



## BenchMarks: Roberta McPeters

Superior Court Judge,  
County of San Bernardino

by Ed Butler

**R**aised to embrace causes by cause-embracing parents, Judge Roberta McPeters is passionate these days about supporting effective operation of the San Bernardino County courts.

The county's presiding judge for two years as the new millenium began, Judge McPeters would like state leaders to reflect on adequacy of trial court funding, as they embark upon apocalyptic review of the structure of state government.

Marking her 18th anniversary this year as a district officer of the county, Judge McPeters for the first time this year presides in Fontana, the community where she spent many of her growing years.

The criminal courts judge has seen much change in Fontana since she graduated from Fontana High School in 1958. She remembers when the community had approximately 10,000 residents and one main thoroughfare. The landscape was dominated by orange groves and grape vines.

Her family settled in Southern California upon her father's mustering out of the Navy at the end of World War II. A move from Long Beach to Fontana afforded her father a job at Kaiser Steel at its peak, and her mother a job at Kaiser Hospital, back when it was a small building on the factory property.

Both parents were active in their labor unions, including her father's subsequent career as a Fontana city fireman, and the urge to be involved rubbed off on the future judge. This was reflected by her embrace of student government activities in school.

Judge McPeters says attending union meetings with her mother was a factor in her early interest in becoming a lawyer. When she shared that ambition with a school counselor at age 13, he was discouraging. However, that didn't stop her from persisting over a long road of delayed gratification before becoming licensed to practice law in California 20 years after high school graduation.

Along the way, she had further exposure to the law as she supported her first husband's education and career as a tax lawyer. She participated in mock trials and was exposed to cases during his study.

As the young family moved among Georgia, San Francisco, and Washington, D.C., Judge McPeters filled various jobs in support of her family, in a cafeteria, X-ray company and in Air Force civilian work.

The family returned to San Bernardino County in 1962, settling in Rialto, and devoted to raising three children, Judge McPeters pursued her undergraduate studies part-time at Chaffey and San Bernardino community colleges, California State University, Long Beach, and the University of California, Riverside, where she received her bachelor of arts degree in geography.

The judge says "the real opportunity" to attend law school finally came with the availability of night study at the University of LaVerne, where she as a single mother received her jurisdoctor degree in 1977.

Soon after that she entered into a law partnership with a law school classmate who was to become her husband, Judge John P. Wade. Her practice

emphasized family work and also included criminal, probate and contract cases. Her partner's emphasis was real property and contract.

Judge McPeters remembers family as a stimulating area of practice, both in terms of law changes at the time and the variety it entails. "Family law for all its emotional aspects is as close to a general practice" as one might get, drawing upon miscellaneous areas of law learned in law school, she says.

Based upon her family practice experience local judges selected her for a commissionership in 1986, and there has been no looking back.

She finds working as a judicial officer is much to her liking, in that "I've always liked mediating, getting people together to solve problems." She finds judging "gives you an opportunity to think in alternatives," to enjoy the expertise of all counsel involved in a case, to impact the creative process of reaching a settlement. Thanks to all this satisfaction, she has never missed the role of advocate.

Judge McPeters has been exposed to a wide variety of adjudication since Gov. Deukmejian appointed her to the local Municipal Court bench in 1990. (She was elevated to Superior Court by appointment by Gov. Wilson in 1994.)

Along the way of presiding over all kinds of calendars except probate, Judge McPeters also heard juvenile matters as commissioner, and also civil and criminal matters including felonies for years before her elevation from Municipal Court.

She says a favorite kind of court business is high volume calendars such as 40 or 50 criminal cases on a typical morning at Fontana. Trials there are conducted in the afternoon.

A former local president of the League of Women Voters and former candidate for school board and district attorney, Judge McPeters was afforded a special leadership opportunity by changes afoot within the San Bernardino County court system.

Serving as presiding judge of Municipal Court only a few years after taking office there, she was on the ground floor when the local Municipal and Superior courts began consolidating voluntarily. The merger started at the Central District and most of the local courts had converted before the statewide consolidation initiative passed. Her special organizational focus was the county's criminal law panel.

She recalled that both court divisions held a joint annual meeting in 1991 and decided, as to merging, "Let's do it our way and do it now." She says there were many challenges to the process such as statutory differences and personnel issues, but "it was interesting and it was exciting." While some in the civil bar were concerned about assumption of their cases by former Municipal judges, they have been pleased by the result.

Judge McPeters continues to be impassioned about the administrative issues that drew her attention as an early presiding judge of the newly consolidated court.

In particular she's concerned about the relatively heavy caseload borne by the San Bernardino courts compared to other counties, actually the highest per judge caseload in the state. During her administration, the local county had 60 judges while Santa Clara County, with the same population, had 88 judges. A study by the Administrative Office of the Courts found that San Bernardino County needed 30 more judges, or a 50 percent increase in capacity, but lobbying so far has brought about only three additive positions, one of which has yet to be filled.

While the local judges are dedicated about shouldering their duty, it concerns Judge McPeters when extra long hours become a regular thing. As an

example, she recently started a 12-hour day with video arraignments at 7:30 a.m. and expected to conclude it with finishing night court at 7:30 p.m.

"You don't hear people complain, but you don't know how good you feel until you stop beating your head against the wall," she comments.

Reviewing the biggest challenges of her two years as presiding judge, she says the courts were a "developing nation" adapting to consolidation. Needs included implementation of Proposition 36, regarding disposition of narcotics crimes, and expansion of the drug court network under the leadership of Judge Patrick Morris. As the eighth largest court in the state, San Bernardino needed to refine its computer system and to improve access to courts both physically and in terms of security. Meanwhile, budget has been a special challenge area, but thanks to keeping a tight rein on spending, the local court has fared better than many others, she says.

As for facilities, Judge McPeters is pleased to see further progress toward the earthquake retrofit of the Central District courthouse, which the state chief justice has cited as a worst case example of failing to meet the needs of modern court traffic. Also she looks forward to the opening this fall of a new juvenile dependency court edifice, overcoming "an abominable situation."

Court building security continues to be a challenge, both because of lack of resources and buildings that were not designed for efficient control of access and egress.

Judge McPeters believes state takeover of the county courts has brought substantial benefits, including improvement of access for both attorneys and pro se litigants. There has been a drive toward standardizing procedural expectations among counties and also the conveniences afforded self representing litigants. She points out that local counties need the freedom to adapt in their own special ways to the litigation needs of their populations, which differ by local district as well as county.

She feels the state administration bit off much when it embarked on state takeover of court personnel in five different facets at once. However, early consolidation by San Bernardino afforded some negotiating leverage.

As for jury service, Judge McPeters is pleased to report Fontana getting high marks in satisfaction surveys. She feels responsiveness to summonses needs to be enforced as a civic duty, and highlights the settlement leverage afforded by having a jury pool ready and waiting.

Her continuing leadership activities include that of chairmanship of the statewide education committee for presiding judges and court executives.

Asked for her general advice to attorneys, she comments, "I think the most important thing is their integrity, their diligence" in pursuing their cases. She finds an advocate keeping his integrity above reproach helps all facets of adjudication.

Judge McPeters expresses great contentment at being in the role of judge, and her only electoral ambition is for judicial office. "I miss having my First Amendment rights. You have to kind of check them at the door. But I enjoy the role here."

She has high praise for the work of her fellow county judges and other court employees, citing their diligence, cooperation, collegiality and hard work. "I would put (San Bernardino) up against any county in the state."

In those relaxing off work times to herself and family, she enjoys spending time with her four grandchildren, traveling, reading and photography.

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