



BenchMarks: Doug Fettel

Superior Court Judge,
County of San Bernardino

by Ed Butler

The opportunity to "do the right thing" to resolve litigation gratifies Judge Douglas A. Fettel, longtime criminal court judge at Fontana.

Now supervising criminal courts judge at Central District in San Bernardino, since early this year, Judge Fettel had capped a lifetime of involvement in Fontana with a 13-year stretch on its criminal court bench. Criminal law was a favorite area of practice for him as an attorney and he always has presided over such matters since his appointment as judge in late 1990.

A judge who honors the human dignity of defendants and values honesty in advocates, Judge Fettel is himself direct in a "bark is worse than his bite" sort of way. He expresses awkwardness in talking about himself and doesn't take too seriously the status of Superior Court judge.

His scrappy style seems to befit a man who grew up in Fontana, the steel town, where his father was recruited by Henry J. Kaiser to help set up his famous steel mill. His father's roles after organization included superintendent of the slab mill and soaking pits.

A native of Chicago, Judge Fettel attended Fontana schools from first grade on. He describes his childhood as a normal small town experience, raising animals and playing sandlot baseball and football. He went out for football in high school.

He joined the Fontana police force at age 21, after a stint working at Kaiser Hospital and an enlistment in the U.S. Army as artilleryman. He recalls that the police force was a fraction of its present size, all the members of which could fit in one room.

After about five years at the PD, he worked as a special investigator for the state Department of Alcoholic Beverage Control. His work focused on enforcement in and around licensed premises, targeting such things as prostitution, drug dealing, sales to minors and hidden ownership.

Then came an 11-year career at Kaiser Steel Corporation, where he began as security supervisor and then became labor relations representative of the company. He recalls there were a couple of strikes during that period, when he negotiated on behalf of Kaiser on employee grievances and labor contracts.

The judge maintained a round-the-clock schedule for many years, working full-time, raising a family, and collecting college credits leading to earning his police science

bachelor of science degree from Los Angeles State College in 1970. A continued busy schedule led to his receiving his jurisdoctor degree from the University of LaVerne College of Law, as a night student, in 1975.

The judge says his interest in practicing law had existed for some time. "It was a vocation that I became very interested in as a result of my law enforcement experience."

After staying on at Kaiser for a while, he opened his own law office in Rialto. He began in general civil practice including family, real property, personal injury and collections law. His practice later evolved into criminal emphasis, an area of practice that he describes as the most fun. He finds criminal practice attorneys usually are motivated, argumentative and contentious, "usually (with) the interests of their client at heart." Also with most, "you can take their word to the bank . . . they're a pleasure to deal with."

He defended clients accused of a wide variety of crimes.

He indicates that he adapted without difficulty to criminal defense, despite having worked as a police officer. "Any lawyer worth his salt can do it . . . I think lawyers if they're competent can represent either side in argument," he says.

He acknowledges that setting up shop as a sole practitioner now "would be much more difficult."

He says his application for judgeship had been pending for some time before Gov. Deukmejian appointed him in 1990 to fill the office of retiring Judge Ward O. Mathews. While it was unusual for Deukmejian to appoint criminal defense attorneys, recommendations of Judge Fettel, a self described apolitical Republican, included that of Judge Mathews.

Exhibiting enjoyment in the role of judge, Judge Fettel says "in many ways it's easier than being an advocate." The judge has the freedom to do what is right rather than advocating one way or another. "It gives you that flexibility," he says.

It's important to Judge Fettel to respect the human dignity of criminal defendants, while not approving of crimes. "I don't sneak up on them . . . You deal with people as people with respect for the individual."

Observed in a late morning session of hearings, Judge Fettel bent over backwards to warn defendants of the apocalyptic implications of failing to honor the conditions of "Cruz waiver" release.

Judge Fettel has high praise for the treatment court movement, such as drug court set up at Fontana about a year ago. He finds this method helps break the cycle of repetitive crime. "You eliminate the necessity of seeing them again... saving a lot of money," avoiding harm to victims, and prison time.

Judge Fettel has high praise for the way the local bench and court staff handle what is the highest per judge caseload in the state. He says this county is "probably one of the best in the

state" for judges working with each other to get the job done. He himself has 111 cases set for trial and the county's average per judicial officer is 130.

Judge Fettel says San Bernardino Superior Court has a stellar reputation among visiting attorneys for its friendliness, cooperation, facilitation of appearances and case management.

Among other issues, he says a jury summons response rate as low as 30 percent is "totally unacceptable." However, he favors encouragement and education of the citizenry to participate, rather than punitive measures which would not support an effective juror point of view in the box.

In that additional judgeships have been recommended for the county, Judge Fettel was asked to suggest recruitment criteria for staffing the offices.

"You want reasonable people, people who have common sense, people with an ability to get along with other people, people not prone to surrender under pressure," he says.

As for general advice to attorneys appearing in his court, Judge Fettel likes them to "be on time, be prepared, and be brief." With 40 or 50 cases in a single morning, "I don't need excessive argument. I need them to focus."

Judge Fettel and wife Judi, residents of Rialto, are the proud parents of two children. Susan is a teacher who just obtained her master's degree and Douglas V. is an attorney in San Diego.

The judge savors the thought of more time with his four grandchildren, ages three through 16, after his prospective retirement in early 2006. "Right now I think I'm looking forward to it," he says.

His favorite pastimes away from work are travel, golf and reading.

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

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