

• BULLETIN •

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**From the
President's Desk**

**by
Michael A. Scaffidi**

Spring is upon us, the skies are clear, the temperature comfortable and daylight is lasting longer. Flowers are starting to bloom and more people are enjoying the outdoors. Spring is a wonderful time when many take the opportunity to spend more time outdoors with family and friends. I often feel renewed in spring and hope to get much accomplished. I had an opportunity, over the last several months, to talk with many of our members regarding their thoughts about our economy, the courts and, of course, our system of justice.

Recently I had the honor of co-counseling a Riverside County criminal matter with a long time attorney friend, Gary Smith. For those of you who do not know Gary Smith, he is a longtime veteran criminal defense attorney who practices out of San Bernardino. At the start of trial, I watched Gary voir dire a jury in regards to the sensitive issues related to this particular case. I watched closely as Gary asked jurors to be candid and honest in their response to his questions.

There were 80 members of the jury pool when voir dire started. By the time we had seated 12 jurors and 2 alternates, there were only 6 people left in the audience. Many of the jurors had requested hardship leave because they were not going to be paid by their employers or it would have been a financial burden for them to serve on the jury. Ultimately, the judge allowed those people to go about their business and thanked them for coming down to the courthouse. About 60 perspective jurors were questioned that day before the panel was seated. Throughout the voir dire process, I watched Gary remind the jurors that the client was presumed innocent; that it was a fundamental right under our Constitution. I watched each juror nod their head in agreement that they understood that right. Then I watched many of the jurors tell the attorneys that they didn't think they could be unbiased, because if a person was arrested and being prosecuted, that person had to have done something wrong. Upon further questioning, they said they would try to keep an open mind. Some were dismissed for cause and others by way of peremptory challenges.

The trial went on and after three days of testimony, the matter was sent to the jury for their deliberation. As all of you know, no matter what you think about your case, once it goes into the hands of the jury, there is nothing but waiting and thoughts about whether or not you presented all the information necessary for the jury to provide a just verdict.

Gary, our client, and I did not have to wait long for the jury to return a verdict. They deliberated only 45 minutes and came back out - the verdict was read - "not guilty" on all counts. Afterwards the Deputy District Attorney, Mr. Smith and I had an opportunity to speak to the jurors. Each of the jurors thanked the Deputy District Attorney, Mr. Smith and myself for our presentation of the case. They explained to the Deputy District Attorney, Mr. Smith, and me what they thought about the evidence in the case and ultimately most of the jurors stated that they felt good to be part of a jury and

Judge Margaret Powers Tapped for Kaufman-Campbell Award

By J'Amy Pacheco



Victorville Judge Margaret Powers will receive the San Bernardino County Bar Association's Kaufman-Campbell Award in May, President Michael Scaffidi has announced.

Named for former state Supreme Court Justice Marcus Kaufman and former Fourth District Court of Appeal Justice Joseph B. Campbell, both of whom served in San Bernardino, the periodic award honors jurists designated as having served on the bench with distinction and

having made substantial contributions to the community as well as the practice of law.

Desert attorney Sandy Turner said Powers is "the epitome of those qualifications."

"She is an outstanding jurist," Turner stated. "Every time I've seen her on the bench, she's been compassionate and even-tempered."

Turner, who is immediate past president of the High Desert Bar Association, said Powers has done "tremendous" work with the region's drug and family courts and working with juvenile offenders.

"She was excellent at it," Turner observed.

Scaffidi said Powers received multiple nominations, and was selected by a unanimous vote of the organization's board.

"She has taken every assignment and handled it with dignity and grace," he pointed out. "She is always fair to lawyers and litigants. She has a wonderful demeanor, which was expressed by the many lawyers who nominated her."

Jeanne Kennedy, president of the HDBA, called Powers "one of the unsung heroes of our Victorville Courthouse."

"She has handled all kinds of different things -- juvenile, family law, drug court, and treats everybody with dignity and respect," she said. "Her demeanor in the courtroom is kind and respectful. I really admire her."

Kennedy said Powers also contributes significantly to the community, and has always been supportive of local charitable projects.

Larry Allen, supervising judge for the Victorville District, said Powers is "deserving for many reasons."

"She's always been a very community-involved judge," he explained. "She has always taken a lead in our treatment courts, the drug courts here, and currently with our domestic violence court."

Powers, he said, also takes times to speak to organizations, schools, club meetings, and remains "very active in the community."

"She has taken on a wide variety of assignments, and all of them have been successful," he said. "She is very well respected by everyone, and is just a nice person and a nice judge."

Presiding Judge James McGuire described Powers as "an excellent choice."

"She's been a hard worker for the courts, and a valuable asset," he said.

Desert Judge Eric Nakata said Powers "has been a stalwart here in Victorville."

"She's always willing to help," he said. "She has given so many young judges the benefit of her leadership. They couldn't have picked a better person for the award."

Chief Deputy Public Defender Phyllis Morris lauded Powers for her involvement in establishing drug and domestic violence courts in the region, and her commitment to a treatment approach for drug court participants.

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Judge Margaret Powers...

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"She is always willing to help those who are willing to help themselves," she said. The result of such an approach, Morris opined, is that the drug recidivism rate drops, broken families are reunited and children who see their parents succeeding are less likely to continue addiction or violence patterns.

"Her influence definitely extends far beyond the courtroom," she pointed out.

Before entering the legal field, Powers worked first as a car hop, and later in retail and clerical jobs. She spent 10 years working in the cable television industry, and enrolled in night school to take business classes to help advance her career in that industry.

"Married to a cop, I always thought I should be able to take care of myself and the kids if anything happened to him," she reflected. She earned an Associate's Degree from Chaffey College and eventually rose from a clerk to general manager with Group W Cable. One of her favorite classes was a business law class.

"I loved reading cases," she said. "An attorney taught the class, and his approach was like it is in law school. I just loved the process. When I realized

that's what I would do in law school, I decided that's what I would do."

Although she planned to work in her company's legal department after earning a law degree, Powers discovered doing so would require relocation to New York. Instead, she went to work for the Orange County District Attorney's Office to obtain trial experience.

"Six months in, I realized I loved it," she recalled. "I had never thought that I wanted to do that, but I found I loved it. I said, 'This is what I want to do.' And I forgot all about cable."

After working as a trial attorney, Powers decided to seek a judgeship.

"I liked the idea of solving the problems," she explained. Then-Gov. Pete Wilson appointed her to the Municipal Court Bench in 1992 and three years later, she was elevated to the Superior Court. Except for temporary assignments, Powers has spent her years on the bench in the Victorville District. She currently handles felony trials there.

Powers said she was "surprised and thrilled" to learn her work has earned her the Kaufman-Campbell Award.

"The two justices were amazing people," she opined. "It's such an honor

to get an award named for them - and to be in the company of the other judges who have received this award."

Scaffiddi said notifying a judge of their selection for the award is "by far the best thing we get to do" as a bar president.

"Every judge always acts the same - they're overwhelmed with honor," he said. "Judge Powers was literally speechless."

"The award is named after two wonderful leaders of our legal community," he added. "There's a significance to that. It really is a wonderful award to receive if you're a bench officer."

Past recipients include Judges Michael Dest in 2008; Brian McCarville, 2007; A. Rex Victor, 2006; Christopher Warner, 2005; Bob Krug, 2004; Patrick Morris, 2003; Michael Smith, Jules Fleuret and Dennis Cole, 2002; LeRoy Simmons, Betty Richli and Joseph Johnston, 2001 and Rufus Yent, Frederick Mandabach and John Ingro in 2000.

Powers will receive her award at the Kaufman-Campbell dinner May 28 at the Hilton Hotel in San Bernardino.

J'Amy Pacheco is Editor of the San Bernardino Bulletin, a Metropolitan News publication.

SBCBA Mentoring Program

The San Bernardino County Bar Association's Mentoring Program was designed to allow new lawyers an opportunity to learn and utilize valuable practice tips related to the practice of a specific area of law from seasoned, experienced local lawyers.

The following lawyers have agreed to be on the mentoring program:

Bradley White (Employment Law)
Eric R. Hunt (SSD Law)
David Call (Criminal Defense)
William D. Shapiro (Personal Injury)
Nicole Anderson (Dep. Law 00 WIC)
Michael A. Scaffiddi (DUI/DMV H'rgs)
Janet Stouder-Brandon (Family Law)
Tom Dominick (Probate)
Emile Mullick (Federal Civil Rights)
John Belton (Bankruptcy)
C L Farrell (Probate, E/P and Trusts)
Greg Zumbrunn (Family Law, E/P)

Help is now a phone call away. To learn more about this new program, or add your name to the list, please contact our Bar Association Staff at (909) 885-1986.



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