



BenchMarks: Mary E. Fuller

Superior Court Judge,
County of San Bernardino

by Ed Butler

Working class underpinnings and a somewhat sheltered childhood failed to prevent Judge Mary E. Fuller from being only the second female prosecutor ever hired by the San Bernardino County district attorney's office.

They also didn't prevent her from serving on the DA's Gang Violence Suppression Unit at Rancho Cucamonga for 13 years, effectively shutting down several gangs by seeking maximum punishment for members' criminal wrongs.

Now a direct calendar criminal trials judge at Rancho Cucamonga, Judge Fuller says she has savored all of her assignments in nearly 10 years of judging. They include stints in juvenile delinquency court and civil litigation as well as adult criminal court.

The lifelong resident of inland Southern California was born in Upland and lives there now. She says she especially enjoys the closeness of the mountains, and can admire Mt. Baldy with a sumptuous view through her chambers window.

Her parents, from Pomona and Chino, and older siblings were living in La Verne when she was born. Her father worked as a day laborer in the citrus industry and her mother was a part-time secretary/bookkeeper, retiring from work at the Upland High School student council bookstore.

Judge Fuller credits her parents with helping spark her lifelong love of reading, with regular trips to the library from an early age.

The only girl among four siblings, she wasn't allowed to baby sit until her junior year in high school. She also worked at the high school bookstore, largely selling candy.

Looking back on growing up in Upland, she says its loss of rural character is a striking change. "My goodness, it's all houses now. I grew up in an orange grove," she says.

She and family returned to Upland after spending her early married life in Ontario and Rancho Cucamonga.

Judge Fuller says she set her sights on law school as the result of a learning experience at Chaffey College, where she attended her first two years of college. Enrolled in ethics class, she opted to write a paper about the ethics of protecting one's home from invasion. Wanting to know the California law on the subject, she visited an Upland

law firm that gave her access to its library. "I came out totally convinced I wanted to go to law school," she says.

She transferred to the University of Puget Sound at Tacoma, Wash., but studied only one semester there. The rain did not agree with her: "I like sunshine. I learned that about myself."

After pausing a semester she re-enrolled at UC Riverside, where she was to graduate with a bachelor of arts degree in political science. Side work during those college years included a summer helping an aging grandmother in need of assistance, and about a month as a waitress. The restaurant work resulted in her meeting a couple, operators of a small business, in need of clerical assistance. She worked for them for an extended period while a UCR student, including weekends.

A student experience at UCR helped further cement her career focus on the law. As a political science major she received an internship at the Riverside County district attorney's office. There she helped compile a questionnaire for jurors administered after trial, aiming to find out the things that attract jurors' attention during trial. One notable discovery was that jurors took note of the appearance of attorneys' shoes, such as whether or not they were polished.

Judge Fuller says this experience led to her first ever visit to a court, and she found it to be fun.

Also as an undergraduate she was involved in the Model United Nations.

Having graduated from UCR, she earned her juris doctor degree at UCLA. An especially memorable experience during that period was clerking during the summer at an Anchorage, Alaska law firm. She was assigned to litigation, on behalf of a public fisheries district, attempting to stop the construction of the Alaska Oil Pipeline, which was under construction at that time. The work was stimulating and the scenery magnificent, but the lawsuit was canceled as a result of a presidential directive.

In 1999 Judge Fuller re-visited Alaska and got to meet with one of the firm's former partners, who now sits on the state Supreme Court.

Judge Fuller found it interesting breaking ground as an early female prosecutor. She recalls one interviewer asking her why he should hire a woman, and another asking her if she had attended charm school. As it turned out, she was only the second woman hired by the San Bernardino office, after Betty Haight. The DA, Lowell Lathrop, somehow insisted that two female prosecutors may not work together in the same branch office. This had some impact on the judge's training exposures.

Looking back, "It's fun being a part of that, and seeing that change" as women were accepted into the field, Judge Fuller says.

She began her prosecutorial career in the Ontario office, embarking on a 25-year career odyssey that would take her from infractions to death penalty cases. After West Valley she transferred to Desert District at Victorville at the request of its then-chief deputy, now Ret. Judge Rufus Yent. She was reassigned to Ontario soon after being named to the Gang Violence Suppression Unit.

Operating on a grant, the regional gang unit aimed to maximize punishment for identified gang members, on the theory that if they were off the street gang recruitment would be inhibited.

"We actually did shut down several gangs by incarcerating all their members," Judge Fuller recalls. "But the real successes were the kids that got out of the gangs." These were typically youth who assisted prosecution as witnesses, a process that required them "to change their lifestyle." Unfortunately, witnessing carries risks and one of her witnesses was the victim of a reprisal killing, "which is not a pleasant thing to go through."

During her last year as prosecutor, Judge Fuller served in the major crimes unit, based at San Bernardino but handling Rancho Cucamonga cases. Her last case involved prosecution of a juvenile detainee accused of killing a detention center counselor in Chino.

Reflecting on that 25-year career as prosecutor, Judge Fuller says "I loved trial work. It was fun. When I was successful it was exhilarating." She also enjoyed working with law enforcement agencies, observing the cleanup of neighborhoods that had been gang-infested, and receiving letters of thanks from gang members' parents who had been positively impacted by her work.

She received numerous awards for her work, including that of Deputy District Attorney of the Year in 1992.

As for becoming a judge, she admits being resistant at first, as she enjoyed prosecution. However, her husband, colleagues and judges encouraged her to give judging a try. Also, she recalled prosecutors voicing dissatisfaction with some judicial decisions, experiencing the realization that becoming a judge would help.

Gov. Pete Wilson appointed her to the Rancho Municipal bench in early 1997, and unification of courts elevated her to Superior Court in the summer of 1998.

She began with an adult criminal assignment at Rancho, followed by nearly three years in juvenile delinquency court there. After that she returned to adult criminal court and was transferred to Fontana for a time.

Then came a 1 1/2-year civil litigation assignment at San Bernardino. She recalls that "I thoroughly enjoyed it, (although) obviously it was totally new to me." She became fatigued, however, of the daily drive

to the county seat, and the presiding judge allowed her to return to the Rancho criminal bench last February.

Judge Fuller says she has enjoyed all her judicial assignments. Juvenile, for example, was “absolutely delightful” in the opportunity it afforded to get young people on the right track in life. While she felt like a fish out of water at first in civil court, “Every case was new and exciting. It reminded me of being in law school, you have so many things to learn.”

As a criminal court judge, “Coming to court every day and trying to make a change in somebody’s life is satisfying.”

One striking thing she noticed upon becoming judge was the satisfying removal of the advocate’s pressure. She says her husband told her “it was like a world lifted off my shoulders,” although she was not fully conscious of the degree of pressure while living it.

Asked about how well Rancho Cucamonga is bearing its burgeoning caseload, Judge Fuller says “we’re getting it done, (but) our calendars are too big.” Part of the evidence of that is delayed justice in the form of criminal incidents of 2004 and 2005 going to trial now. “The caseloads are just horrendous,” the judge says, while “the DA’s office hasn’t slowed down filing cases.”

Among crime trends, she says she sees more identity theft cases these days. She’s not sure if it’s greater incidence or greater prosecutorial focus.

Asked about what it is that attracts youth to gangs, she says peer pressure plays a large part, along with lack of parental involvement. In the case of second and third generation gang members, “obviously the parents have taught them the gang lifestyle.” The judge feels that a lack of positive focus contributes to peer-induced gang recruitment, along with pressure that can be coercive. Also, youth living in poverty can be attracted to the flashy lifestyle of gangsters dealing in drugs. “The temptation is incredible,” and “They never contemplate that they’re going to get caught dealing drugs,” the judge says. “They’re just thinking of the money they’re going to have.”

She sees a need for parent training and learning to take a longer view about the consequences of one’s actions. She would encourage parents to be more involved with their children, find them more positive outlets, and be more aware of their activities, the pressures they are under, and provide protection as needed.

She says a typical scenario has both parents out of the house working, an older sister acting as substitute mom, and “the boys are left to hang out in the streets.”

As for what society can do to help rehabilitation, Judge Fuller favors greater efforts to support literacy or the ability to read in convicted persons. She says she has observed a lack in this area both in juvenile and adult defendants, and people need a boost who may have had special difficulties learning when they were younger. “These people are never going to be successful in the job market without being able to read,” she says. “I think it’s an issue for society to address.”

Asked to offer advice to attorneys appearing in her court, Judge Fuller emphasizes punctuality. Attorneys need to appear on time and call in advance when they can’t, she says. While “lawyers are learning,” criminal matters are hamstrung without the defendant’s counsel present. Further, out of respect for jurors’ time she doesn’t want to disrupt trial schedules for the sake of tardy attorneys on other matters.

In light of new law allocating eight new judgeships to the county, Judge Fuller was asked to suggest ideal traits for a prospective judge. She says they would include patience, an ability to listen, willingness to make decisions, and a strong work ethic.

A judge with an unflappably mild demeanor, Judge Fuller has served on the court’s executive committee and for several years has been chairperson of a committee with the probation department overseeing collection of fines. She has served on the

executive board of the California Judges Association, representing Riverside and San Bernardino counties, and is currently vice president of the California Judges Foundation. She served as presiding judge of the court’s appellate division from 2001 to 2003.

The judge’s husband, Joseph, has retired as surgical technician and just obtained his master’s degree in exercise physiology. Their daughter, Arwen, is a Phd candidate teaching in a similar field, kinesiology, at the University of Utah, Salt Lake City.

The judge says she continues to embrace gardening, reading science fiction, and travel as favorite pastimes. She is currently focused on nurturing her roses and recently returned from a trip along the California coast. She’d like to go back with her home-made canoe to explore bays at Point Reyes National Park. Her enthusiasm for the outdoors is reflected by artwork in her courtroom and chambers.

Among her community activities, Judge Fuller continues to serve on the board of the Upland Community Partnership for Youth, which is involved in effective mentoring and teaching awareness of the imprudence of the gang lifestyle. The partnership was started by the widow of a gang violence victim, the perpetrators involved having been prosecuted by Judge Fuller.

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

Forensic Accounting Sleuth

*Litigation Services.
Investigative Accounting.
Expert Witness.*

909 • 798 • 2222
www.smc-cpas.com
Contact David Tuttle, Partner

Soren McAdam Christenson LLP
Certified Public Accountants and Business Advisors