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Scramble among legal community as judges retire

'Being politically correct in Santa Cruz isn't politically correct for a judicial candidate.'

Santa Cruz attorney

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STAFF WRITER

The usual scramble among attorneys for vacant judgeships has a new angle this year: There will probably be two vacancies in Santa Cruz County Superior Court.

Judge Richard Kessell has said he will retire in June, and John Marlo is expected to retire before that. Marlo said he won't say anything official "until I get my letter

in."

As soon as rumors started floating around the courthouse that the judges would retire, rumors started floating about who would apply.

The most obvious candidates are the five Municipal Court judges: Tom Kelly, Robert Atack, Rich McAdams, Mike Barton and Heather Morse.

McAdams and Morse said they are candidates, and Barton said he

will probably file an application. The other judges could not be reached for comment.

The process for selecting judges is a highly political one. When a judge resigns, it's up to the governor to fill the vacancy. With Republican Pete Wilson in office, it's likely a new judge will be a Republican, although there are occasional exceptions.

Political activities and philoso-

phies, both in and out of the legal system, can make or break a candidate. "Being politically correct in Santa Cruz isn't politically correct for a judicial candidate," one Santa Cruz attorney said.

Candidates go through an interview process that is brutal at best. They're interviewed by members of the Committee on Judicial Evaluation, who are armed with criticisms of the candidate submitted

anonymously by other attorneys.

There could be some pressure to appoint a woman, a Latino, or both to the bench. Morse, a former assistant district attorney, became the first woman judge in the county when she was appointed to Municipal Court in 1989.

Watsonville attorney Chema Merino, a Latino, said "it's high time" for a Latino to be appointed to the

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bench in Santa Cruz County. There are a number of Latino attorneys in the county who are qualified and would be conservative enough to be appointed by Wilson, said Merino, adding that his own liberal politics would rule him out.

There is one Latino in the local judiciary: John Salazar, who was hired by the Municipal Court judges a year ago as a court commissioner. Salazar performs nearly all the functions of a judge, but for considerably less money.

Salazar doesn't have enough time as an attorney to be a Superior Court judge but said he would be interested in Municipal Court if one of the judges is elevated.

Ron Shannon, a Santa Cruz attorney for 15 years who practices business law, said he will seek a Superior Court vacancy and would consider applying for a Municipal Court spot if a Municipal Court judge is elevated.

George Kovacevich, an assistant district attorney, said he is considering applying. Kovacevich was chief deputy district attorney here in the early '80s. He left law for 11 years and returned to the district attorney's office two years ago.

Another who said she might apply is Kathleen Akao, an assistant county counsel. Akao said she has "always been interested" in a judicial post but hasn't applied before. She was an unsuccessful candidate for the court commissioner's job that went to Salazar.

Civil attorney Sandra McCormack and Steve Wright, a public defender, whose names were mentioned by attorneys as possible applicants, said yesterday they will not apply for the bench.

McAdams, the senior Municipal Court judge in the county with 16 years experience, said yesterday he submitted an application to the governor's office last year.

McAdams, a registered Democrat, said he has received "a lot of encouragement from Republicans" and people in law enforcement. McAdams said Wilson has a reputation for making appointments based on an applicant's background and not just on party affiliation.