



## Benchmarks: Robert Fawke Superior Court Judge, County of San Bernardino

**A**fter long careers in criminal prosecution and criminal case judging, Judge W. Robert Fawke savors the challenge and variety of presiding over civil court trials at Redlands District of San Bernardino County Superior Court.

Having recently marked his 18th anniversary as a judge of the county, Judge Fawke says he continues learning new things as a civil trials judge and is challenged in having to create his own statement of decision in these court trials in which juries are not employed. Central District refers all such jury-waived trials to his department.

He says he sought the switch to civil matter two years ago as a change of pace as he headed toward the latter years of his judicial career.

Judge Fawke, who recently moved his home from Highland to Yucaipa, has devoted all of his advocacy and judging work to the service of San Bernardino County. Along the way he has been involved in many community, political, educational and church activities.

He was born and raised in Oakland, the son of a mortician father and surgical nurse mother. His lifelong involvement in the Seventh Day Adventist Church included attending grades three through 12 at Golden Gate Academy, a church-run private school equivalent to Loma Linda Academy. His favorite extra-curricular activity there was intramural football.

Encouraged by his parents, he engaged in a wide variety of part-time work from an early age, such as yard work and washing dishes at school for five cents an hour in the fifth grade.

His parents encouraged him to pursue the study of medicine. His father had wanted to be a doctor himself but settled for mortician work when circumstances prevented medical study.

Judge Fawke says he decided in eighth grade he wanted to become a lawyer, but pursued both pre-law and pre-med studies as an undergraduate in hopes of becoming expert in both law and medicine. However, he found that while he performed well in the biological sciences he did not do as well in math, and the medicine idea was dropped.

In his lower division college years he attended two Adventist schools, La Sierra University in Riverside and Pacific[Ed Butler] Union College near St. Helena, before transferring to the University of California at Berkeley. The timing was such that he landed in the middle of the Cal Free Speech Movement and that proved to be too distracting. "I was a little more conservative than the typical Mario Savio-type student" and he got tired of arguing with liberal professors and students and dodging tear gas and picket lines, Judge Fawke says. He transferred back to La Sierra University where he graduated in 1966 with a double major in history and political science and minor in business.

He spent the next three years earning his juris doctor degree at Golden Gate University in San Francisco. He says he's not sure what attracted him to the law, except that he found it interesting and his mother has observed he enjoys argument.

He busied himself in a wide variety of work to

pay his way through school, including driving tour buses for Gray Lines in the Bay Area, making dunning calls for a collection agency, lube and oil service at a gas station, maintenance, building houses, and warehouse work. In law school he drove night club tours at night, duty that allowed him to do his homework aboard the bus during each night club visit.

He came back to the Inland Empire for his law practice work, beginning a long career with the San Bernardino County district attorney's office. After the first few years there he associated himself with the private firm of Sprague, Milligan and Beswick of San Bernardino, in the interest of civil practice exposure. Before long he was back with the district attorney, as the private firm did not have enough civil work available and he did not enjoy criminal defense in more serious crimes.

He prosecuted a wide range of crimes over 17 1/2 years with the DA, including homicides and many robberies. His assignments included heading the pornography, child abuse and drug task force units, pursuing career criminals and representing the county at parole hearings.

One of the more challenging phases he recalls was reactivating the office's child abuse section. Because of accepted social values of the time, he found himself frustrated in the job of representing abused children. Back then, policy placed greater emphasis on family reunification to the point that children sent home during the pendency of abuse cases ended up being nonproductive witnesses when it came down to trial. Because of his frustration, he sought a way out. "I think from what I've heard and seen it is a different system now," Judge Fawke says. He acknowledges that insufficiency of resources affects the success of such child advocacy.

After about 18 years as an attorney, Judge Fawke obtained appointment to a San Bernardino Municipal Court judgeship in mid-1987, taking the office of Judge Donald E. Van Luven, Jr. upon his elevation to Superior Court. Judge Fawke says he feels becoming a judge was part of logical progression of his legal career. "It was something I really looked forward to and aspired for. It was sort of a next step," he says, and he felt he had the background to contribute in the new capacity. His aims included helping parties resolve matters and "to try to protect society and make it a better place."

He began as a criminal trials judge and later performed as preliminary hearing judge, master calendar judge, and Municipal assistant presiding judge while on criminal fast track calendar.

His baptism in civil case judging came about in 1996, when at San Bernardino he and Judge Christopher Warner partnered in mentoring each other. Judge Warner shared from his long experience in civil litigation and Judge Fawke, from his in criminal work.

Judge Fawke says the satisfaction he derives from judging includes, in the civil area, the variety of issues to be confronted and helping the parties to resolve their disputes. He likes to leave both parties happy with the result, if possible. In the criminal area, he likes "trying to work for the betterment of society and its protection." In both civil and criminal, he enjoys contributing to settlement negotiations.

At Redlands District Judge Fawke is one of two judges presiding over a greatly reorganized district. Cost efficiencies have resulted in the closure of the district attorney's office there and removal of all jury trials and most criminal matters. Redlands has become specialized in

certain high volume matters, with Judge Fawke handling civil court trials Monday through Thursday mornings, small claims those afternoons, and traffic tickets on Fridays. Thursday mornings would soon be allocated to code enforcement arraignments from a wide geographic area.

Judge Fawke finds the civil court trials to be very challenging and educational.

As for advice to attorneys, he especially urges that they be ready for trial at the readiness calendar hearing, after the settlement conference phase. The advocates need to make sure their witnesses are lined up and subpoenaed, and be armed with their witness list, trial brief, exhibit list and statement of the case. With these preliminaries out of the way, all the officers of the court will be prepared to move forward in unison, he indicates.

While he admits to starting his work day at 6:15 or 6:30 in the morning to dodge distractions, Judge Fawke feels Redlands District does a good job of bearing its caseload. He says that, the same as Central District where he was formerly assigned, the clerical staff could use more help to make it less hectic. "As overworked as they are, they are doing an excellent job out here," he says.

In light of pending legislation that could add significantly to San Bernardino's judicial officers, Judge Fawke was asked to suggest good traits for prospective judges to have.

"One of the things you've got to learn is patience, you've got to learn to be a good listener" in becoming a judge, he says. In leaving the role of advocate behind, the judge needs to "let the attorneys try their own case" and not pose questions which could leave the appearance of trying to take sides, he adds. Also a judge should "probably not try to take yourself too seriously" while maintaining control and providing both sides with a fair opportunity in a non-dictatorial fashion.

Judge Fawke remains active in community activities, as he had been as a prosecutor. He previously served on the San Bernardino school board nine years, was police commissioner, president of Neighborhood Watch, officer of the county Republican Central Committee, vice president of the Chamber of Commerce, board member of the YMCA, and vice president of the Black Cultural Foundation. He twice served as county campaign chairman for Gov. George Deukmejian.

He continues as a chamber member, board member of Lighthouse of the Blind, adviser and scholarship chairman of the Black Cultural Foundation, member of the advisory board of La Sierra University, and a trustee of his local church. He formerly served on the regional conference executive committee of the Seventh Day Adventist Church.

He and his wife, Mary, regional business sales representative for Wells Fargo Bank, have two adult children. Both Kevin and Melissa have earned business bachelor's degrees from UC Riverside and Kevin has achieved a master's degree in business at La Sierra, where Melissa is pursuing hers.

Judge Fawke says his favorite leisure time pursuits are physical fitness activities and cooking, an interest shared with his wife. The judge likes to play racquetball and pursue other exercise on his lunch breaks at a local gym.

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