



BenchMarks: Michael R. Libutti

Superior Court Judge,
County of San Bernardino

by Ed Butler

Judge Michael R. Libutti relishes working with people and drawing upon his wide life experience to help assure that everyone gets fair hearing in his court.

Having been a local prosecutor for 13 years, he enthusiastically embraces his current criminal trial court assignment at Rancho Cucamonga District. He recently had his fifth anniversary as Superior Court judge of San Bernardino County, having started as general criminal court judge at Fontana, and later serving as family court judge at Rancho Cucamonga.

He says the motivation for him in judging is much like it was in prosecution, wanting to see a right and just result achieved in each case.

Judge Libutti says he finds much common ground among people and that they appreciate it when the court listens to them and regards their point of view. "I like to say I don't judge people, I judge the facts and the law," he says.

Emphasizing the Golden Rule, he likens his philosophy to the "Nordstrom's" approach of bending over backward, while not necessarily giving the visitor his wish.

Born in Lynwood and largely raised in the Huntington Beach area, Judge Libutti says his interest in the law dates to about age 15. "It's something that seemed to fit my personality at the time," he says. His youthful exposures to the law included his parents' divorce when he was six and his father's work as a police officer in Huntington Beach.

His childhood interests in Orange County leaned toward sports. He early on embraced Little League and flag football. He took up cross country running in high school, when he lived with his dad for a couple of years in the Salt Lake City area. He recalls that running a marathon there as a teenager was one of the confrontative experiences that helped build his confidence about what he might accomplish. He also learned to ski during that period.

As an adult he continued running in various competitions, but more recently leans on swimming, "spinning," and treadmill for aerobic conditioning.

Judge Libutti busied himself working at paid jobs alongside school from an early age. He recalls washing cars and painting apartments at age 12. At age 15 in Sandy, Utah, he undertook dishwashing duties at Perkins' Cake and Steak. This was followed by many service jobs during his student years, including retail in sporting goods, music and grocery stores and also work in health clubs. He says all this work with people combined

to help prepare him for his later work in the law.

Working toward his bachelor of science degree in psychology at California State University, Fullerton, he was able to work as an undergraduate for the county public defender's office, interviewing juveniles accused of crimes.

Soon after graduating from Cal State, he stayed in town to earn his juris doctor degree at Western State University School of Law. After his first semester there he clerked at several law firms and then had the very special experience of being a certified law clerk at the Orange County district attorney's office. This was a special spur in encouraging his career, allowing him to perform the same work, under supervision, as junior deputy district attorneys. This included litigating a couple of trials and also hundreds of pretrials.

He found that his experience with people in retail really came in handy at this time. "You get a lot of perspective . . . there's a very common ground about how lives go out there," he says.

Receiving his juris doctor degree in 1987, Judge Libutti first worked as an associate in an insurance defense firm in San Bernardino, the former Chase, Rotchford, Drukker, and Bogust. He says the firm was a valuable place to learn the practice of law, how to do things the right way and with a good work ethic. His second year with the firm was at its Los Angeles office, and he recalls "it was a tremendous experience" practicing there.

He had fond memories of prosecution work, however, and in 1989 took a deputy district attorney job with San Bernardino County. Judge Libutti recalls that as prosecutor he enjoyed researching both sides of a case as a foundation for his advocacy. While it was demanding preparing for a trial, it was very satisfying to reach the point of proceeding with the trial itself.

With the office, he began with misdemeanors and preliminary hearings at San Bernardino, was assigned for 10 years at Rancho Cucamonga (tackling felonies including homicides), and concluded his deputy DA career as supervisor of the Chino office.

Judge Libutti says seeking judicial office "seemed like a likely next step," although he wasn't totally sure that he would enjoy it as much as prosecution. He reflected on the experience he had to bring to bear on the new role, including having served as district supervising deputy. He says the motivation to serve as judge is much the same, "hearing things out and wanting to see the right thing occur in each case."

He ran successfully to fill the office of retiring Judge Louis O. Glazier. He accepted an interim appointment from Gov. Gray Davis allowing him to take office before the start of the elective term.

Starting out on the bench at Fontana, Judge Libutti says the all-purpose criminal court was a great experience that "really taught me how to manage a calendar, not over-think" and was "an opportunity to cut my teeth on a lot of things."

After three years of that came family court at Rancho Cucamonga. "That was definitely a challenge, never having practiced family law," he says. Expressing empathy for a family bar dealing with a newcomer judge, he says he tried to take a common sense approach. He says the challenges included its being a time-pressed area of adjudication without sufficient time, added to the grief and sadness associated with family legal problems and the burdens they place on the children.

Part of his empathy came from growing up in a single parent household, in which his mother worked as a bookkeeper to make ends meet.

Around the end of 2006, he transferred to his current criminal trial assignment at Rancho Cucamonga.

Judge Libutti says the local court has worked hard to keep up with its burgeoning criminal caseload. While looking forward to establishment of new judgeships, he says "we've done a tremendous job . . . in doing the best we can." The solution is "you become efficient and hard working . . . my colleagues have become very efficient and succinct while being very fair in each case," he says.

Asked for advice to parents on keeping their children out of crime, he says "what appears to work the most is spending as much time with your kids as you possibly can." A father of five, he says "you make the connection and hopefully . . . they feel the support and know you're there" and available to talk things over. While parenting is tough, "you can't let it get away from you . . . you have to keep on being parents," he says.

He expresses appreciation for those in the community who contribute to the fight against gangs.

Judge Libutti expresses high respect for the role jurors play, and says he makes a point of communicating to them how important their role is. He says it's important to empathize with jurors, such as respecting their time and schedule needs.

Looking ahead to additional judgeships being filled in the county, Judge Libutti was asked to suggest ideal traits for a good judge. He says wide life experience is valuable, and while litigation experience as an attorney is a plus, it's not necessary. He says an effective judge needs to be patient and truly create an environment in which people can be heard, support justice and have a good work ethic. Also, a judge needs to be a team player, he adds. "I think it's one of the best jobs in the world if you have those things," he says.

As for general advice to attorneys, Judge Libutti would remind them to be mindful of their honesty and credibility. He says advocates need to be "as straight away as you can be," as working with one's colleagues and opponents is "your bread and butter." He also emphasizes courtesy, the importance of being professional while advocating for one's client.

Formerly a member of the Upland City Council for four years, Judge Libutti says attorneys are well suited for leadership roles in the community. He says their strengths

include their education and how they analyze issues. He adds that an attorney needs to "have a heart to serve people."

After serving on its council, Judge Libutti says the city is progressing well in facing challenges it has had to face. He says as council member he had, to some extent, act as messenger to call attention to problems that had to be addressed. He says he enjoyed taking a hands-on approach as council member and feels the city's leadership "has done their best to improve the things that needed improving."

His past activities also included involvement in mock trial as coach, judge and attorney scorer. He says the activity is valuable for high school students in teaching them public speaking, organization, preparation, teamwork and self discipline.

Judge Libutti and wife Donna have five children, aged five to 20, for whom the judge has been active coaching sports teams. Their eldest son is now a junior in college, a political science major, one of two who have expressed interest in the law as a career. Other interests of the children include performing arts.

Judge Libutti says he and his wife, administrator of a local school district, share a common desire to try to make a difference in other people's lives.

He says the family especially enjoys beach vacations together and they also read together. His own recreational reading leans toward nonfiction areas such as history and political science.

Judge Libutti serves on the court's community outreach and executive committees and recently participated in a first court/clergy meeting.

Among his past activities while an attorney, he served as board member of the Upland YMCA and Upland-Foothill Little League, and as elder board member of St. Mark's Church in Upland. He also served as board member and legislative advocate for the California District Attorneys Association.

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

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