



BenchMarks: Keith D. Davis

Superior Court Judge,
County of San Bernardino

by Ed Butler

Judge Keith D. Davis has worked in many facets of jurisprudence and relishes the opportunity to try still more.

Formerly a local prosecutor, he savors his current assignment as criminal trials judge at Fontana District of San Bernardino County Superior Court. He says the immense enjoyment he derives from the assignment includes the volume of caseload, "resolving a great deal of cases on a daily basis." In nearly 10 years on the local bench, he says he has found satisfying all of his varied assignments, also including civil, juvenile dependency and delinquency adjudication, and appellate division.

He also embraced variety as an attorney, joining the district attorney's office for the sake of trial experience and returning to civil practice to expand there in defensive litigation work.

Judge Davis' broad life experience began as the widely traveled son of a career non-commissioned officer of the U.S. Air Force. By the time the future judge was in ninth grade, he had attended 11 schools. These included two spans of a few years each at Wiesbaden, Germany, where his father was stationed. His mother also worked for the Air Force, as a civilian employee.

Starting first grade in Wiesbaden in 1960, he was present when the Berlin Wall went up and made observations that left indelible memories. He got to see armed guards at the Berlin Wall and took a train trip across East Germany. Officials forbade the riders from looking through the window curtains of the rail cars, but the curious future judge peeked and saw much of the landscape still lying in ruins from World War II.

Living in Europe "provided a fascinating opportunity to travel (including Austria and Italy) and see just how divided it's possible for part of the world to be," the judge says.

He reports that his family settled long enough at Dayton, Ohio for him to attend all four years of high school at the same school, the then-all boys Dayton Chaminade High School operated by the Catholic Marian Brothers order. The school has since gone co-ed, having merged into what is now known as the Chaminade-Julienne High School.

The judge says many of his adult values are rooted in those Midwestern school years.

He says sports were a favorite pastime of his, growing up, especially basketball. For a number of years sports had displaced his interest in music, after he had taken piano lessons as a young boy in Germany. His music interest became rekindled in high school, in which he played piano for jazz band, glee club and the symphony orchestra.

Having enrolled in Georgetown University, Washington, D.C., for his four undergraduate years, he continued with music as a sidelight. He helped pay his way through school doing music gigs with a group and also played solo jazz piano in the District of Columbia area.

The judge's interest in jazz piano persists, and he keeps a keyboard handy near his desk in his Fontana chambers. He says the music is "the greatest therapy in the world to me . . . particularly in a job where your days can be a bit stressful." Sitting down at the keyboard puts him into "a totally different frame of mind."

At Georgetown, Judge Davis attended its foreign service school, the same as that attended by a predecessor there, former President William Clinton. Judge Davis opted for economics and government as his areas of emphasis as an undergraduate.

The family had ended up in D.C. when his father's post-Air Force retirement work took him to the U.S. State Department at the nation's capital. Having worked in aircraft and protocol administration on active duty, his father at State was in charge of arranging diplomatic banquet events, allowing him to meet many heads of state. The judge glows with admiration for his father's ability to communicate with people from all walks of life. "He certainly has been an example that I have tried to live up to," he says.

It was during those Georgetown student years that Judge Davis contemplated the law as a career, having heard good things about it. He later was very impressed to discover the diverse avenues down which an attorney can choose to work. "I was never good enough in the natural sciences and never smart enough to be a doctor," the judge quips.

Having had his fill of D.C. and Midwestern winters, he ventured across the country to enroll in Golden Gate University School of Law in San Francisco. While studying he clerked for various lawyers in the Bay Area and remained with one as an associate after being sworn into State Bar membership in December 1983. He sampled a wide variety of practice areas as an associate there, from criminal defense to tax court. His first trial as an advocate was a Social Security disability hearing at which he prevailed. "What I remember as much as everything else was how terrified I was,"

Judge Davis admits.

He soon turned his sights southward from the Bay Area, feeling that region was populated abundantly by attorneys and that Southern California would offer more ample work prospects. He became associated with a sole practitioner in San Bernardino, performing plaintiff's personal injury work. Feeling the urge for more trial experience, he won a job as prosecutor with the San Bernardino County district attorney, where he stayed 2 1/2 years. Taking that job was "probably the best career move I ever made," the judge says.

With that grounding in litigation, that included 1 1/2 years of misdemeanors and the rest felonies, he turned back to a civil practice orientation to further broaden his exposure. That resulted in a nearly 10-year affiliation with the downtown San Bernardino law firm of Wilson, Borrer, Dunn and Davis, where he was a partner more than three years after more than six years as an associate. While he did a bit of criminal defense there early on, the practice emphasized civil defense, including defense of insureds and of public entities.

Judge Davis looks back appreciatively at being hired by the Wilson firm, where partners Jim Dunn, now retired, and the late Dag Borrer accorded him early control over his own cases. Those two men "were absolutely the models of my professional life," Judge Davis says.

He reports that he especially enjoyed defending in difficult cases such as a police officer facing a wrongful death lawsuit, something with much emotional overlay. "It's very rewarding when you get the result that you want for your client's benefit."

Judge Davis says he feels trial work has become more difficult for newer attorneys, largely because of the size of caseloads to be faced.

Well along in his civil practice career, Judge Davis began thinking about applying for a judgeship in the mid-Nineties. A colleague on the bench encouraged him to apply, and the idea seemed appealing. Despite being partner, "the business of law was becoming very burdensome," in terms of having sufficient clients and collecting expected fees. He felt the bench would be a good change after nearly 10 years in civil defense. Despite being uninvolved politically, he was appointed to the local Superior Court by Gov. Pete Wilson in early 1997.

Judge Davis got his feet wet as judge with a half year handling preliminary and pre-preliminary hearings at Central District. That led to three years at the San Bernardino Juvenile Court, on the delinquency bench for nearly a year and more than two years in dependency court. Then followed four years of civil litigation at Central, followed by his current Fontana adult criminal

assignment in July of 2004. Along the way, he has served several years in the Superior Court appellate division, including 2 ½ years as presiding judge.

Reflecting on nearly 10 years as judge, Judge Davis rates juvenile dependency as the most meaningful and at times most challenging area. There, the court intervenes on behalf of local children that have been abused, neglected or abandoned. "It gives you a view into a side of life that most of us, if very fortunate, would never have to see," the judge says. "I found that work to be incredibly rewarding and incredibly challenging," just as had been predicted by Judge Rex Victor, who encouraged him to take the assignment. Happy to be able to reunite families, "I always looked forward to doing what I could to bring these sorts of results where it was possible to do so," the judge says.

Of quietly dignified demeanor, while forthright and self effacing, Judge Davis finds many satisfactions in the role of judge in general. He says its attractions include the opportunity to interact with lawyers, the courtroom environment, trial work that he loves, and the opportunity to fashion settlement, both criminal and civil, without going to trial. He admits that settlement has been a learning process during his nearly 10 years on the bench, after having been an avid advocate.

As for particular issues before the Fontana court, the infamous caseload is a big one. Judge Davis has high praise for all the players, attorneys and court staff, for working together to keep cases moving. "We get the work done and we are busy, there's no question. We have a tremendous volume for the number of judges that we have here." On a typical morning upon his taking the bench, the courtroom is already full of people.

"We have wonderful lawyers out here and we're fortunate to have such good lawyers," Judge Davis says, praising their collegiality as adversaries in cooperating to get cases successfully handled.

While it would be nice to have more time to deliberate over cases, Judge Davis is confident that justice is achieved. Where more time is needed, "We will find time to carve out to cases and spend whatever time we need to."

Seething with greater traffic than it was designed to accommodate, the Fontana courthouse will soon undergo an addition accommodating an additional judge and remodeling of Dept. 6 to make it more suitable.

In 2½ years at Fontana, Judge Davis has seen "just an enormous number of drug cases" and also high representation of gang-related crime, including violence. He says their level of occurrence appears to be rather constant.

The judge also has high praise for the citizenry's strong response to jury

summons. "The response is impressive to me," he says, always yielding enough people for trials that arise, sometimes drawing jurors from the San Bernardino and Rancho Cucamonga judicial districts.

Asked to offer general reminders to attorneys appearing in his court, Judge Davis leads off with punctuality. If an attorney is running late, he should at least call and let the court know, he pleads. Also, he advises that attorneys be prepared and be courteous toward opposing counsel in the courtroom and toward court staff. "If lawyers can do those things, they're well on their way to being the sort of lawyer they should be," he says.

With additional judgeships having been assured by signed legislation, Judge Davis was asked to suggest ideal traits for a prospective new judge. He says these would include patience, "a very thick skin," willingness and ability to learn different areas of the law, collegiality, willingness and ability to discuss with colleagues issues of concern that might arise, and "an understanding that the judicial role is far removed from the role of advocate."

Among his activities as judge, Judge Davis is now immediate past president of the California Judges Foundation, an educational organization. He has served since 2005 as president of the board of trustees of the Law Library for San Bernardino County, having served on the board since 2003. He now is in his

third two-year term as a member of the Superior Court executive committee, and among several committees upon which he has served, is now on the budget and rules committees.

Judge Davis' wife, Mary, works as chief deputy executive officer of the San Bernardino County Superior Court. Despite a shared interest in judicial administration, "we learned early on that work is best left at work," Judge Davis says.

At home, they share fondness for their pet shih-tzu dog.

The judge says his favorite pastimes include pleasure reading, when he can, leaning toward mysteries, history and works on trial advocacy.

A community activity that he especially enjoys is screening applicants for enrollment in his alma mater, Georgetown University. Since 2004 he has served as Inland Empire chairman for the school's alumni admissions program, coordinating interviews of applicants from San Bernardino and Riverside counties. The judge says there has been an explosion of such local applicants and interviewing them helps discern their interests and goals, while keeping in touch with other alumni.

He also has served on the San Bernardino County Arts Council.

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

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