



BenchMarks: John P. Vander Feer

Superior Court Judge,
County of San Bernardino

by Ed Butler

A dairy farmer's son who once envisioned becoming a dentist, Judge John P. Vander Feer says key college opportunities helped attract him to the law and courts.

After nearly seven years as civil litigation judge at Barstow Superior Court, Judge Vander Feer in June took over Barstow's district supervisor duties and also the felony master criminal calendar. The criminal law is an old friend in his professional background, in that he devoted his nine-year career as advocate to prosecuting crimes for the San Bernardino County district attorney, mostly out of the Barstow office.

Judge Vander Feer says he especially enjoys working with criminal law advocates, prosecutors and defenders, who he says get along well despite being adversely positioned toward each other in court.

Now with 8 ½ years of judging under his belt, Judge Vander Feer exhibits an even-ness of demeanor, friendliness and soft spoken style. His chambers door stands open for needs as they arise.

Descended from Dutch and Australian immigrants, he broke ground for his family as the first to attend college.

He was born in Upland when his family lived on his grandfather's dairy farm, where the judge's father worked, in Mira Loma. While dad continued to work on the farm, the family moved into a separate home in Norco, where the judge attended kindergarten and first grade. His father then purchased his own dairy at Mt. Angel, Ore., but was intolerant of the rain there and brought the family back to Norco after a few years. The judge continued his elementary studies at Ontario Christian School, until the sixth grade when his father bought another dairy (after working in hay sales) in Temecula. The judge recalls that the area "was the boonies back then," long before the area was taken over by stucco housing tracts.

Finishing elementary school in the Temecula Union School, he busied himself at home performing all the dairy chores, including cleaning the milk parlor, washing the barn, and laying out the hay and feed grain.

When the time came he enrolled in Linfield Christian High School in Temecula. The closest public high school would have been in Lake Elsinore, some distance away. The judge says favorite pastimes in those years, for himself and a younger sister and brother, included water skiing at Lake Elsinore and Canyon Lake, where his father owned a lot. On the traditional dairy farm schedule, the children arose early for milking chores, took

a break at midday, and started evening chores around 3:30. This was an every-day grind 365 days a year, tempting the judge to envision a different kind of work.

The growing children also enjoyed motorcycling in the then-rural hills of Temecula.

Judge Vander Feer also went out for football and basketball in high school, helping take his team to league championships. At its size classification, Linfield had to travel some distance to confront qualifying teams.

Also during high school, he did extra summer work on the dairy farm, and as the children got older, they could run the place during their parents' brief absences.

A life changing event occurred in the judge's senior year, when Carnation announced it would discontinue picking up the farm's milk. The folks sold the cows and leased the dairy, and moved into a Temecula home. Freed from the dairy grind, Judge Vander Feer began a long association working at Temecula Valley Pipe and Supply, selling pipe and irrigation and plumbing supplies and achieving a valuable financial source for college, as well as home care knowledge.

High school soon drew to a close and Judge Vander Feer enrolled at Point Loma College, now Point Loma Nazarene University, in San Diego. He was to earn a bachelor's degree in history there, graduating magna cum laude. While there he was able to continue pursuit of water sports, taking physical education classes in sailing and scuba diving, and expanding on the latter with further study.

The judge says he was seriously contemplating dentistry when he enrolled at Point Loma. The problem with that was, "I really don't like blood that much."

Changing circumstances would kindle an interest in law enforcement and the courts. As a junior he obtained an internship at the city attorney's office of San Diego, which allowed him to go to court assisting attorneys. The experience made him realize that television court dramas tended to depict criminals as more glamorous than they really are. Kicking around the idea of law enforcement, such as the FBI, he entered a second internship as a senior, this time in the federal probation office. As a sworn volunteer officer, his various experiences included writing a post sentence report, investigating and field trips including exposure to the Border Patrol.

After all this, he wasn't inclined to use his history degree teaching but instead applied to several law schools. He applied in advance for the sake of spending a year on a travel break after graduating from Point Loma. He very much wanted to explore Australia, where his grandmother grew up in the island state of Tasmania, and spent three months exploring the country, backpacking and riding on rail passes, with a college buddy named Spike who became a dentist in Australia.

After three weeks in New Zealand, the judge returned home short of money but close to beginning studies at the McGeorge College of Law, which along with Pepperdine had accepted him.

Special opportunities at McGeorge included an internship with the U.S. attorney's office at

Sacramento, where student participants were allowed to prosecute actual criminal cases on military bases. Judge Vander Feer advocated in four such court trials, and after graduation opted for a deputy district attorney job in San Bernardino County. This afforded proximity to where his family lived.

He began prosecuting at Victorville in 1989, and in 1 ½ years transferred to Barstow for the remainder of his career in that office. He rose through the ranks to become a mainline felony prosecutor, with cases including the conviction of two brothers for robbing two Russians fishing at Big Bear, one of whom died in the incident.

Judge Vander Feer was only in his mid-30s when Gov. Pete Wilson appointed him to Victorville Municipal Court in March of 1998. The judge says the new role attracted him as an opportunity to make the "final determination," to the extent that a judge can in his authority. He also liked the idea of growing into a different area of jurisprudence, taking on a different perspective and approach. He admits that the higher salary was attractive, too.

Less than a half year after his appointment, he received automatic elevation to Superior Court through official consolidation of courts.

As municipal judge he presided over a direct criminal calendar, taking both misdemeanors and felonies from preliminary hearing to trial.

After his first year as Superior Court judge, he was invited to take over a civil assignment at Barstow, one that he held until June of this year. He recalled liking Barstow as a prosecutor, but civil litigation was a big baptism of professional growth, taking civil cases through all phases on direct calendar.

He says he found civil litigation especially stimulating, getting to constantly learn about new things. He especially enjoys the variety that it affords.

Now presiding over the master criminal calendar at Barstow, Judge Vander Feer hears felonies at pre-preliminary, preliminary hearing, "arraignment on information," pre-trial hearing, and sentencing in cases resolved without trial.

As supervisor of the Barstow court district, his role includes helping equitably distribute workload among the five courtrooms.

He says Barstow has had a good track record of resolving criminal cases early, that way keeping courtroom capacity adequate. While the courthouse is fully using its spatial capacity, "fortunately we've been able to keep our heads above water and assist other courthouses" with their caseload overflow, he says.

Judge Vander Feer rates the courthouse facility as being "in pretty good shape" after recent re-carpeting and repainting and remodeling of the two jury rooms. He says it was a big boon to install digital imaging technology, the Elmo system, in all courtrooms, taking care of many needs for the visual presentation of evidence and other information.

The district has also benefited from the recent allocation of six additional clerical workers helping it bear its caseload.

He notes that countywide court administration is working on developing new ways to make

life easier for self representing litigants. The judge says the remoteness of Barstow affects access to resources for such litigants, while the court must maintain a level playing field for both sides in a controversy. He adds that the court will grant continuances to the “pro pers” “so they can try to do what they have to do.”

As for juror responsiveness to summonses, Judge Vander Feer feels Barstow District is on a par with other districts in securing people’s attendance. However, he says a lack of population sometimes requires the district to dip into Victorville District for jurors.

He notes that the remoteness of Barstow is counter-balanced by court rules allowing civil litigants to appear on a “court call” basis without showing up in person. This allows hearings to be conducted by conference call incorporating all attorneys and parties at the same time.

There is no such policy exempting criminal advocates from attendance in person.

A main point of advice for criminal attorneys, offered by Judge Vander Feer, is that they notify the court ahead of time when they expect to arrive late for an appearance. The attorney then needs to give a new time of arrival and then show up at that time. The judge says the court realizes how attorneys often can have multiple cases scheduled the same day. “If that’s the case, let us know when you can be there,” he says.

In that he’s only 43 years old after 8½ years of judging, Judge Vander Feer was asked if he would consider an appellate justice post. He says he would want at least 15 years of trial court judging experience first, and “I don’t know if I would want to be writing constantly.”

The judge and his wife Renee, a homemaker, have two sons, Jacob, 15, and Daniel, 13. The judge off work finds himself involved in the boys’ activities, including scouting for the younger and football for the older, who has expressed an interest in becoming an attorney. The family also likes to visit extended family on the weekends and is active at church.

The judge says he also enjoys bike riding, and refreshes himself by going to the gym on lunch break.

The judge and his family live in Apple Valley, which he describes as an easy commute to Barstow. He says the appeal of the desert environment includes affordable housing, allowing his wife the freedom to choose a homemaker role, and clearer skies.

“I enjoy the openness” in the desert, Judge Vander Feer says. “Things aren’t all compressed together. You don’t feel they’re all jammed in one area.” He adds, “And people are friendly and open for the most part.”

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

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