

# Burdick sworn in as new judge

Courts

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## Private ceremony held in Santa Cruz

By J.D. HILLARD  
OF THE REGISTER-PAJARONIAN

SANTA CRUZ — Santa Cruz County's newest judge, Paul Burdick, hopes that with his background in civil law and mediation he can find new ways to resolve criminal cases, he said before his swearing in Friday.

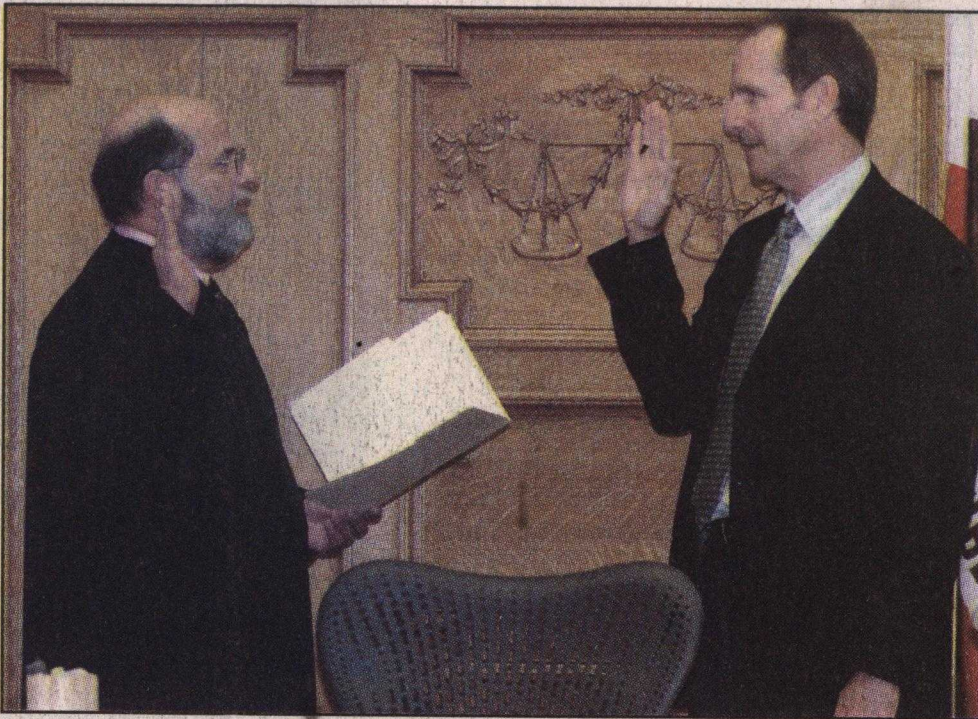
Burdick was appointed Thursday by Gov. Arnold Schwarzenegger to replace the seat left vacant by the death of Judge Arthur Danner III.

The 52-year-old Aptos resident was sworn in by Commissioner Irwin Joseph in a noon ceremony attended by the other judges, court staff, friends and family.

As Joseph led Burdick in the oath, Burdick for a moment was clearly overwhelmed by emotion, pausing midway through the words.

"I didn't have an opportunity to

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**Commissioner Irwin Joseph (left) swears in civil attorney Paul Burdick as a new Superior Court judge Friday in Santa Cruz.**

Tarmo Hannula  
Register-Pajaronian

## JUDGE

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digest this," Burdick said. Burdick only learned of the appointment Thursday. "I have been swimming ever since."

The appointment was exciting and humbling, Burdick said in a phone interview. He was saddened, he said, to take the late Danner's seat.

"It's certainly not the way I wanted to get the job," he said, adding that Danner and the late

Judge Kathleen Akao had left "big shoes and a big robe to follow behind."

Still, Burdick said he hoped that, by applying lessons from his work mediating civil disputes, he could bring a valuable new approach to criminal law. If he can find ways to help prosecutors and defendants to cooperate, he might be able to speed up the legal process, he said.

Burdick applied for the seat when Judge Thomas Kelly announced his retirement last year. However, the deaths of Akao and Danner intervened.

Judges can take their seats either by election or appointment by the governor, but elections play a relatively minor role in choosing judges. Judges sit for six-year terms, and sitting judges have tended to win the elections to remain in their seats. Governors tend to appoint judges before the seat becomes subject to a competitive race.

The exception to the diminished importance of judge elections took place in 1994, when Akao challenged and won a seat from a sitting judge.

Danner's seat had been up for

election this year and he died during the filing period for candidates, Court Executive Officer Alex Calvo said. Had the governor chosen to make his appointment after the filing period, which ends Monday, the seat might have been filled by election. By appointing Burdick during the filing period, the governor has postponed the next election for the seat until 2008, Calvo said.

Kelly has postponed his retirement until his position is filled. The court still awaits appointments for the seats of both Kelly and Akao.

Burdick is scheduled to engage in an intensive orientation process during the next week, Calvo said. Once Burdick has completed the training, he is expected to preside over misdemeanor cases in the court's Department 1 courtroom.

His swearing in Friday meant

that his firm, Dunlap & Burdick, was required to remove Burdick from all the cases he was involved in, said Burdick's partner, Mike Dunlap. Judges serve under a code that requires they avoid any appearance of interest in the cases over which they preside. Despite the sudden added work, Dunlap said he was thrilled at Burdick's appointment.

Burdick expressed confidence that Dunlap and his associate attorney, Laura Walther, could pick up where he left off. In essence, Burdick was unwinding his 20-year-old practice, he said.

"My head's kind of spinning right now," Burdick said.

While a number of attorneys in the Santa Cruz County District Attorney's Office have applied for judge's seats, District Attorney Bob Lee supported Burdick's appoint-

ment. Lee expressed the hope that his office continues to see itself represented on the bench. Danner served as district attorney before he became a judge.

Responding to the appointment of an attorney who's criminal law experience was on the side of the defense, Lee was still positive.

"Paul Burdick's an excellent attorney," Lee said. "He'll do a good job on the bench."