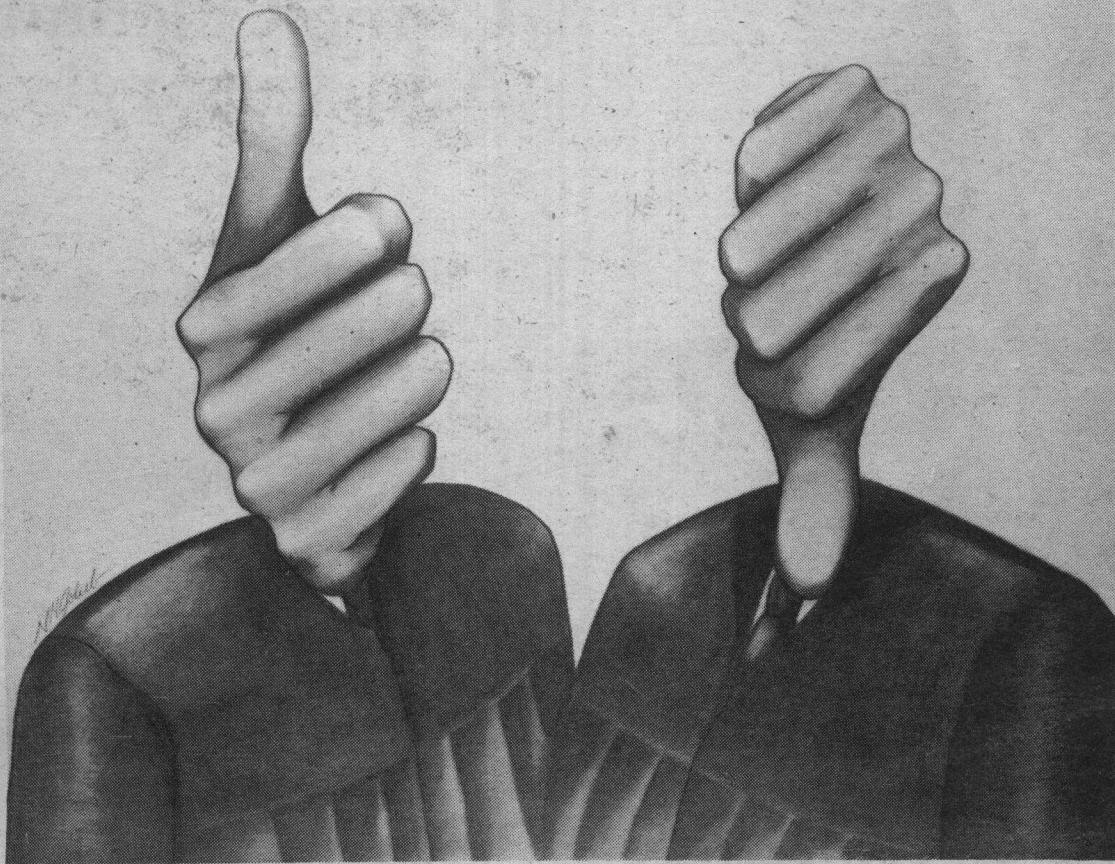


So you really blew it this time. . . You just *had* to go harvest your one lousy little plant just as the CAMP chopper decided to cruise over your house. Now the only person standing between you and a year behind bars is that stone-faced man sitting up there so high-and-mighty on that bench in his fancy robes. Boy, you're *really* sunk now. Or are you?

ILLUSTRATION: NORA GOLUB



With reports coming down the pike in the past few weeks of federal judges being found guilty of the same crimes they've been sentencing people to prison for committing, it sometimes seems as if there's nobody you can trust anymore. If you can't trust a judge to treat you fairly, who can you trust?

After all, these guys have power. All day long they sit around judging other people, but nobody is there to judge *them*.

The *Express* thought it was high time to put a little more balance in our local system of checks and balances, so we did just what the State Commission on Judicial Nominations Evaluations does when it goes hunting for judges qualified enough to serve on State Courts of Appeal. We surveyed a wide variety of local attorneys — folks who know judges better than anyone — about the capabilities and limitations of the men who mete out justice at the Santa Cruz County Courthouse. We surveyed 50 local attorneys to get their opinions of the following judges: Superior Court judges Harry Brauer, Chris Cottle, Roland K. Hall and Donald O. May; and Municipal Court Judges Bill Kelsay, Richard Kessell and Richard McAdams.

(Superior Court judges hear civil cases when the amount is over \$15,000 and felony criminal cases. Municipal Court judges hear civil cases of less than \$15,000 and misdemeanor criminal cases.)

We asked the attorneys in our confidential survey to rate the seven judges according to 18 criteria (see accompanying chart). The attorneys were asked to rate them as exceptional (five gavels), above average (four gavels), average (three gavels), below average (two gavels), and unsatisfactory (one gavel). There was also an "unknown" category with no point value.

We then asked the attorneys to give us their "overall rating" of the judges based on the same point value. The number of gavels in their overall point rating are the gavels you see at the beginning of each judge. The accompanying chart gives the numerical results of our survey. Here, starting at the bottom, is the translation of all those numbers.

Donald O. May



The clear "loser" in our survey, at 2.8 gavels overall rating, is Superior Court Judge Donald O. May. May, 62, is a former attorney for a large chemical corporation, the former City Attorney for Capitola, and a former Santa Cruz Municipal Court Judge. He has been a Santa Cruz Superior Court Judge since 1975.

Chris Cottle



Placing fifth of seven in the attorneys' overall rating was Superior Court Judge

Besides receiving the lowest overall rating, May clinched more last-place votes than anyone. He scored last in 10 of the 18 categories, including intellect and ability, knowledge of the law, professional reputation, and judgment and common sense. His earning of 1.9 gavels for "decisiveness" makes him the only judge to score less than two gavels on any one category.

May could not be reached for comment.

Richard Kessell



Coming in sixth was Municipal Court Judge Richard Kessell, at 3.2 gavels. Kessell, 53, is a former attorney for a Watsonville law firm. He was appointed municipal judge in 1973 by then-governor Ronald Reagan.

In his bid for sixth place, Kessell clinched three last-place marks (in integrity and honesty, trial experience, and industry and work habits, where he tied with May).

When contacted by the *Express*, Kessell declined to comment on his standing in our poll.

Richard McAdams



The middle-finisher, according to our survey, was Municipal Court Judge Richard McAdams, who racked up a 3.6-gavel overall rating. McAdams, 40, is a former attorney for several private law firms, and he served as directing attorney for the Legal Aid Society of Santa Cruz County. McAdams was appointed municipal judge by Governor Brown.

McAdams received no last-place votes in our survey. He was, in fact, the high-place winner in the administrative ability category.

"I'm flattered to know attorneys rate [me] moderate or better," Judge McAdams said when we told him how he placed in the poll. "We [judges] spend a lot of time with attorneys in adversarial situations. Judge Brauer said the other day,

Chris Cottle. Cottle, 44, is a former attorney for a San Jose law firm, a former Cabrillo instructor, our county's former Assistant District Attorney, and our county's former District Attorney. Cottle was appointed municipal judge by Governor Jerry Brown in 1977.

Cottle tied with Judge May for last place in community respect; however, he tied for first place with Judge Kelsay for fairness and objectivity.

When contacted by the *Express*, Judge Cottle preferred to make no comment about his standing in our poll.

"You consider [my popularity contest] to be a compliment [of my results] to doing on the bench. We're

Harry Brauer



Finishing third — and one of three judges to be awarded at least four gavels — was Superior Court Judge Harry Brauer, who went home with four gavels even. Brauer, 58, is a former private attorney, a former faculty member at California Judicial College, a former clerk to a US district judge, and a former Santa Cruz municipal judge. Brauer was appointed Superior Court Judge by then-Governor Ronald Reagan in 1973.

Brauer's most famous recent case was his election challenge decision, which is now being challenged in the Court of Appeals. Brauer (a Democrat) was recently appointed by Governor George Deukmejian to serve on the newly created State Court of Appeals in San Jose, a position he will begin in one week, on November 2. (No replacement has been named yet.)

You might call Brauer the "Babe Ruth" of our survey. Although he placed third in overall ratings, he scored more "home runs" than any other judge, clinching first place in seven categories — including (among others) intellect and ability, knowledge of the law, professional reputation and decisiveness. Interestingly (again, like Babe

Ruth), Brauer claimed five last-place votes — including last place in judicial temperament, fairness and objectivity, courtesy and patience, humor and perspective, and compassion and understanding. Only last-place finisher May captured more last-place spots.

Judge Brauer could not be reached for comment.

Roland K. Hall



Eding out Judge Brauer by a tenth of a gavel was second-place finisher, Roland K. Hall, who racked up 4.1 gavels in his overall rating. Hall, 44, is a former private attorney, the former Deputy Attorney General of California, and a former Santa Cruz municipal judge. He was appointed Superior Court Judge by Governor Brown in 1977.

Hall rang up five first-place showings in the 18 categories. Interestingly, four of these were four of Judge Brauer's last-place showings — judicial temperament, courtesy and patience, humor and perspective, and compassion and understanding. He also clinched first place for judgment and common sense. Due to a (now-recovered) heart condition that forced Hall to miss a lot of work days, he placed last in the physical and mental health category.

"I'm very pleased with the results," Hall said of our survey. "I find the results gratifying. I'm always pleased to place high in a poll." Speaking of his style on the bench, Hall said, "I basically try to act like a human being and use common sense doing my job."

Bill Kelsay



Municipal Court Judge Bill Kelsay, who rang up five 4.2 gavels. Kelsay, 53, is county's former Deputy District Attorney and Assistant District Attorney. He was appointed municipal judge by Governor Brown in 1977.

Besides winning the attorneys' first-place spot in "overall rating," Kelsay also racked up six first-place finishes (which included two ties). His first-place showings included trial experience, professional reputation, fairness and objectivity, integrity and honesty, community respect, and physical and mental health.

If there had been a "modesty and humility" category, Kelsay probably would've won that too, judging by his response to the news that he was the grand winner in our survey.

"I'm flattered," said Kelsay. "That's really nice of the boys — and girls. I'm flattered, but I don't know how to respond. It's a good surprise. We have a fine bench here, and I'm proud to be part of it."

Flattered though he was, the portly judge couldn't help but question the accuracy of our survey. "Physical health?" he echoed when he heard he'd captured that prize. "On physical health, I'd say somebody's done some puffing. But considering my size, I guess I've done some puffing myself."

"Puffed" or not, those are the results of our "judge-a-judge" survey. As we mentioned earlier, we couldn't get comments from some of the judges. Of course, that might have something to do with a comment made by a receptionist in the

judges' chambers.

"I'm not sure they can all call you back," the receptionist told the *Express*. "And I'm not sure they're all going to *want* to call you back. That's the most tactful way I can put it." ■

Your Honor Roll



Bill Kelsay <i>Municipal Ct.</i>	Roland K. Hall <i>Superior Ct.</i>	Harry Brauer <i>Superior Ct.</i>	Richard McAdams <i>Municipal Ct.</i>	Chris Cottle <i>Superior Ct.</i>	Richard Kessell <i>Municipal Ct.</i>	Donald O. May <i>Superior Ct.</i>
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Judicial temperament	3.8	4.3	2.6	3.5	3.8	3.7	3.4
Intellect & ability	4.0	3.7	4.7	3.9	3.3	3.2	2.8
Knowledge of law	3.8	3.3	4.6	3.8	3.1	3.1	2.7
Trial experience	4.3	4.2	3.2	3.3	4.2	2.8	3.3
Professional reputation	4.3	4.0	4.3	4.0	3.8	3.4	3.0
Industry & work habits	3.7	3.5	4.6	3.9	3.5	3.3	3.3
Decisiveness	4.3	4.1	4.6	3.8	3.8	3.4	1.9
Fairness & objectivity	4.1	4.0	3.2	4.0	4.1	3.3	3.3
Courtesy & patience	3.8	4.3	2.1	3.7	4.0	3.8	4.0
Humor & perspective	4.3	4.6	2.7	3.9	3.9	3.8	3.4
Judgment & common sense	4.1	4.4	3.8	3.8	3.9	3.3	3.1
Compassion & understanding	4.1	4.2	2.8	4.1	3.6	3.3	3.6
Integrity & honesty	4.5	4.1	4.3	4.2	4.4	3.8	4.0
Administrative ability	3.6	3.4	4.0	4.5	3.1	3.3	2.9
Community respect	4.3	4.0	4.2	4.1	3.5	3.6	3.5
Physical & mental health	4.4	3.1	3.9	3.9	4.1	3.6	3.5
Courage	4.0	3.9	4.4	3.9	3.9	3.1	2.5
Writing & research skills	3.3	3.5	4.3	3.6	3.0	3.0	2.7
OVERALL RATING	4.2	4.1	4.0	3.6	3.4	3.2	2.8
AVERAGE OF COLUMNS	4.0	3.9	3.6	3.9	3.7	3.4	2.7

