

BenchMarks: Margaret A. Powers

Superior Court Judge,
County of San Bernardino
by Ed Butler

Judge Margaret A. Powers is a former business manager and prosecutor who has clearly found her niche presiding over juvenile court at Victorville District of San Bernardino County Superior Court.

This month marking her 14th anniversary on the Victorville bench, Judge Powers admits that her perspective as a mom contributes to her sensitivity to the treatment/remediation needs of criminally accused youth brought before her.

Along with that and a naturally congenial and modest demeanor, she brings to judging the no-nonsense perspective of a Republican and wife of a retired Ontario policeman.

Born in Pasadena, Judge Powers grew up in Southern California as the daughter of an accountant father and waitress and bookkeeper mother. Her father rose through the ranks of a steel company from office boy to controller.

The judge says reading was one of her favorite pastimes growing up, eliciting even an urge for novel writing that she still entertains. She also enjoyed exploring on her bicycle and playing sports with her younger brothers, at least until her mother felt compelled to put a lid on tomboyish behavior. She did much babysitting as a young girl, but with four younger siblings – she was the eldest – she had duties at home that took precedence over outside work.

In high school, her extra-curricular involvements included literary magazine and pep squad.

For the sake of cultural exposure, her parents sent her to France for her freshman year in high school, where she attended an American School serving a U.S. Army base where her uncle lived. She found the experience valuable for meeting people from all over the world as well as the U.S. It was different living without television for a year and she found life in rural France to be at a much slower, more casual pace than Southern California. She got to travel elsewhere in Europe because of her uncle's work, and as a product of Catholic schools it was especially meaningful to spend Easter Week in Rome.

The judge recalls that one of her best friends in France was from North Carolina. It surprised her parents a bit when she returned home with an American Southern rather than French accent.

Her early working career consisted of general clerical duties for the city of Los Angeles, in the police and water and power departments, and also for an employment agency and finance company. One good thing about eventually becoming a lawyer, she

jokes, is that she “never could type very well” and therefore needed work with secretarial assistance available.

Having settled in Upland as the wife of an Ontario police officer, Judge Powers learned of an attractive clerical opening at Theta/Group W Cable, which was growing into that area from Los Angeles. She started by filling out information sheets for a data entry operator in New York, rose to office manager, and then grew to general manager by the time she was ready to switch to the practice of law. She says that cable TV has evolved greatly over the years, having been an engineering entity when she started, with no real programming of its own.

Having envisioned a career as a teacher, she enrolled in Chaffey College, partly thinking of self sufficiency in light of the risky police work of her husband. While she was an English major at first, her cable employer backed her education on the condition of her taking business classes. This led to a business administration major and enrollment in a business law class that “really fascinated me.” Meanwhile she observed her husband's police co-workers going to law school and becoming attorneys and “I said, maybe I could do that.”

Having graduated cum laude from Chaffey, she became a four-year night law student at Western State University, Fullerton, while continuing to work days at the cable company.

Armed with her new license to practice in late 1983, Judge Powers thought about business law but found a work opportunity as prosecutor for the Orange County district attorney. In her six years there she worked heavily in driving under the influence prosecutions, especially with injuries, and also domestic violence matters.

It was toward the end of that tenure that she realized that judging was the work that attracted her. She experienced a desire to “be the problem solver, to resolve disputes, to get people together and work things out.” Despite enjoying the “white hat” role of prosecutor, she became acquainted with judges and knew prosecutors who became judges, and realized, “My goodness, they're not gods, they're people.”

As part of her career planning process, she realized she would have needed to move from Upland to Orange County in order to serve the latter as judge. In that her husband and two children were well established in work and school in the Inland Empire, she chose to seek prosecutor work in San Bernardino County, to help set the stage for judge work here. She explained that plan to the San Bernardino district attorney, who accepted it and put her in charge of preliminary hearings, drawing upon her Orange County experience. In her two years as San Bernardino County prosecutor, she also was assigned at Fontana for a variety of prosecutions and then San Bernardino for felony trials including a couple of murders and a couple of domestic violence cases.

She also recognized the political side of selling herself as a prospective judge. This included “having to go around and meet” influential Republicans. Having won

the support of judges and attorneys who admired her work, Judge Powers received her appointment by Gov. Pete Wilson to the Victorville municipal bench in January of 1992.

Her beginning as a judge carried an extra baptism of fire, in that the governor's selection of her to succeed Judge Anthony J. Piazza – shortly after his death – precluded the seat from being an open one to be decided at election. This ruffled some feathers among established High Desert attorneys who had hoped to run for an open seat.

Starting out at Municipal Court, she heard a variety of matters including civil, small claims, traffic and unlawful detainer, as well as criminal. Since Gov. Wilson elevated her to Superior Court in 1995, she has presided mostly over adult criminal matters. On her initiative she also presided over drug court before taking her current juvenile court assignment, mostly delinquency, in 2004.

Judge Powers admits that juvenile court is her favorite area of judging. In the court “you feel you can make a difference more than adult court,” she says, with more power to shape outcomes, more resources, a greater investment in probation services. “Hopefully kids can be molded and shaped a bit,” she says, explaining her motivation.

Juvenile delinquency court differs from adult criminal court in that the former emphasizes “the best interest of the child” above punishment. The minors are not referred to as criminally charged, but the subjects of petition to the court. There is no jury, strict time limits are applied, and the accused are automatically entitled to a deputy public defender.

In addition to juvenile delinquency court, Judge Powers presides over dependency court one day a week, including six-month reviews of placements adjudicated at San Bernardino and short cause trials.

As to adequacy of resources for juvenile delinquency, Judge Powers says the new detention facility has been able to house nearly all High Desert detainees. Its capacity is approaching 100 minors, and will eventually hold 200 when probation department staffing is adequate to that. Meanwhile the desert minors are frequently challenged by travel distance, in that the Victorville court serves minors coming from such distant places as Baker, Trona and Barstow.

Judge Powers says the system is pressed by insufficiency of treatment programs with youth having to wait in Juvenile Hall until therapeutic placements are available. She'd like to see more probation officers available to give more individual attention to minors, and also establishment of a fulltime dependency court in the desert.

Asked to share her observations of crime trends among juveniles, Judge Powers says the most common violations are assaults, burglaries, thefts, and graffiti and other vandalism. She says contributing factors include anger problems and truancy giving violators time to violate.

While evidence of gangs has been around a long time, Judge Powers perceives an increase in it. She finds that often families relocating to the High Desert have parents working at

significant commuting distance and leaving their children with much unsupervised time. As for the appeal of gangs, "The kids are looking for a family structure and they find it in the gang structure . . . the kids are looking for something where they belong."

Along with this, the youth find refuge in the gang and then become imbued with gang attitudes such as finding prestige in crime and devaluing school, the judge observes. On top of this such minors feel immortal in a way, "that nothing will ever hurt them," while ironically, "I don't think that they expect to live a long time. They see people around them dying." She blames a lack of structure at home for helping result in impulsive criminal behavior without regard to consequences.

As for illegal substances, marijuana remains popular – "a lot of them get it from their parents" – and alcohol is easily accessible, coming to school camouflaged in juice bottles. As for methamphetamine, "that's when they really start to get into trouble."

Judge Powers says she feels violent movies and video games are a causative factor in crimes, as "I think they desensitize us." While she supports First Amendment protection of artistic expression, she likes ratings of entertainment products, and "I think parents need to exercise more control over what their kids are seeing." Raising her own two children, she recalls either making some things off limits or watching them as a family with discussion.

As for how she would advise parents in deterring juvenile crime, Judge Powers strongly urges communication. She says parents need to know what their children are doing, who they are with, and make them comfortable sharing about what's going on in their lives.

While Judge Powers embraces her current role with enthusiasm, her past calendars at Victorville included family, civil law and motion, civil trials and probate.

She says she draws satisfaction from judging in general in getting "to settle disputes, be the referee in some cases, actually make the decision if the parties can't agree." She adds, "I like being able to do justice as much as I can . . . I think it's important that people have a sense that there is a way to get justice so people can have confidence in the system." She enjoys supporting the deterrence of crime and "I like making a difference in some people's lives," something she strongly felt in previously presiding over drug court.

As for attorneys who might like to become judges, "you really need patience," Judge Powers advises. Also, an effective judge needs "the ability to really listen and distinguish what's important" and to have an open mind, she adds. "You've got to listen to everything and realize there's more than one perspective to every story." Also, a judge needs the courage to make a decision. "That can be hard."

Asked for a few words to the wise to attorneys coming to her court, Judge Powers

first cites the importance of being prepared. "Know your case, know what's going on, be honest, don't try to hide things." She adds, "It works so much better if you put your cards on the table" and resolutions are better if one doesn't have to litigate everything. While it's important to maintain confidentiality and advocate zealously, "When it becomes playing games for the sake of playing games, that's going too far." She also urges punctuality, and alerting the court to anticipated delay in arrival, and that attorneys treat the court bailiff and clerk "like the most important people in their lives, because they really are in the courtroom."

Judge Powers and her husband, John, have two adult children. They are John Jr., a homicide detective for the Riverside County sheriff's department, and Lana, a social worker for Ventura County.

Spending time with their two grandchildren is a favorite activity for the judge and her husband, along with watching movies together and touring cross country on their Honda Gold Wing motorcycle.

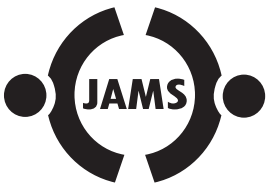
The judge remains a passionate reader and also enjoys needlework and making jam. She is active in Rotary Club, Soroptimists and the International Footprint Association, which provides community support for law enforcement.

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



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