

# Judge Marlo's new career: Taking work away from judges

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STAFF WRITER

John A. Marlo will retire from resolving cases as a Santa Cruz Superior Court judge next month, and go right into business resolving cases.

Marlo, 58, is joining seven other judges in San Jose in Judicial Arbitration and Mediation Services, a firm that resolves issues before they go to trial.

Marlo, who announced today he will retire in March after 20 years on the bench, has long been a stickler for urging attorneys to resolve cases, both civil and

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criminal, without a trial. "I settled one case when the jury was deliberating," he said.

The firm's initials — JAMS — is almost the same as Marlo's JAM initials. "I won't have to get new monograms for my shirts," joked Marlo.

The JAMS office is in downtown San Jose, a few blocks from Marlo's "office" in the late '50s. "I was the cop on the beat at First and Santa Clara streets," said Marlo, who has a yellowed newspaper photo essay about his policeman days in his Santa Cruz chambers.

Already married and raising a family, Marlo worked full-time as a policeman and attended law school full-time.

Marlo didn't have a magic formula for doing so many things at once. "You just do it," he said. He still maintains a busy schedule, operating a small vineyard on his Aptos property and dabbling in inventions. He developed a shower and portable barbecue some years ago, and is now working on a bumper reinforcement for cars.

Marlo moved to Aptos after finishing law school in 1961 and practiced civil law before Gov. Ronald Reagan appointed him to the bench in February 1973.

Marlo was given the choice of a court-

room in Santa Cruz or one in Watsonville. Although he had rarely been to South County, Marlo chose Watsonville.

"I never regretted it," said Marlo, who stayed in Watsonville until he was elected to Superior Court in 1986. "I liked the idea of a small community."

In a small, one-judge town, Marlo said, "You have more contact with the community."

People charged with crimes in Watsonville are less likely to ask for a trial than those in Santa Cruz, Marlo said. "In Watsonville, the person readily admits guilt and accepts punishment" on small cases, he said.

In 1986, Marlo defeated another Municipal Court judge, Rich McAdams, for a Superior Court vacancy. He's had a number of high-profile Superior Court cases, but there's one he particularly remembers.

Kenneth Luther Jr. was convicted in 1987 of the 1986 murder of Joseph Vomvolakis, a former star football player at Cabrillo College. Vomvolakis was shot when he interrupted a car burglary.

"After I sentenced him I cried. It was so sad seeing the tragedy for the family," Marlo said. Luther got the maximum sentence, 19 years to life.

"I've always prided myself on being a family man," said Marlo, who with his wife Patricia raised five children, all now grown.

Marlo has a reputation for tough sentences, especially on drug and sex cases. Attorneys often use their one "free" disqualification of a judge against Marlo in such cases, taking their chances with another judge.

The growth of drug use over the last few decades is a big reason "for the lack of family unity," Marlo said. "You don't need to be a rocket scientist to see that."

Marlo said he's against legalizing drugs and has opposed the trend toward leniency in drug cases. "If the maximum fine is \$150 (for a marijuana case), I'll impose \$150," he said.

In contrast to Marlo's hard line on some cases is a program he ran in Watsonville Municipal Court called Project Busy.

Marlo would tell defendants in small cases, usually petty thefts, he would dismiss the case in six months if they re-



Mike McCollum

**Santa Cruz Superior Court Judge John Marlo, who began his judicial career in Watsonville Municipal Court, will retire after 20 years on the bench.**

mained employed. He got some business owners to agree to hire people in the program.

Marlo kept the program despite some criticism from local attorneys that he was pushing hiring of criminals. "The program worked," said Marlo, who said one of his proudest moments was receiving an award for Project Busy from a national association of personnel managers.

Although he'll be officially retired, Marlo said he plans to take some visiting-judge assignments, including some in Santa Cruz, in addition to his private work in San Jose.

Marlo said he hopes to get a visiting assignment in Los Angeles, where one of his sons, also named John, is a bailiff.

"I want to have him stand at attention when I come in the courtroom," Marlo said with a laugh.

## Defendant strikes a chord with jazz-afficianado judge

Judge John Marlo looked at the name on his docket, then looked up at the man before him on alcohol-related charges.

"Ron Crotty? Bass. Dave Brubeck group. 1952," said Marlo, a longtime jazz fan.

Crotty was amazed. "I can still see the look on his face," said Marlo, recalling the 1975 incident in Watsonville Municipal Court.

Marlo wrote to Brubeck, who sent \$400 to help Crotty. Marlo said he

couldn't accept it—and returned it to Brubeck, but the correspondence led to a friendship.

Brubeck has been to Marlo's home, and Marlo has made it a point to see Brubeck when he plays in the area.

"For a jazz fan, that's quite a deal," Marlo said.

Marlo doesn't know what became of Crotty, other than hearing that Crotty attended Brubeck's 50th wedding celebration last year.