

Judicial Profile



HON. DAVID D. PEREZ

Private Judge

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PROFILE Los Angeles Superior Court Judge David D. Perez is so straight-laced and concerned about the appearance of impropriety that he will not even engage in a friendly neighborhood game of poker.

“They know not to ask me,” said Perez, 57, who has sat on the bench in Santa Monica since 1987 and is strongly rumored to take over next year as supervising judge for the West District.

“You have to be very circumspect in your life,” Perez said, noting that gambling is illegal in California, except at racetracks or card clubs.

“If I’m supposed to be upholding the law, what am I doing breaking the law?” he added, explaining his disinclination to play cards for a few bucks with friends. He is so circumspect, his wife teases him about refusing to jaywalk.

Assistant Presiding Judge Gary Klausner will not announce the new judicial assignments until next month, but insiders strongly agree that Perez will replace Superior Court Judge David Rothman, who has supervised the West District for the past six years.

Perez said he would accept the position if asked, but refused to comment on whether he has been tapped for the job.

The son of a welder who never went beyond the second grade, Perez is a fighter who has been through two bitter judicial campaigns.

After Gov. Edmund G. “Jerry” Brown Jr. appointed him to the Los Angeles Municipal Court in 1975, he was defeated at the polls in 1980 by Richard Adler. Brown reappointed Perez in April 1981 to the East Los Angeles Municipal Court, just in time to face a stiff challenge from former Superior Court Judge Leopoldo Sanchez. Sanchez lost.

In both campaigns, Perez faced negative publicity stemming from his tenure as the chief assistant Los Angeles city attorney who granted police permission to shred old records of citizen complaints against officers. About 200 cases had to be dismissed because of shredded files.

Perez said the shredding took place two years after he left the office. It was a routine act to eliminate old files, he said. But his opponents used it against him in both campaign battles.

“It was a difficult period,” Perez said.

Richard Hirsch, a partner with Nasatir, Hirsch & Podberesky, who has known Perez since that rocky period, called the shredding an unfortunate mishap. "I thought that was a bad rap, personally," Hirsch said. He called Perez moderate, even-tempered and a good judge.

Four years after the last stormy Municipal Court election, in September 1985, Gov. George Deukmejian appointed Perez to the Los Angeles Superior Court. Since then, Perez admitted with relief, he has stood for election twice and been unopposed.

From the time he was a youngster growing up in Los Angeles with his three sisters, Perez said, his parents instilled in him the importance of education as an avenue to success.

He knew earning a bachelor's degree in industrial relations from Loyola University in 1959 was not sufficient. Being from a minority background, Perez believed it was important to be in a career in which he could affect positive changes. So he went on to get a degree in 1965 from Southwestern University School of Law.

After graduating, Perez joined the Los Angeles City Attorney's Office, rising through the ranks until his bench appointment.

Perez recalled when he began working at the city attorney's office, his father asked him how much he was earning. At the time, Perez said, it was about \$10,000 a year. "You're making more money now than I am now," his father said, "and I've been doing this job [welding] for 30 years."

His father instilled a work ethic in him and a pride in his heritage. "That's why I went to work for a public entity," Perez said. "If I'm going to influence something, it's going to have to be done from the inside. Maybe it will open doors for other people."

Perez and his wife, Penny Jean Faust, a homemaker, are both avid runners. They have a daughter and son, 19 and 21, respectively, who are in college. Twice a week, Perez takes the bus to work from his Pacific Palisades home; the other days he makes the eight-minute commute by car.

Attorneys who have appeared before Perez call him an extremely organized, even-handed judge who listens well and exercises levity in the courtroom.

"He's so quick, so efficient, and he calls it like he sees it," said Deputy District Attorney Dannette Meyers. "He lets both sides speak and never embarrasses anybody. He keeps a poker face, so you never know where the man is coming from."

And he has a very dry wit, Meyers said. "We all fight to get in his courtroom. You get good rulings from him. He can make a decision. He's not pro-defense. When you go to trial, you know Perez knows the good guys from the bad guys."

Steve Barshop, who was Perez's calendar deputy district attorney for three years, called him a "true gentleman on the bench."

"He has all the attributes of what a good judge should be," Barshop said.

“He lets the lawyers try the case.”

Barshop recently tried a death penalty case before Perez, in which John Riccardi, a 58-year-old former bodybuilder, was convicted of the 1983 deaths of his estranged wife and a female friend in her Santa Monica apartment. Riccardi is scheduled to be sentenced Nov. 4.

Riccardi had fled to Texas after the crimes and changed his appearance. He was caught eight years later, after someone in Houston recognized him as a suspect in the murders on the television show, “America's Most Wanted.”

At the time of his arrest, prosecutors said, he had nearly \$1 million on him, allegedly stemming from 100 burglaries. His disgruntled former partner in the burglaries testified against him during the murder trial in exchange for a reduced sentence.

“America's Most Wanted” producers also taped the murder trial, which is scheduled to air Oct. 1.

Kent Schaffer of Schaffer & Bires in Houston represented Riccardi in the burglaries, in which his client was sentenced to 50 months in prison, and in the double homicide.

During the murder trial, Schaffer said, Perez was one of the nicest, most even-tempered judges he has appeared before. He said Perez handled the proceedings with professionalism.

“There were quite a few sparks between Mr. Barshop and myself,” Schaffer said. “He [Perez] broke up a couple of fights but mostly he stayed out of it.”

“He'll be a great TV judge,” Schaffer said, referring to Perez' appearance on the upcoming segment of “America's Most Wanted.” “If they called Central Casting for a judge, Perez would be perfect. He looks judicial; he has an even temperament and a fatherly demeanor, and his rulings would be popular with an audience. He looks like a judge who ought to be in a movie.”

Other attorneys say Perez conducts an informal court and uses humor to lessen courtroom tension.

Deputy Public Defender Lynn D. Meltzer called Perez “extremely pleasant and easygoing.” She said the judge has a good sense of humor and moves the calendar along.

Mark Weinstein of Veatch, Carlson, Grogan & Nelson in Los Angeles, who represented Los Angeles County in a 3+-month wrongful death suit, praised Perez for making a courageous ruling in a difficult, highly emotional case.

The jury had awarded the family of Christine MacIntyre \$2.1 million, stemming from an accident on a county road in Malibu, in which a truck hauling cinder block lost its brakes and crashed into MacIntyre's car.

But Perez, in what Weinstein called a “gutsy” move, set aside the award and issued a directed verdict for the county because he believed the panel had misinterpreted the jury form.

“He was willing to make a decision in a very big, significantly emotional case, in which the jury misread the verdict form,” Weinstein said. “He made a

very difficult ruling from the bench."

However, Drew Cicconi of Cicconi, Iglesias & Cicconi in Santa Monica, who represented MacIntyre's family, believes the judge misapplied a government code section dealing with liability.

Still, Cicconi said, he believes Perez will make a good supervising judge if he is chosen because "he is so organized and his courtroom runs like clockwork."

Prior to trial, the truck company had settled with MacIntyre's family for approximately the same amount as the jury award. And in a separate cross-complaint heard after the trial, Perez ordered the county to reimburse the truck company for half the award payment.

Both cases are on appeal.

Another attorney who believes Perez would do a good job supervising the Santa Monica court is T.K. Herman, assistant head deputy district attorney for the Santa Monica branch office.

"He is a very capable, quietly efficient, extremely able judge who has the ability to not only run a trial court, but to administer the West Judicial District," Herman said.

But some attorneys have criticized Perez for being capricious.

"He's very impatient, and he unfairly lashes out at attorneys," said a deputy district attorney, who asked not to be named. The attorney said Perez doesn't lose his temper because lawyers are not prepared. "It's not an issue of competence," the attorney added. "It's more from a standpoint of exploding for no particular reason."

The prosecutor also worried that if Perez replaces Rothman, the change would be a "disaster." "He [Perez] does not have the managerial skills and effective way of dealing with people that Rothman does," the attorney said.

Perez said there was "no basis whatsoever" for the criticism. "I never get mad at people," he said. "Never have, never will."

As far as his managerial skills go, Perez noted, he managed 150 attorneys for five years while in the city attorney's office. He also served as supervising judge of the West Los Angeles branch of the Los Angeles Municipal Court and presiding judge of the East Los Angeles Municipal Court.

Deputy Public Defender Marc S. Lewinstein, who was assigned to Perez's court and has waived jury to him on a few trials, has had good results.

"He's tough on people who violate probation," Lewinstein said. "He has a good judicial temperament and listens to both sides."

Medical Malpractice lawyer David O'Keefe, who has been before Perez in trial and settlement conferences, termed the judge thoughtful, attentive and well organized.

Ron Levine, a senior felony attorney with the Alternate Defense Counsel, appeared before Perez every day for a year.

"He listens to everybody," Levine said. "While I don't always agree with his decision, I feel he has thought about it."

Levine said he has had clients acquitted and convicted in Perez's court, and in both instances, Perez was fair.

``He picks up little nuances in things. If you cite cases, he'll read them," Levine said.

- CASSANDRA SMITH

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