



BenchMarks: John N. Martin

Superior Court Judge,
County of San Bernardino

by Ed Butler

Judge John N. Martin delights in watching adept attorneys duel verbally in his courtroom.

This spring marking his tenth anniversary as a San Bernardino County judge, he supervises and presides at the Redlands District courthouse that is devoted to criminal adjudications. That is up his alley, in that he spent 12 years at the local district attorney's office, about half that prosecuting and the other half training prosecutors. He later did criminal defense.

His other supervisory experience includes serving as county juvenile court presiding judge for nearly two years.

A transplant from Mississippi, Judge Martin exhibits natural confidence and a ready eye for the humor resident in the twists and turns of human experience, including his own.

Had he not left Tchula, Miss. at age 20, he would have been a seventh generation Mississippian. However, a stint in the U.S. Navy and marriage to a Californian resulted in his becoming a permanent Westerner.

Growing up, he helped the family run its 600-acre cotton and soybean farm outside Tchula. One of his duties was driving the cotton picker; soybean harvesting was contracted out. One of seven children, he opted not to take over the farm after his dad retired and went into banking. His mother worked for the Illinois Central Railroad.

The judge went out for interscholastic football and basketball in high school. Tchula was a small town and he got to play both center on offense and linebacker on defense on the gridiron. He was a natural for hoops as the third tallest person in the school.

Then came enrollment in the University of Mississippi, to which he affectionately refers as "Ole Miss." He began as a pre-dental student but, "I ran into organic chemistry and organic chemistry won," he says.

He then elected history as a major in the school of liberal arts, something much more compatible. However, the good times of baccalaureate study were so great that his sagging grades put his student deferment at risk – as the Vietnam War raged.

Taking the bull by the horns, he enlisted in the Navy and trained as an aviation ordnanceman, based at one point at Key West, Fla. and later Miramar Naval Air Station, California, attached to an F4 fighter squadron. His father had served in the Navy and recommended that branch of the military.

In his nearly four years in the service, he rose to third class petty officer and served a one-year tour on the USS Kitty Hawk offshore of Vietnam, helping load bombs onto jet aircraft. He was performing such duty, in early 1971, when he envisioned law school as a better long term career plan.

The judge says his Navy duty satisfied a long term desire to visit the Orient. He especially enjoyed a rest and recreation stint at Hong Kong, which he described as exotic and clean.

Stationed across the country from his Mississippi home, Judge Martin received a social referral to the family of Judge William R. Friedrich of Rialto, whose wife had attended school with Judge Martin's mother in Mississippi. This led to Judge Martin courting Judge Friedrich's daughter, Kathleen, and the subsequent marriage has lasted 33 years and produced two sons.

Re-admitted to Ole Miss, Judge Martin was released 40 days early from his four-year enlistment. He accelerated completion of his bachelor's degree and graduated in 1973 a month before starting studies at Western State University School of Law in Fullerton.

Judge Martin says part of the attraction to law was a childhood interest in work as an FBI agent, which at that time required training as an accountant or attorney. Also, the law seemed like a good way to make a living.

He says his wife, a dental hygienist, was a big support to his law study, serving as family provider during his studies that also drew upon GI Bill benefits.

His first practice job after becoming licensed was in insurance defense in Century City for Bollington, Pennell, Stilt and Bloeser, in house counsel for 20th Century Insurance Company. It allowed time on the side for private practice, mostly personal injury defense.

The long commute from home in Rialto took a heavy toll on Judge Martin, so he had to look at either moving closer to work or finding work closer to home.

Circumstances brought him a job as prosecutor at the San Bernardino County district attorney's office. He was hired by then-DA James Cramer, who was to become a dear friend. When then-Judge Cramer died, Judge Martin was appointed to fill his judicial office.

In his first six years as deputy district attorney, Judge Martin prosecuted everything from petty theft to murder and advocated in nearly 100 trials. He then became a supervisor assigned the job of training new prosecutors at the Central DA office. When population in the county boomed in the late Eighties, he had to go far afield to recruit prosecutors that were needed. What he sought were "people that were motivated to do jury trials."

When he was ready for a change from that, he joined his friend Jim Penman, San Bernardino city attorney and another Mississippi product, as senior assistant city attorney. His focus there in 1990-91 was cleanup of the city, abating blight, red light and other kinds of nuisances. He also advised the police and animal control departments. While there he served on the city police commission.

Before long Judge Martin felt a need to re-adjust, as he was overqualified for the city prosecutorial work but under qualified for the city's civil litigation. This led to his opening a sole practitioner private practice in San Bernardino devoted mainly to criminal defense.

He says he enjoyed defense despite having worked 12 years on the criminal prosecution side. "Any decent attorney should be able to do both," he says. "I'm conservative but I felt I owed my clients my best."

During this period he tried 8-10 cases, mostly homicides, offering himself for indigent defense appointments and receiving referrals from civil law practitioners. He notes that homicide defense has promotional value in that it calls attention to the practitioner's availability, due to its high profile

nature.

Judge Martin says while working for the city he became particularly attached to its dedicated animal control personnel, and in the aftermath of his work there he served on the city animal advisory and human relations commissions.

He says the interlude in private practice served as a buffer and balance before his appointment as judge around spring of 1994. That led, however, to a quick baptism of fire, however, in that the longtime criminal advocate was placed in a civil jury trials assignment at San Bernardino Central for his first two years as judge. He quips that his lack of civil experience early on may have encouraged competing advocates to seek settlement!

After that came a half year or so stint presiding over criminal cases at Central, when suddenly fate brought him another learning experience, the job of juvenile court judge. He performed well enough that he remained there about three years, more than half of that as presiding judge overseeing the work of a half dozen other bench officers, in both delinquency and dependency. During his term as PJ branch juvenile courts were opened in Rancho Cucamonga and Victorville in courtrooms remodeled for this purpose.

That duty led to a return to his beloved criminal area at Central, handling criminal fast track. Then he pursued a relatively short stint on civil before seeking his present Redlands post a year or so ago, having wanted experience in a small court.

Asked what appeals to him about judging, Judge Martin says "I like making decisions . . . I just like the challenge and what I really like is presiding over jury trials . . . I like watching two top lawyers locking horns." Adept attorneys at trial, he finds, don't waste time, "both sides know what they have to do and they do it." He suggests that citizens may enjoy watching this public process as it unfolds.

As supervisor of the Redlands District, he finds the biggest challenge is "the lack of facilities more than anything else." He says the courthouse is the second worst in the county, where jurors have to deliberate in a borrowed sheriff's office conference room and lack of "in custody" facilities requires that prisoners be brought in chains across a parking lot from the city jail.

Construction funding is rather lacking these days, and under state government assumption of facility responsibility, there is discussion of converting Redlands from criminal to civil. He points out that consolidating criminal adjudication in regional courts would save the courts money but would be inconvenient for law enforcement agencies.

Among other issues, Judge Martin sees the courts becoming "more pro per friendly."

As for words to the wise to attorneys, he says "try to be on time and if you can't be, call and tell us when you can get here." Also, "I like attorneys to behave professionally in the courtroom . . . I will not tolerate rude behavior."

Off work, the judge enjoys card games and spectator sports. "I'm a really rabid Ole Miss fan. I love college football," he says.

His older son, Richie, will be attending Ole Miss after a Navy stint including service aboard his dad's aircraft carrier, the Kitty Hawk. Younger son Byron aspires to be a screen writer after attending the University of California, San Diego.

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