



BenchMarks: Donald R. Alvarez

Superior Court Judge,
County of San Bernardino

by Ed Butler

Outreach to the community that is served is an emphasis of Judge Donald R. Alvarez, civil litigation judge at the San Bernardino courthouse.

A judge who relishes his civil assignment after a 20-year career in civil litigation advocacy, Judge Alvarez also is a product of the community served. He grew up in Bloomington, the son of educators, earned his bachelor's degree locally at the University of Redlands, and spent his entire advocacy career based in San Bernardino.

Demonstrating that he cares about the state and progress of his community, Judge Alvarez as an attorney spent eight years as trustee of the Colton Unified School District. Whenever possible, he savors the opportunity to speak about the judicial system to student and community groups.

Judge Alvarez was appointed to the local Superior Court bench six years ago by Gov. Gray Davis, filling the office of retiring Judge John W. Kennedy, Jr., former presiding judge. At first he was challenged by the "fish out of water" experience of criminal adjudication at Victorville. That developed a taste for criminal law, but for 3 ½ years he's been running a civil fast track department at San Bernardino. Among his assignments, he has the job of coordinating seven or eight lawsuits statewide on water contamination by TCP rocket fuel. These cases may return to their home venues after the pretrial phase, which currently consists of discovery.

Both of Judge Alvarez' parents worked for the Colton Unified School District many years. His father served for 20 years as the principal of Crestmore Elementary School in Bloomington, and his mother was a special education teacher.

The judge savored sports growing up, his busy schedule at Bloomington High School (Class of 1971) including going out for football, track and basketball. The judge says Bloomington has "really changed" over all those years, developing with more housing and commercial operations while also retaining some rural character.

While in high school he worked as a local lifeguard, and as a student at the University of Redlands, managed the old Colton Municipal Plunge. During the latter half of his undergraduate years, he labored in the summers on work crews of the San Bernardino city water department.

Judge Alvarez says he did consider following his parents into education, but experiences at U of R drew him into the law. On the way toward earning his bachelor of arts degree in political science, he says teachers in the field there inspired him to consider the law. The exposure left him with the feeling "that maybe you could help people and make a contribution in that field," the judge recalls. It so happens that a couple of his good friends at the school, a brother and sister, were the children of retired Los Angeles County Judge Jack Crickard. As a visitor in their home, Judge Alvarez received further encouragement from Judge Crickard about considering the law.

Judge Alvarez' busy schedule at U of R included playing on the varsity football team four years and varsity track and field team for three years.

He proceeded to earn his law degree as a night student at Loyola University of Los Angeles, spending four years at that while clerking at a civil firm in the daytime. The firm he worked for represented luminaries such as entertainment celebrities and sports team owners. He recalls one stunning moment, early on, when as an early arrival he happened to answer the telephone before the secretaries arrived. The caller was an aide to former President Gerald Ford, firming up a golf date with the law firm's principal partner, Paul Caruso.

Judge Alvarez received his juris doctor degree in 1979, remaining in Los Angeles to clerk a while before returning to the Inland Empire in 1981. It was then that he began his 20-year association with the same civil law firm, starting as an associate of Welebir & Brunick of San Bernardino. For 15 years, he was a partner in Brunick, Alvarez & Battersby. The firm embraced a broad range of business litigation matters, including employment, water rights, real estate, contracts, and partnership disputes. Along the way, Judge Alvarez served as general counsel for the city of Colton from 1996 to 1999.

He recalls the business practice as a "very, very positive experience." One memorable moment was trying to stave off foreclosure of the Hilton Hotel on Hospitality Lane, when a last ditch purchase offer was declined by the lender.

After 20 years of civil litigation advocacy, the role of judge started to look interesting. With his background, Judge Alvarez felt "I could contribute in a constructive and positive way to advance our judicial system and the prospect just offered an exciting and new career challenge." Several current and former judges encouraged him to apply, as well.

The change turned out to be particularly challenging, in that his first assignment as judge was a criminal preliminary hearing department in Victorville. "I will say I very quickly learned criminal law," Judge Alvarez recalls. "It was either that or drown out there."

He remembers it as "a good experience," however, and welcomes the opportunity to preside over preliminary hearing overflow.

He remained at Victorville two years, also presiding in civil trial court and criminal trial court before transfer to San Bernardino. At first he had a criminal trial department at Central, but switched to civil fast track 3 ½ years ago.

Judge Alvarez says he has enjoyed all of these assignments, but because of his background in civil litigation "work in the civil court has been extremely fulfilling and very enjoyable."

Reflecting on the heavy caseload for which San Bernardino County Superior Court is reknowned, Judge Alvarez praised his colleagues as "some of the hardest working judges I think anywhere in the state."

He adds, "It is a load, it's heavy, you can't always devote the kind of time that you'd like working up a decision on a case, but you do everything you can to try to do it right." Further, "whatever it takes to do it right" might include taking work home, coming into work on weekends, and even on vacation, "coming in and getting opinions done."

Judge Alvarez praises judges on the criminal side for working well and effectively with the district attorney and public defender to process cases through the system and where possible obtain dispositions.

As for how to effectively deter crime, Judge Alvarez cited a recently reported high ranking of local prison commitments as evidence of local efforts to deal aggressively with cases. He comments that "early intervention and education are important" deterrents and as a former Colton schools trustee he likes to speak to students of all ages. He finds that students are curious about the criminal system and "I try to convey a strong anti-gang message and a strong message for the students to pursue their education as very, very important to them."

In the civil arena, Judge Alvarez sees growth in the private judging movement as a positive contributor to the resolution of disputes. He says the private judging alternative can help resolve disputes early and effectively, in particular in complex cases with many issues and many parties to which a private judge would have time to give more attention. The private judge can sometimes help whittle the case down and settle out a number of the parties, Judge Alvarez says.

He adds that modern fast track deadlines in civil court are adhered to as much as possible, but there are always exceptions depending on such things as complexities and the number of parties at play. He indicates that case management orders are developed to customize goal deadlines for such cases.

Asked for general advice to attorneys appearing in his court, Judge Alvarez says, "I appreciate attorneys who are professional and courteous, particularly with each other, in attempting to informally resolve issues

that come up and reach agreement on various points among themselves on some points before resorting to a contested court hearing." Also, he would advise attorneys to know their case, "exactly what you're trying to accomplish." He expresses empathy for the advocates, as "I was there once and remember what it was like."

As a former school board member, he feels attorneys in general are well suited for such community leadership roles. Praising the caliber of local lawyers, he says "each of them, because of their background, training and experience, (has) so much to offer the community in a multitude of ways," including charitable and public agency roles.

Looking ahead to the appointment of added judges, Judge Alvarez was asked to suggest ideal traits for prospects for appointment. He emphasizes patience, intellectual integrity, respect for attorneys and their clients who appear before the court, a sense of fairness, and, "I think humility."

As for what he enjoys about serving as judge, Judge Alvarez cites the intellectual challenge of the different kinds of cases presented daily. Also, "It's very rewarding and fulfilling to feel that you're making hopefully a positive contribution to our judicial system and our community, specifically in working here at the courthouse basically to resolve disputes."

Among his professional activities, Judge Alvarez serves as chairman of the court civil committee and is a member of the jury committee. For two years he has been a trustee of the Law Library for San Bernardino County.

He savors opportunities to speak to community groups "to further enlighten the community about what our courts are doing."

Off work, Judge Alvarez is devoted to the upbringing of his two high school age sons, Brennan and Connor. He attempts to attend all their events, including club soccer competition. The judge remains good friends with his former wife, Maureen, who is a deputy district attorney of the county.

The judge also enjoys golf and keeping fit with running and regular visits to the gym.

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



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"Motions to Be Relieved as Counsel"
during pending accountings; issues and concerns.

"Court Tickle Mechanisms and Calendar Setting"
- new requirements under 2007 Probate Code.

"Temporary Conservatorships"
- new guidelines for approval.

"Court Investigators"
- new duties, training, and funding.

"Mediation"
- discussion of how to increase effectiveness
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