



## BenchMarks: Michael M. Dest

Superior Court Judge,  
County of San Bernardino  
by Ed Butler

Judge Michael M. Dest is a humble judge's judge who enjoys detail and designing systems and methods helping the courts' workload flow more smoothly.

After presiding on the mountaintop at Twin Peaks for 15 1/2 years, part-time in the flat land, he now applies his criminal settlement skills fulltime in Dept. 21 at San Bernardino District of the Superior Court.

Despite his penchant for supporting settlement and developing computer programs and forms to support efficiency, he readily admits that San Bernardino County is straining under a workload that leaves the state's other counties in its dust.

He points out that San Bernardino County judges are averaging about 6,000 cases a year, as compared to 4,000 among judges statewide. In his Dept. 21, which might be described as a Grand Central Station for processing alleged felonies that may lend themselves to settlement, the annual traffic is 15,000 to 20,000 cases per year. That amounts to about four-sevenths of the felonies filed in the district. In Dept. 21, a glassed-in space for defendants takes the place of a jury box. Prisoners visit the department for early disposition calendar, preliminary hearings and walk-in arraignments.

Interviewed in his nearby chambers with colorful decor including electric-lighted pictures, Judge Dest explains that that rattling noise one hears is the chained "in custodies" moving on the other side of the wall. It conjures the mood of the Ghost of Christmas Past or perhaps Magwitch greeting Pip (Great Expectations) for the first time on the Moors.

Judge Dest became a California attorney after previously planning to become a medical doctor, as was his father. Medic duty in the National Guard, during the Vietnam War era, made him realize medicine was not his cup of tea.

The judge was born in Chicago, but all of his growing years from about age eight were in Ontario, CA. His father was a Navy doctor who got assigned to Norco after serving in Korea. The family lived briefly in La Puente, before the judge's parents bought the Ontario home where they still reside. Upon mustering out, dad became a reservist as lieutenant commander and opened a private medical practice in Montclair, on the site where Costco stands now.

Judge Dest says his favorite extracurricular activities at Chaffey High School

included swimming and water polo, and he competed on those interscholastic teams. Music also was big with him growing up, as playing by ear he blew clarinet, bassoon, bass clarinet, saxophone, trumpet and trombone. He also played piano and continues that, along with guitar.

Reflecting on those growing years in Ontario, he recalls that orange groves and drive-in theaters were profuse and murders rare. Traffic flowed smoothly and the city had its own courthouse, which expanded over the years until the Rancho Cucamonga edifice replaced it.

In keeping with his early ambition, he became a pre-med major at UCLA. A low draft lottery number helped encourage him to join the National Guard, with which he remained six years including part of law school. After deciding against medicine as a career pursuit, he opted for a double major in art history and psychology.

The happenstance of enrolling in a couple of undergraduate law courses turned him on to the field. He fondly recalls the business law teaching technique of Fred Slaughter, a former UCLA basketball star, that included assignment of provocative questions and a humorous and practical approach. A subsequent constitutional law class required him to visit the UCLA law library to track emerging precedents, such as *Roe v. Wade*. "I just found it so fascinating," Judge Dest recalls, realizing "I enjoy doing this."

Upon graduation he proceeded directly to the University of La Verne School of Law, where he graduated cum laude in 1977. In his typical fashion of keeping his mind busy, while awaiting bar results he enrolled in the La Verne master of business administration program and completed it a few years after starting his law practice career. He finds that the MBA has been very helpful in aiding his organization of his life, such as running a law office and setting and meeting short- and long-term goals.

In addition to working as a medic in the National Guard, Judge Dest busied himself during his university years working as a NCAA and CIF referee in water polo and swimming and coaching those sports at Chaffey High School. During his summers off as a UCLA student he worked as a camp counselor in the French Alps, and credits this for his taste for mountain living that he continues with wife Lynda.

As for the National Guard, he recalls it had a bureaucratic side that was less than efficient. At the same time, he got to interact with a wide variety of people and derives "ongoing benefit" from the group discipline and teamwork involved.

As a newborn attorney in 1977, he associated himself with attorney Charles Thomas Eye in Ontario with emphasis including landlord-tenant practice. He later was a sole practitioner in general practice in San Bernardino. He says it's still feasible to pursue a general practice, as "When you meet people, people can have problems in all areas" of the law.

In 1982 he formed a San Bernardino partnership with classmate Toby Bowler,

with Judge Dest favoring criminal defense. Bowler tended to take the family cases, and associate Dennis Collier did the business and appellate work.

When asked to state his favorite work as an advocate, Judge Dest shares about criminal defense settlement strategies that worked for him. He made a special point of conferring in advance with the prosecutor, getting a jump on case analysis and arguing both sides of the case. He arranged the typing of plea bargains ahead of time and wrote a letter to clients about every appearance. He feels advance preparation helped get prosecutors into a negotiating mode.

After practicing law 11 years, Judge Dest became a justice court judge by unseating at election the incumbent Twin Peaks judge of Crest Forest Judicial District. He says his candidacy was years in planning and motivated by the feeling that the court could be operated more efficiently. Back then, such a judge was paid \$45,000 per year and was free to practice law on the side. In 1995 he became a Municipal Court judge by policy conversion of the court, and rose to Superior Court judge by formal unification in 1998.

Judge Dest says as the Twin Peaks bench officer (and for a while also at Big Bear) he handled a wide variety of matters. Such judges handled "everything from small claims to murder cases and everything in between," he says. He especially enjoyed civil settlement conferences, and found it strategic to schedule them at 8 a.m. Wednesdays -- in the mountain milieu -- just before criminal arraignment jammed to the rafters.

He also expresses special fondness for conducting jury trials, and has presided over more than 30 in one year. At Twin Peaks he developed a music broadcasting system for the jury box, motivated by the need to keep bench conferences out of juror earshot. This proved to be a relaxing break for the jurors. He tried several types of music. Quiet pauses in classical music sometimes foiled the desired conference privacy. The lyrics of popular love songs were sometimes mistimed depending on what was going on at trial. Finally, law TV show theme music seemed best, with jurors competing to see who could name the show.

Cost efficiencies have resulted in stark changes in the subject matter of the mountain courts. In March of 2004, Judge Dest was switched to Victorville fulltime for the criminal early hearing process he handles now at San Bernardino, since April of 2005. Twin Peaks has become a part-time court handling mostly traffic and small claims, and Big Bear handles some family and juvenile traffic. Other calendars and trials are conducted in flat land courts.

As justice court judge, Judge Dest got to travel all over the state presiding over matters as needed. He says it was interesting to view other counties' procedures and he observed that San Bernardino was relatively advanced in computers and other efficiencies. He recalls that when he asked his wife and two daughters where they would like to accompany him on judging trips, they opted for Fullerton, in close proximity to Nordstrom shopping!