



BenchMarks: William Jefferson Powell, IV

Superior Court Judge,
County of San Bernardino

by Ed Butler

The evolution of American jurisprudence as part of United States history is an ongoing source of fascination and motivation for Judge William Jefferson Powell IV.

Still in his latter thirties, Judge Powell recently marked his first anniversary as Superior Court judge of San Bernardino County. His days are full as supervisor of Joshua Tree District, judge for both criminal and civil matters, and father of three young children.

Formerly a local prosecutor for 10½ years, he already has had judicial assignments in three districts of the Superior Court. Last year he began at San Bernardino, first presiding over pre-preliminary hearings and then criminal trials. He soon transferred to Barstow for a combination criminal/civil position, before taking up duties at Joshua Tree early this year.

Judge Powell says his interest in the law stemmed from his fascination with the human story and how people have had to draw upon the courts to resolve conflicts.

On the subject of history, he has deep family roots in the Inland Empire. Born and raised in San Bernardino, he is the great-grandson of a man who ran a horse ranching operation in the area of South Waterman just north of modern day Hospitality Lane. His paternal grandfather was a chiropractor with a home office in the Colton area. Family members also hauled oranges to Texas and Arkansas. His father is a Baptist minister in Fontana, after a 30-year career with Southern California Edison. His mother is business administrator at Cheeley Chiropractic in San Bernardino, having long worked outside the home.

On his mother's side, his maternal grandparents arrived in the area in the late 1950s, granddad working as a honeybee farmer.

Judge Powell marvels at how much the Inland Empire area has grown and continues to grow. "Other people in the state are finally finding out that this is a great place to live," he says.

Growing up in San Bernardino, he attended both junior high and high school at the former Inland Christian High School. There he played as both forward and center on the basketball team and as offensive lineman on

the football team.

Judge Powell says he has always been fond of outdoor recreation "out in the middle of nowhere," such as lake and stream fishing with his dad in the local mountains and the Sierra Nevada range. As an adult, such activities have expanded to embrace hunting of wild boar, deer, and upland game or birds. He also occasionally goes deep sea fishing.

Along with sports and fishing, he was busy with paid work as a youth, going back to age 12. "A very serious work ethic has been a part of my family for generations," he says. He says he engaged in just about every conceivable kind of manual labor, including construction, strawberry picking, factory work and janitorial work. He also tried his hand at restaurant, radio station and advertising work.

A longtime interest in film or movies as literature led to his enrollment as a communications major at California State University, Northridge. He explains that this reflected his interest in people and their lives, and conflict resolution, that soon led to law school after receiving his bachelor's degree. "The law is essentially history in the making . . . conflicts that arise and come before the court," he says.

He says his taste in films leans toward classics and westerns, and a favorite area is the Sergio Leone spaghetti westerns.

He earned his law degree at Western State University College of Law. While studying there he spent a year clerking for the Orange County district attorney's office.

As a new licensee, he soon went to work as a deputy of the San Bernardino County district attorney. His varied prosecutions over 10½ years included several homicides and also domestic violence, gang crimes and financial crimes.

He reflects fondly upon his years as a prosecutor. He "had such a fun time interacting with the lawyers of this county. We have a great bar here. I felt I was challenged on a daily basis by members of the defense bar." He says advocacy was conducted in a professional spirit "that leads to a lot of respect for opposing counsel."

In the role of judge, he says he takes special pleasure in listening to competent counsel passionately advocate for their client, and then making a decision.

Having been encouraged by colleagues and judges to apply for judicial appointment, he says the move "was a natural progression to continue to give back to the community that has given me so much." He was appointed by Gov. Arnold Schwarzenegger last spring to fill the seat vacated by the retirement of longtime county Judge Frederick Mandabach.

Judge Powell admits that "it's a tough adjustment," switching from advocacy to judging. One thing that stands out is that while an advocate knows everything about

his case, the judge must rule in the abstract based upon what the attorneys have revealed about the case. He says this point of view gives him greater empathy for the point of view of jurors, in looking only at admitted evidence.

After having advocated solely in the criminal area, "The adjustment to civil litigation is certainly a work in progress," he says. "I thoroughly enjoy presiding over civil matters, particularly as I am getting to know a whole new group of lawyers."

Judge Powell says "it's really a lot of fun" to embrace the variety of adjudication that he does at remote Joshua Tree. For example, in the morning he might be hearing a civil law and motion matter, and then switch at 10 a.m. to a homicide trial for the rest of the day. In addition to trials, his calendar includes arraignment, pre-trial and early disposition hearings.

Having presided in his brief tenure at San Bernardino, Barstow and Joshua Tree, he says each courthouse has its own culture, "unique and fun things to learn about."

In general, his historical perspective adds to his enjoyment of the role of judge. He says he likes having his own small part in a long line of judges that have helped shape the judicial system.

Judge Powell says his role as district supervisor includes the responsibility to see that day to day operations remain fair to litigants and court staff. This includes oversight of various behind the scenes aspects such as calendar management and allocation of personnel.

While Joshua Tree has a heavy caseload to bear, like the rest of the Inland Empire, "I think we're doing great" in shouldering it, in Judge Powell's opinion. "We have to do it."

He says the district has a good track record for juror responsiveness to their summonses. He has never had to enforce such a summons in his tenure. "The Morongo basin as a whole takes their civic duties very seriously," partly reflecting a large retired military population, he says.

He says the district's accommodations for jurors are as good as anywhere in the county, but "I would like to see them get better."

He admits that the remoteness of Joshua Tree sometimes poses challenges, such as when multiple interpreters must be found for multiple defendants and witnesses. However, the general mobility of modern society alleviates distance issues to a large degree, he finds. Court Call or appearance by telephone is available for civil matters, and the district's philosophy has been to allow it even when prior permission has not been obtained, Judge Powell says.

He feels his district does not have any distinctive crime problems, and society in general has been conscientious about combating crime. He suggests that

“show(ing) up for jury duty” is one way to make a difference in this area.

Asked for general advice or reminders for attorneys appearing in his court, Judge Powell says he especially appreciates preparedness. Also, he appreciates advocates who “eschew obfuscation, (those who) can give me their entire case in a succinct, cogent nutshell.”

With the county bench adding eight new judges this year and possibly seven next year, Judge Powell was asked to suggest ideal traits for a prospective judge. He says they would include patience, a strong work ethic and a strong sense of the judge’s historical independence. He explains, “A judge has to be singularly beholden to the Constitution and not to a particular ideal party or even branch of government.”

At home east of San Bernardino, their three young children are a priority of Judge Powell and his wife, Heather, administrator at Redlands Chiropractic.

Judge Powell says his favorite off work pastimes include working with his hands, such as rebuilding classic cars and home remodeling projects. “My wife and I try to do all of our own home improvement projects,” with one exception being recent contracted masonry to redo the fireplace. They like to have the children feel they’re part of the remodeling process, as much as possible.

As an attorney, Judge Powell was a member of the California District Attorneys Association. He remains active in the American Bar Association as a member of its advisory board. He formerly taught constitutional law at California Baptist University.

Judge Powell says he enjoys playing books on tape on his daily treks to Joshua Tree and back.

Ed Butler is branch manager of the Law Library for San Bernardino County.

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