

BenchMarks: Peter H. Norell – Superior Court Judge, County of San Bernardino



by Ed Butler

A forthright judge who likes being that way, Judge Peter H. Norell draws upon a business background as he expands his involvement in San Bernardino County judicial administration. Currently assistant presiding judge of the county, he will succeed next January to the role of presiding judge.

Judge Norell has become a big believer in alternative dispute resolution, in the course of long involvement in court management. It is one of several avenues he envisions for moving workload through the courts more efficiently.

Appointed municipal court judge by Gov. Deukmejian in 1989, Judge Norell bore the duties of municipal court presiding judge only two years later. Before becoming assistant presiding judge of the consolidated superior court, he served three years as civil courts supervisor of Rancho Cucamonga District. For six years now he has served as chairman of the countywide courts' budget committee.

Peter Norell grew up in suburban Chicago, the adopted son of an electrical engineer. He says having been orphaned as an infant gives him empathy with litigants with dependency issues.

With an early penchant for arguing issues, he served on his high school and college debate teams. Also in high school he went out for cross country, swimming and golf, and remains an avid golfer. He earned a bachelor of science degree in marketing, with accounting and economics minor, at Drake University in Des Moines, Iowa.

In the course of rearing five children, he absorbed himself in a business career. These activities included pension plan administration, sales representation for Hallmark Cards, operating his own card, party, and gift shop in Pomona, and computer programming at General Dynamics. His business work peaked with a vice presidency for six years at Transamerica Title Insurance Company.

Finally he saw his way to enrolling in law school full-time at the University of La Verne. He graduated there with honors in 1979, having served as editor of its Journal of

Juvenile Law. His 10 years of law practice, emphasizing real estate litigation, began the same year.

Judge Norell says expansion of consumer protection has been a major shift in real estate law in recent years. He served on the statewide bar committee that assisted the state Department of Real Estate in drafting the statutory real estate sales disclosure statement. Also, he says there is much more use of arbitration now to resolve real estate disputes, "to try to take those disputes out of the court system if at all possible, which I think is a good thing."

Encouragement of alternative dispute resolution is a pet subject of Judge Norell, in the interest of supporting judicial economy and effective resolution of disputes.

He says there is a nitty gritty economic attraction to ADR, in that in civil disputes the unpredictability of jury outcomes becomes too costly. He adds that when both sides invest in the outcome, as in mediation, there tends to be a more satisfactory result than an all-or-nothing jury verdict.

While some judges aren't as enthused about ADR as others and it can't be compelled under present policy, Judge Norell feels if there were enough time all civil cases could be settled. Further, "good lawyers can make more money resolving cases at an earlier stage because they can handle more business."

Judge Norell showed his enthusiasm for ADR by organizing here a mediation training program provided by Pepperdine University. He hopes that another will be offered soon.

Having presided over largely criminal cases for the first half of his bench career thus far, and civil for the second half, Judge Norell says he prefers the latter. Factors in that include his civil practice background, but civil caseload is much higher in San Bernardino County (per judge) than in many other counties in the state.

As the future presiding judge, the need to handle caseloads more efficiently is big on Judge Norell's mind. He says the courts have to become "much more efficient than we are, to move the process along faster."

Partly to support the quality of life of over-taxed judges, he would like to reform calendar management to reduce the number of times a case must come before the bench. (He recently visited the San Diego courts to study their initiatives in this area.)

Norell also envisions consolidating caseloads in terms of parties who make repeat visits to the courts on multiple bases, such as crime, mental health and dependency issues. He sees the courts partnering more with other resources in the community, such as employers who can provide opportunities for those with recurrent legal problems. Judge Norell says "I do not believe you should just give it to them," referring to such parties repeatedly handled by the system.

Judge Norell says reducing the

number of court appearances per case will help cope with the pending state budget crisis. "The less you touch the case, the less you have to have people to deal with it," he points out. Other avenues of savings include automation and reduction of supplies consumption. "We have not laid off any employees, and we do not intend to lay off employees," he says.

As part of adapting to state takeover of the courts, however, the local courts have had to assume certain functions, such as payroll and employee benefits, previously shouldered by county government. "It's created a lot of nightmares about how you do these things," Norell admits.

While this change has resulted in a net expansion of court administration locally, consolidation of superior and municipal courts provided a godsend in improved efficiency. The ability to bear workload was greatly enhanced and former municipal judges were energized to take on more complex cases, Judge Norell says.

He revealed that cost saving measures will include conversion of court security in some civil courtrooms to a "court attendant" that will afford a significant savings, compared to a sheriff's deputy position. While deputies would remain available to call upon in every courthouse, the attendant positions would generate a savings of \$53,000 apiece, as envisioned in 12 to 15 courtrooms.

Judge Norell says the courts in general have had to adapt to being more of a social services agency, supporting rehabilitation and interacting with social services. This has resulted in less independence for the judiciary and presents the challenge of adaptation.

As for words to the wise for attorneys, Norell says the first priority is to be well prepared and have good client control. He gives strong emphasis to the importance of professionalism in an attorney's conduct toward the bench and toward opposing counsel. "Judges do not want to hear the cheap shots and the petty bickering. It doesn't do your client any good and it doesn't do you any good," Judge Norell says. "There are professional ways to advocate and there are cheap ways."

Energized by the public service opportunity of judging, Judge Norell says he plans to continue full-time in the role until retiring in late 2007. Then he plans to take up alternative dispute resolution, and have more time to enjoy his retreat under development in northeastern Arizona.

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