



## BenchMarks:

James M. Dorr

Superior Court Judge,  
County of San Bernardino

by Ed Butler

Judge James M. Dorr might be described as a member of a law dynasty.

After all, his grandfather was a judge in Kentucky and two of his sons have opted for law careers.

But Judge Dorr has a mellow side as a law man of the West, also serving avocationally as lead singer and rhythm guitarist for Off the Record, a Sixties through Eighties rock band chiefly comprised of people in the legal profession.

Now supervisor the past five years of the Barstow Superior Court, Judge Dorr continues to preside over cases in his long beloved legal area: criminal law. The former chief deputy public defender has sunk deep family roots in the Barstow area and seems very content there.

Born and brought up in Ann Arbor, Michigan, he's one of those drawn to new life in California in the course of military experience.

His introduction to a life of letters started early as the son of a father teaching paleontology 45 years at the University of Michigan and mother teaching English at Ann Arbor High School. He fondly recalls family dinner table discussions about proper grammar.

A man with a lifelong interest in athletics, Judge Dorr swam on his high school swimming team and also was in drama and choir.

He majored in political science at Michigan State University, East Lansing. He served for a while as legislative assistant or page in the Michigan House of Representatives, hired by Rep. Ray Smith, for whom he had babysat. While duties there were of a "go-fer" nature, as Judge Dorr describes them, they put him in the thick of state legislative activity.

He says he never aspired to elective office in executive or legislative branches, as his interest in the practice of law dated to a very early age.

After receiving his bachelor's degree, he entered the U.S. Marine Corps Reserve, which consisted of six months of active duty to start with and then six years of weekend and summer camp duty.

Having been stationed in San Diego for basic training and then Camp Pendleton for advanced infantry training as a "0311" (rifleman), Judge Dorr saw a choice between law school in Detroit or California. San Diego was "just a spectacular place" and he selected California Western School of Law there where he obtained his juris doctor degree in 1975.

On the way to becoming licensed to practice in California the following year, he earned an LL.M (law master's) with criminal law and procedure specialization at the University of Missouri, Columbia. He also worked there as a teaching assistant.

The law practice bug was planted early in Judge Dorr. "I just liked the type of thought process, the drama, the verbal arguing back and forth," he says. He feels his judge grandfather in Kentucky, Virgil J. Pritchett, probably influenced that career decision.

Judge Dorr devoted his law practice career to the office of public defender of San Bernardino County. Hired the year he became licensed, he advanced to supervising deputy four years later and High Desert chief deputy three years after that.

He indicates that he has never lost his taste for the drama and excitement of criminal adjudication. He says his attraction to this area of practice included

advocacy, "the application of the law to the story" of the case, and the "humanness of it."

Judge Dorr was appointed by Gov. Deukmejian in 1985 to the Barstow division Municipal Court, succeeding Judge Rufus Yent who had been elevated to Superior Court. In this new capacity he presided over a wide variety of matters including traffic, small claims, unlawful detainer, misdemeanors and felonies before trial. Upon unification in 1998 he became a Superior Court judge and has largely presided over criminal matters since then.

As Barstow district supervisor, one of the biggest challenges facing Judge Dorr is "trying to maintain our resources." He explains that the bench operates efficiently at Barstow and that can create the temptation to shift some bench man hours to other districts. He says "the judges work together well here," each drawing upon his own special strengths to get the job done efficiently. Judge Dorr, for example, finds that he does well at the high volume intake end of criminal adjudication, while others do better at civil and criminal long causes. "Everyone has found his niche in which he really does well."

Judge Dorr says the facilities at Barstow are adequate but sometimes it's a challenge, not insurmountable, to get people to respond to jury summonses. After all, the Barstow court services a 150-mile swath of San Bernardino County, from Wild Wash Road to the state line. He says the jurors who do appear are "generally good jurors."

A longtime advocate and judge in the criminal justice system, Judge Dorr finds that policy decisions by the body politic have a great influence over the results achieved. For example, funding available for rehabilitation of convicted persons has dwindled since the passage of Prop.13 in 1978. He explains that probation officers don't have the resources to give probationers the individualistic, intense attention that might help them more to avoid a return to confinement. While drug court is laudable in what it has achieved in rehabilitation, other areas of crime such as theft and violence would also benefit from that sort of "intense, personal, one-on-one type of relationship," he feels, which could help defendants deal with their impulses and set better goals.

He finds that prison sentences have tended to be longer, with legislative lengthening of sentencing ranges, and there has been an increase of crimes for which state prison sentences are mandatory. Along the way, overcrowded conditions at the county jail can result in release of prisoners awaiting trial for whom bail has been set but not posted. Judge Dorr estimates that 25 percent of such defendants fail to appear in court as scheduled, and a bench warrant must be issued.

Having worked as a deputy public defender for many years, Judge Dorr rates the office's

advocates as "very well trained and well prepared" as compared to private sector criminal defense attorneys. He says a defendant in custody is presumed to be indigent and in need of public defender services, and if not, the need for such service is inquired about. Ultimately there is a hearing to see how much the defendant can afford to contribute toward his defense. The public defender's office and probation department, in the event of felonies, give input about ability to pay.

Asked for general advice he might give to attorneys, Judge Dorr cites "the five P's." That refers to the first letters of five words: "Prior preparation prevents poor performance." He emphasizes that the advocate's job is to represent his side "in the most skillful, prepared way that (he) can."

During much of his time as deputy public defender, Judge Dorr taught constitutional law at Citrus Belt Law School, now California Southern. He says he enjoyed it and may return to teaching some day.

Judge Dorr finds that his rock band, which performs gigs about twice a month, provides a valuable dimension away from the courtroom. "Music is something I enjoy, a chance to work at something different . . . it's a wonderful release," he says.

The six-year-old performing group had a change in personnel recently, in that lead guitar Peter Heide, a court interpreter, relocated and has been replaced by Deputy District Attorney Rob Brown. The other three members are Barstow Judge John Gibson on drums, criminal defense attorney Jon Mahlum on lead guitar, and telephone company worker John Sanchez on bass.

Judge Dorr's duty assignments have been in Barstow for a long time and that pleases him. When he was appointed Municipal Court judge, he was required to reside in the district served. By the time consolidation elevated him to Superior Court in 1998, there was no reason to leave. His wife teaches in elementary school in the area. They have raised five children in the area and the judge has coached and managed their sports teams over a 15-year period. Son Justin, 27, practices medical malpractice law in Redlands and his brother, Jeffrey, will graduate from law school this year.

Judge Dorr says he takes it as a compliment that his sons chose to enter the law.

And he feels well settled in Barstow, "A nice little town. There are a lot of good people here, good hard working people."

*Ed Butler is Manager of the Rancho Cucamonga Branch of the San Bernardino County Law Library.*

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