



BenchMarks: Joseph R. Brisco

Superior Court Judge,
County of San Bernardino

by Ed Butler

Having grown up in Needles, Judge Joseph R. Brisco finds it's a dream job to serve as Needles' only regular Superior Court judge.

Far from viewing the town as a barren outpost on the road of the Joads (of Grapes of Wrath fame), Judge Brisco savors the wide variety of calendars he must tackle himself, the relative independence of the remote court, and the intimate small town atmosphere. Having moved to Needles at age five from Indiana, Pa., he also appreciates the rich geography and recreational opportunities of the valley carved out by the Colorado River.

After 13 years as a civil litigator in San Diego, he found great relief in leaving the "rat race" 10 years ago to become Needles' judge just upon its upgrade from Justice to Municipal Court. He became Superior Court judge upon formal unification of courts in 1998.

He had worked as an arbitrator during his career as an attorney and was attracted by a judge's job resolving disputes.

Just about the time he was ready for kindergarten, his family moved west from Pennsylvania, attracted by railroad work opportunities. His father became a conductor on the Santa Fe and his mother went to work for Southern California Gas Company.

The future judge and his siblings embraced the recreations afforded by the big river, including fishing, swimming, boating and water skiing. "I like to tell people I had a real Tom Sawyer childhood growing up," he says. Water sports remain a pastime of his, in particular fishing, for which he just bought a new boat.

The intimate-sized Needles schools afforded a wide range of extra curricular activities and he went out for football, basketball and baseball. He also was in band and was active in student government all four years, serving as student body president. His achievements led to an appointment to the U.S. Naval Academy, but a football injury forced him to take another route. That was to San Diego State University, where he majored in political science with a history minor.

Adopting the strong work ethic of his parents, he busied himself starting in junior high school years with such things as lawn mowing and restaurant dish washing. In his last two summers in high school he worked for PG&E installing pipeline.

The judge says railroad work never attracted him, having observed the arduous, variable work hours of his father.

Armed with the bachelor's degree, Judge Brisco had a strong interest in attending journalism school, and was accepted into the master's program at the University of Arizona. He's not sure exactly what inclined him to enroll instead at Western State University College of Law in San Diego. He likes writing, but "I kind

of always visualized myself as a lawyer. The law was always interesting to me."

He enrolled in the night program at law school and parallel to that clerked full-time at a San Diego law firm. While the schedule was hectic and demanding, "now I appreciate what fun it was."

He entered civil law practice in 1982, and this culminated in a law partnership in the early Nineties. His practice areas were chiefly personal injury defense, construction defect litigation and products liability.

For personal and family reasons, Judge Brisco, his wife and two children moved to Needles. His background as an arbitrator attracted him to the role of judge, which was open at election because Judge Mark H. McGee did not seek to retain the post.

Judge Brisco says as an attorney he enjoyed arbitrating more than litigating. "I've always tried to be very fair and even handed even when I litigated, and (judging) seemed to be a fit for me."

He found that in litigation, work before trial is "constant fighting with people," whereas a judge is "in settlement mode. You're trying to bring people together." When that doesn't work, he tries to maintain a level playing field for the parties and then decide when the contestants can't agree.

Judge Brisco has the stimulation and challenge of handling all kinds of Superior Court calendars, with the exception of non-traffic juvenile and probate matters. He tackles everything else, including small claims, traffic, unlawful detainers, felonies, misdemeanors, civil and family law. The only other cases referred out are those requiring lengthy trials. He says the variety contributes much to his satisfaction in the job, which is a constant source of learning and never boring.

He says he especially enjoys presiding over criminal trials, in which boating incidents are heavily represented. Among other calendars, "I hate family law," partly because he never practiced in that area and also because "nobody wins" in such conflicts.

Judge Brisco has also enjoyed spending the third week of each month presiding at San Bernardino and Rancho Cucamonga. This affords a change from small town judging and an opportunity to interact face to face with other judges of the county. A few years ago he sought a change in regular district assignment but has changed his mind about that.

The judge feels Needles District does a good job of bearing its caseload, "considering the limited resources that we have." One problem is that there are too few lawyers based at Needles, necessitating relocation of criminal matters when multiple defendants need to be separately represented.

Growth of caseload at Needles is demonstrated by a second deputy district attorney having recently been assigned there, and a full-time probation officer position allocated for the district for the first time. Improvements over the years have included implementation of "court call appearances," started about five years ago, which allow appearance by telephone instead of in person, mostly in the civil and family areas.

Judge Brisco says the nature of criminal matters has remained largely the same, not

getting the more serious violent crimes that larger cities experience. The greatest incidence at Needles is in domestic violence, drug and alcohol violations, and boating cases.

Having once been a skeptic about drug court, Judge Brisco reports drug cases "have decreased tremendously since we instituted the drug court program" approximately five years ago. In five years Needles has referred 204 defendants into the program and graduated 74 or about a third. Among those graduates, only eight have re-offended, seven of these returned to drug court, and four of these graduated a second time.

"We have created a clean and sober community within the community," allowing those under treatment to "have people that they can hang out with that are not using." One thing lacking, that Judge Brisco would like to see, is a clean and sober living facility for women.

Other improvements he'd like to see include a holding facility next to the court, where attorneys could meet with clients, and weapons screening.

Judge Brisco says the rate of citizen response to jury summonses has been good, including about 60 percent on a recent call. He had developed OSC procedures to encourage responsiveness before jury administration assumed enforcement responsibility.

He says the private judging and ADR movement has been valuable in getting civil caseload through the system. San Diego, where he practiced law, had to suspend civil litigation at one time because of criminal backlog. He says there's plenty of workload to go around when private judges can be used to avoid civil case delays lasting several years. Private judging is "cost effective. You're going to save money."

Asked for general advice for attorneys appearing in his court, Judge Brisco responds, "be prepared and be on time."

With nearly two dozen new judgeships proposed for the county, he also was asked to suggest good traits for a judge to have. The question reminded him of his state judge training a decade ago, when a picture of a rhinoceros was used to emphasize the importance of being "long of patience and tough of skin." He says these qualities are especially valuable in small town judging, "because you have people bickering in front of you all the time" and "you're going to be the subject of ridicule whenever you make a decision. Somebody's going to be unhappy."

Despite such challenges, "it's fun. We have a good time" running the Needles courthouse, he adds.

A special interest for Judge Brisco as community member has been support of school attendance and penalizing truancy. The judge metes fines, requires parents to bring their children to school, and allows community service for the ex-truants to pay off the fines.

When he isn't working, the judge still enjoys hunting, fishing and golf.

Having grown up in Needles, Judge Brisco is well adapted to the searing summer heat. Much as people back East stay indoors much of the winter, Needles people stay indoors much of the summer, he says.

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