



BenchMarks:
Bert L. Swift
Superior Court Judge,
County of San Bernardino

by Ed Butler

An individualist unafraid to take a stand, Judge Bert L. Swift brings the daring of a former Navy Seal, police officer and ski patrol leader to his judicial duties at Joshua Tree District.

One who identifies with the "independent thinking" of many rural High Desert residents, he once left a police job out of disgust over shady city dealings and became a judge 16 years ago by unseating at election a bench officer with whom he was dissatisfied. He says at that time the bench was a little bit too cozy with the prosecutorial and police side, but reports that problem is a thing of the past.

Looking back over many years of local community involvement, including 12 years in general law practice, Judge Swift takes particular satisfaction these days in presiding over drug court. "You can see the people change, you can see them go from an addict that can't hold a job" to a "productive citizen that gets his family back," takes control of the addiction, becomes employed and often becomes involved helping others similarly situated renew their lives.

While it was happenstance that brought him to the rural High Desert, Judge Swift acknowledges that the area has a small town atmosphere resembling the place where he lived his earliest growing years, Alamosa, Colorado, in the south central part of the state.

The son of an Army career intelligence officer, he was born in Del Norte, Colo., but lived soon after at Alamosa, 23 miles away, where he attended his first six grades of school. He recalls the San Luis Valley as chiefly agricultural, including potatoes and vegetables grown on truck farms operated by many Japanese-Americans who relocated to the area.

Because of his father's work as an army officer, the family relocated several times in his growing years, experiencing military life at Waynesville, Mo.; Wichita, Kans; Monterey, CA; and Munich, Germany. The last was a particular favorite, the region of Bavaria where the Passion Play is conducted and the judge became an avid skier.

Judge Swift looks back fondly on the mobile life of a military child. Experiencing new friends and cities, "you get a lot of growth from doing that," he says. He reports he did not observe dysfunctionality among military families, admitting "that was a different time." Also, as an officer's son, "anything I did reflected on his career . . . You're always aware of that potential."

Circumstances allowed the judge to attend his last two years of high school back at Alamosa, with old friends, where he played first string on the football and baseball teams and was president of the ski club that he organized.

Growing up, he also enjoyed hunting and fishing and nearly always had his own newspaper route for earning spending money. In Missouri he was a Boy Scout.

When his father retired from the Army, he entered real estate work in the District of Columbia. His mother worked as a teacher, one

of many in the family, and she became a hairdresser after her retirement.

Upon his completion of high school, the appeal of Navy frog man work drew Judge Swift into that branch of the service. After boot training, however, he served as a radio man, as conditions for joining the underwater demolition team included 18 months of service under his belt and E-4 rank. The radio duty took him to Kodiak, Alaska, where his recreational pursuits included hunting, fishing and skiing. Finally, he was eligible for the diving work and transferred to Coronado to train for that. Highlights of his work in this specialty included participation in the recovery of two astronauts from their space capsule flights in the early 1960s, on the secondary team picking up Wally Schirra and primary team for Gordon Cooper, who came back to earth May 16, 1963 off Wake Island.

When the judge's enlistment ended, he returned to Alamosa and joined its police department as patrol officer. Because of dissatisfaction with the way the city was being run, he was attracted by an opportunity to re-enlist in the Navy to employ his frogman expertise in the Vietnam War. While this included his chance to become a member of the elite Navy Seals, which he did, he was deeply bothered by the policies by which the Vietnam War was fought. Irrespective of whether the U.S. engagement in the war was prudent, "I just know we lost a lot of people over there and achieved nothing." He says everybody knew North Vietnam was the chief support of Communists in the south, and therefore it should have been a bigger focus of attention.

Upon mustering out, he took his police experience to the Palm Springs PD, where he became investigator in 18 months and ultimately primary investigator for traffic. He recalls dealing with Bob Hope and Red Skelton, who alternated as emcees for an annual police department benefit show. Patrol encounters included those with Chuck Connors and Steve McQueen.

All this exposure to the law led him and a buddy to an interest in law school. They passed a college equivalency test, pulled out their city retirement stake and enrolled in Western State College of Law, now the Jefferson School of Law, at San Diego. His friend quit law school after the first semester, but with another friend the future judge operated a laundromat to help raise expenses. He completed the last 1 1/2 years of law school commuting from the High Desert, where he collaborated with a friend in private investigation work. The judge and his wife, a nurse, were developing a family.

Admitted to the bar in 1977, Judge Swift operated a wide ranging general practice in the High Desert with partner George Martin and later other partners. His practice included personal injury, a little criminal defense, probate, and much family practice. The judge acknowledges that such variety would be hard to shoulder nowadays with laws and procedures having become more complex.

After practicing 12 years the itch to judge developed and he unseated an incumbent at election and was sworn in Jan. 2, 1989. At first on the municipal bench he had to recuse himself so often on representations by three former partners that he had to travel to Fontana and Victorville to judge without that limitation.

In these 16 years as judge, he has presided over a wide variety of matters, at first heavily civil including family and assisting with criminal. Since the courts merged as a Superior Court, the

variety continues but he has judged mostly criminal matters.

While Judge Swift says resources for the courts are too scarce, the recent addition of a third judge at Joshua Tree and soon-to-be one day per week commissioner do much to support scheduling flexibility. He says having the additional bench officer time allows the court to conduct trials as needed without their interfering with the rest of the busy calendar. Once the reorganization is completed, he will continue with judicial variety that he enjoys, including preliminary hearings, nonjury trials, drug court, Prop. 36 court, civil injunctions and law and motion.

Judge Swift says the biggest needs at Joshua Tree include a larger courthouse. The district is working on converting part of the court security office into a jury deliberation room so that more than one jury can deliberate at the same time. The new commissioner will use the jury assembly room as a courtroom on days when jury trials are not held.

As for bearing the caseload in general, Joshua Tree is "functioning . . . everyone is working hard. They're doing the best they can." As for technology, "When the computers don't have glitches they run very well."

He praised supervising Judge James McGuire for having the flexibility to change calendars as needed, with a flexibility in use since unification.

Judge Swift says the general satisfaction he derives from being a judge comes from being "result oriented, making a difference where I can, given the limitations of the law."

He says it's important to accord dignity to criminal defendants, and when one does, it doesn't matter if the judge encounters that judged person at the grocery store. "I don't pass moral judgements on anyone," he says, adding that he does not get emotionally involved in cases and avoids involvement in judicial politics.

In that a couple dozen more judgeships have been recommended for this county to help bear its caseload, Judge Swift was asked to cite qualities to look for in a prospect for judge. He favors "open mindedness, judicial temperament, attitude, character and quite frankly I would look for some humility, too." He feels a person of any sort of political persuasion could qualify.

As for advice to attorneys in general appearing in his court, he likes them to "be prepared, don't have an attitude, know your case, and don't take anything personally."

Off work, Judge Swift formerly hunted, skied and did trap and action pistol shooting. More recently, however, "I took up golf and I have become a fanatic golfer," in his usual way pushing himself to do the best he can.

Also these days there are seven grandchildren and another on the way (one child and five stepchildren).

Judge Swift has a long history of community involvement in the High Desert, having served on the Morongo Unified school board and as local bar association president. He also has been a board member of the High Desert Medical Foundation and past master of the Masonic Lodge, and involved in Hospice and the Copper Mountain College Foundation.

His current involvements include board membership at Mental Physics, a nonprofit philosophic organization, and trusteeship of the Angel Light Academy, which trains youth in leadership in the interest of solving problems.

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