described as falling between average and excellent. As the interviewees put it, "It's average to above average," "It's excellent," "It's above average" and "It's at least average—it appears to be adequate." Others just said, "It's average."

On Motions

Every interviewee said Judge McCarville usually takes the bench on time. Lawyers also said he is always well prepared. They said, "He reads his stuff and does his homework" and "He's very well prepared." When asked if this judge rules on motions in a timely manner, every interviewee gave a positive response.

On Trial

Many of the interviewees used the word "formal" to describe Judge McCarville courtroom management style. "It's a bit formal but comfortable." "It's in between formal and relaxed." "He's got a fairly controlled style and is efficient." "It's very professional." "It's formal." "It's a little formal." Interviewees said this judge is polite to everyone who appears in front of him. However, one them added, "but [he] can be tough when necessary." Another attorney said Judge McCarville "has become much more [polite] than when he first started." Only one interviewee said this jurist is occasionally impolite. He opined, "[He's polite] only some of the time. It depends on his mood." The majority of the interviewees said Judge McCarville keeps an open mind and truly listens to their arguments. One of those who disagreed said he only does this "sometimes." The other dissenting interviewee responded, "No, [he doesn't keep an open mind]. He usually decides what he's going to do ahead of time." When asked to describe this judge's courtroom atmosphere, every interviewee used the word "comfortable" to characterize it. Several also said it is *both* "comfortable" and "professional." One lawyer voiced his minority view by saying, "[His courtroom atmosphere is] a little tense." Most of the interviewees said this judge gets his decisions out on time. At least one of them said they are usually issued straight from the bench. One attorney disagreed with the others and said Judge McCarville is "a little slower" than the others when it comes to getting his decisions out. The interviewees who have received written decisions from this judge described them in the following ways. "They're good," "[They're] of average quality" and "They're well researched and reasoned. He'll give you a factual basis for his decisions." Interviewees seem generally pleased with this jurist's ability to manage his calendar in a timely manner. While half of them said he moves cases at an "average" pace, others opined, "[He moves them] faster" than the other judges, "pretty fast" and "faster or quicker" than the other jurists.

Continuances

Most interviewees believe Judge McCarville is fair about granting continuances based upon good cause. Their comments included, "[You've got an] average to above average chance of getting him to grant [one]," "If both sides agree, he'll grant one," "He exercises his discretion reasonably well in this regard" and "It's not a problem getting him to grant one for good cause."

Settlement

Interviewees are basically pleased with Judge McCarville's efforts to help settle their cases. Some described him as "pro-active." Others opined, "[His settlement skills are] excellent," "If you request his help, he'll get involved," "He'll try to help" and "He's somewhat proactive" in helping attorneys settle their cases.

Proclivities

Only a couple of the interviewees criticized Judge McCarville's impartiality. They said, "In criminal cases, he leans toward the prosecution" and "He's pretty fair. He might lean a little toward the D.A." All of the others offered

more positive comments. "He's a very fair man." "He's impartial." "He's very fair." "He's fair."

Summary

Additional comments included: "Be sure your paperwork is filed on time and everything you want is in it"; "He can be unpredictable in a good, surprising way that benefits the defense"; and "He prefers the local attorneys—the others receive fewer breaks." Nearly every interviewee praised Judge McCarville's courtroom demeanor. All of them said his legal knowledge is adequate or even "above average" compared to that of other local jurists. There was some slight split of opinion regarding his overall impartiality. However, one of the attorneys claimed, "He's probably the fairest judge at the central courthouse." (01E)

McCONNELL, Judith Dobson

ADMINISTRATIVE PRESIDING JUSTICE, COURT OF APPEAL, Fourth District, Division One

Appointment/Election: Appointed by Governor Davis to current position Aug. 2003, confirmed Sept. 2003. Appointed by Governor Davis to assoc. justice position in Aug. 2001, confirmed Oct. 2001. Appointed to newly-created position by Governor Brown Jr. Dec. 19, 1980 for term commencing Jan. 1, 1981, elected in 1982 (unopposed), and reelected in subsequent elections. Presiding Judge of court, 1990-91. Assistant Presiding Judge, 1988-89. Presiding Judge, Appellate Dept., 1985.

Other Judicial Office: Served as Associate Justice *pro tempore*, Court of Appeal, Nov.-Dec. 1983. Judge, same superior court, April 1, 1980 (effective date) to Dec. 31, 1980 (expiration of term), appointed [succeeding Judge Byron F. Lindsley, retired] by Governor Brown Jr. March 17, 1980. Judge, Municipal Court, San Diego Judicial District, San Diego County, Jan. 6, 1978 (date of oath) to April 1, 1980, appointed Dec. 23, 1977, by Governor Brown Jr.

Past Employment: Private law practice, San Diego, Calif., 1976-78 (general civil practice with 2 other women). Research Attorney, New Jersey Supreme Court, Administrative Office of the Courts, New Jersey, 1975; Worked for Calif. State Dept. of Transportation, Legal Division, San Diego, 1969-76 [except for 6 months spent with New Jersey Supreme Court] (handled civil litigation in field of eminent domain and governmental tort liability).

Memberships/Awards: Member: National Assn. of Women Judges, 1979— (President, 1987-88); Calif. Judges Assn., 1978—; Calif. Women Lawyers Assn., 1976— (Board of Directors, 1976-77); San Diego County Bar Assn., 1970— (Delegate to Calif. State Bar's Conference of Delegates, 1974-77); and Lawyers' Club of San Diego, 1971— (President, 1971-73; also served as Vice President, Treasurer, and Secretary). President, Women Judges Fund for Justice, 1989-90. Member, Calif. Judicial Council, Feb. 1, 1991 to Feb. 1, 1995 (member: Executive Committee, 1991-93; and Court Management Committee, 1991-93; Chair, Superior Court Committee, 1991-93; and New Judge Education Planning Committee, 1990-91), and Feb. 1, 1993 to Jan. 31, 1995 (Chair, Planning Committee, 1993-95). Chair: Calif. Judicial Council's Commission on the Future of the Courts, Committee on Civil Cases, 1991-94; and Calif. Judicial Council's Advisory Committee on Trial Court Coordination Standards, 1991; State Senate Task Force on Family Equity, 1991; American Bar Assn.; National Center for State Courts Advisory Committee on Motions Practices in State Courts, 1991; Member: Calif. Judicial Council's Advisory Committee to Implement the Gender Fairness Proposals, 1991-93; and Calif. Judicial Council's Advisory Committee on Gender Bias in the Courts, 1987-88; Member, California Judicial Council Blue Ribbon Commission on Jury System Improvement, 1995-97; Member and Vice Chair, Task Force on Jury System Improvements, 1998—; Chair, Community-Focused Court Planning Committee, 1997—. Elected to American Law Institute, 1997. Recipient: Jurist of the Year, Calif. Judicial Council, 2001; National Assn. of

Women Lawyers President's Award, 2001; Honoree of the Year, National Assn. of Women Judges, 2000; Calif. Judges Assn. President's Award, 2000; Benjamin Aranda Access to Justice Award, 1999, presented by the Calif. Judges Assoc., Judicial Council and State Bar; Calif. Women Lawyers Joan Dempsey Klein Award, 1995; National Women's Political Caucus Alice Paul Award, 1996; Lawyers Club Community Service Award, 1987; National Advisory Board, Center for Public Policy Studies project on "indigent Representation in Civil Cases," 1992-94; Judicial Council of California, 1991-94; Chair, Task Force on Judicial Ethics Issues, 2003-05; Member, Commission on Judicial Performance, 2005— (Vice Chair, 2007-09; Chair, 2009—). Member, Commission for Impartial Courts, 2007—; Chair, Task Force on Public Information and Education; Member, Bench Bar Media Committee, 2008—.

Teaching/Lectures/Panelist: Faculty: Calif. Continuing Judicial Studies Program ("CJSP") (Mid Career Judges College) (CJER), 1991 and 1990 ("Management for Presiding Judges") and 1981 ("Gender Bias in the Courts"); and Calif. Judicial College (CJER), Berkeley, 1988 and 1987 ("Juvenile Law and Proceedings"). Frequent lecturer for various legal and judicial educational programs sponsored by CJA, the National Assn. of Women Judges, The Rutter Group, and other organizations. Adjunct Professor of Law, Univ. of San Diego Law School, San Diego, 1973-76 (taught property law and legal aspects of sex discrimination). Contributing Editor, *California Practice Guide, Civil Procedure Before Trial*, The Rutter Group, 1994-99; Lecturer, Juvenile Court Institute, 1983, 1986; Chair, Juvenile Court Institute, 1987. Faculty California Judicial College, 1987, 1988. Institute for Court Management, Managing Trials Effectively Program, 1989; National Judicial College, 1998; Lecturer, National College on Judicial Conduct and Ethics, 2008.

Education: J.D. (1969), Univ. of Calif., Boalt Hall School of Law, Berkeley, Calif.; B.A. (1966), Univ. of Calif., Berkeley.

Personal: Born Feb. 10, 1944; Lincoln, Nebraska.

Admission: Admitted to Calif. Bar Jan. 15, 1970.

Office Address: 750 "B" Street
San Diego, CA 92101

Office Phone: (619) 645-2744; (619) 531-3434 (Main)

McCORMICK, Kevin J.

JUDGE, SUPERIOR COURT, Sacramento County

Office Address: County Courthouse
720 Ninth Street
Sacramento, CA 95814

Office Phone: (916) 874-5754

ATTORNEYS' COMMENTS

Temperament/Demeanor

Attorneys who were interviewed about Judge McCormick were unanimous in praise for his demeanor. "I have a very favorable impression of him. He is a pleasant individual to work with," said one. Another said he is "a good guy," while a third interviewee said he is "very pleasant. There is great decorum in his courtroom. It is not a shouting match. I really like working with him." A fourth attorney said, "He is a very personable judge to be around." Though the attorney hasn't socialized with him off the bench, "he is one of the few judges that I have met who I could see associating with outside of the courtroom," the attorney said. A fifth attorney said, "I went against him when he was a deputy DA, and I have been before him as a judge, and I think he has great judicial temperament."

Intelligence/Knowledge

Interviewees also all had very high regard for Judge McCormick on knowledge of law. "He is a really smart judge. He has a vast knowledge of the law. He is extremely talented and extremely smart," said one. A defense attorney who appeared before Judge McCormick in a number of cases when he was assigned to a DUI court said, "His intellectual grasp of the law was stellar. He was very quick to pick up on" that area of law. "He knew

it immediately." Three other interviewees said, "He is bright," he has "an extensive knowledge of the law," and he "really is knowledgeable about criminal cases."

On Motions

Criminal defense attorneys were divided in their assessment of Judge McCormick's rulings on motions. "His rulings are very biased in favor of the prosecution," one defense attorney said. Another said that in relatively minor criminal cases he can show "compassion," but "in anything serious, whatever the cop says is true." A third defense attorney took a middle ground. "I haven't heard of him or experienced him extending a tremendous amount of largesse towards the defense. But I have noted that in a couple of cases, he has made a hard decision that has been for the defense. So in that regard, I respect him. Also, he is willing to make decisions quickly." A fourth defense attorney said that in his rulings, "He is conservative, but he is fair."

On Trial

One criminal defense attorney who commented about Judge McCormick said, "I had a trial with him and it was probably one of the worst trial experiences I have ever had, ever. He ruled to keep out my evidence, and I know he did that to another attorney I know, one that I respect immensely, in a murder case. He is very, very, very pro-law enforcement." The attorney added, "It certainly is true that he was much more reasonable in DUI court. However, as a felony trial judge, he was a nightmare." None of the other criminal defense attorneys who had trial experience with Judge McCormick seconded that dire assessment. "I had a trial that took a month and I thought he was fair to my client," said one. "I think it's a very easy court to try a case in. He is very low key. He lets people work. He lets people argue." Another said, "I did an extensive murder trial in his court. I give him two thumbs up." Criminal defense attorneys were especially pleased with the way Judge McCormick handled DUI cases when he was assigned to that department. "I thought he ran the DUI court really well. I really liked that," said one. "I know he's a former prosecutor who did death penalty cases, but in DUI, he was very compassionate. I had him dismiss all kinds of cases. But if it's a serious case, I guess he's tougher." Another DUI defense attorney said, "I had a trial with him and he called it right down the middle. He called it fair. I would say with him, though, that you had better win because if you lose, I wouldn't call him an easy sentencer." A third attorney who represented defendants in DUI cases before Judge McCormick noted that "he does the fastest sentencing west of the Mississippi. He speed reads the terms of probation. He has a script and he reads that script as fast as he can, if there is an attorney. If the defendant doesn't have an attorney, he will take the time with them."

Continuances

Attorneys who were interviewed about Judge McCormick had no complaints about his policy on continuances. When he took over the DUI court, "he inherited a liberal continuance policy," and stuck with it, one interviewee said. Another said, "As a trial practitioner, particularly for someone like me with my own practice, he is a very accommodating judge in terms of scheduling and being aware that his is not the only case happening at any given time."

Settlement

One interviewee said Judge McCormick "was very good" at helping work out reasonable dispositions, and "was able to get rid of a lot of cases" when he took over the DUI court. "I had clients who wanted to hurry up and do their DUI so that they could go to Iraq or Afghanistan, but the military wouldn't accept you if you were on probation," the attorney explained. "So he would figure out ways that a person could still do what they wanted to do, but still pay the price they needed to pay for their DUI." Another interviewee said, "Will he put pressure on the DA? I have never seen it, but I feel certain that he would say to the DA, what are you doing in this case? How are you going to prove that? I think he would say that." Beyond nudging prosecutors to downgrade weak cases, however, Judge McCormick isn't inclined to