



Malcolm Maclachlan / Daily Journal

Parks and Recreation

US Magistrate Judge Jeremy Peterson's Yosemite Courthouse post was ideal.

By Malcolm Maclachlan
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SACRAMENTO — Yosemite National Park might seem a rather isolated posting to start one's judicial career. But it's a metropolis compared to where U.S. Magistrate Judge Jeremy D. Peterson spent summers growing up.

That would be Isle Royale, a mostly uninhabited, 206-square-mile island in Lake Superior that holds the distinction of being the least visited national park in the lower forty-eight states. Technically part of Michigan, it's closer to Canada. Peterson's biologist father visited each summer as part of a study that began in 1958 on the interactions between wolves and moose. The relative numbers of the two species go up and down in a cycle of over-hunting and starvation. He described staying all summer in a cabin with no electricity or running water. Peterson and his brother would hike, boat, build things out of wood scavenged from the "National Park Service junk pile" and, above all, look for dead moose.

"My father's research, at least the summer part, was largely focused on finding dead moose and then seeing what could be learned from them," Peterson said. "It was our goal to find those moose, so we would walk the trails where people had often not been for years."

Peterson's father has since retired from Michigan Technological University, but still works on the study. In fact, his parents, now in their early 70s, still spend each summer on the Island. Peterson and his family recently returned from a visit.

"Visiting my family requires going totally off the grid," Peterson said. "It was nice to get a little break and see family for the first time since COVID."

Even Peterson's hometown of Houghton, Michigan was 200 miles north of Green Bay, Wisconsin and the termination point of the closest interstate highway. It has a popula-



Jeremy D. Peterson

U.S. Magistrate Judge
Eastern District of California (Sacramento)

Career Highlights: Appointed U.S. magistrate judge, 2018; associate, Arnold & Porter Kaye Scholer LLP, 2012-18; deputy attorney general, U.S. Department of Justice, 2007-12; law clerk to Judge Ruggero J. Aldisert, 3rd U.S. Circuit Court of Appeals, Philadelphia, 2006-07.

Law School: Harvard Law School, 2006

Former park ranger was natural fit for Yosemite

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tion of 8,000 and receives an average of 18 feet of snow per year. An annual pass to the ski slope cost less than \$100.

Petersen served stints as a park ranger in the Isle Royale, Yellowstone and Central Park in New York City before attending Harvard Law School. So when an advertisement from the U.S. Eastern District of California seeking a Yosemite-based magistrate judge started making its way around the Washington, D.C. office of Arnold & Porter Kaye Scholer LLP, it didn't take long for someone to forward it to the yuper — a slang term for someone from the Upper Peninsula of Michigan.

"I knew there probably weren't that many lawyers out there who had been park rangers," Peterson said. "I thought it was a small shot, but I knew that usually magistrate judges come from the local bar."

He let the committee know — repeatedly — he really wanted the job. To his surprise, the court chose him in 2018. Once he arrived in the district, he said, Magistrate Judge Erica P. Grosjean helped show him the ropes. Grosjean was a partner at Quinn Emanuel Urquhart & Sullivan LLP in New York who became a magistrate judge in Fresno in 2015.

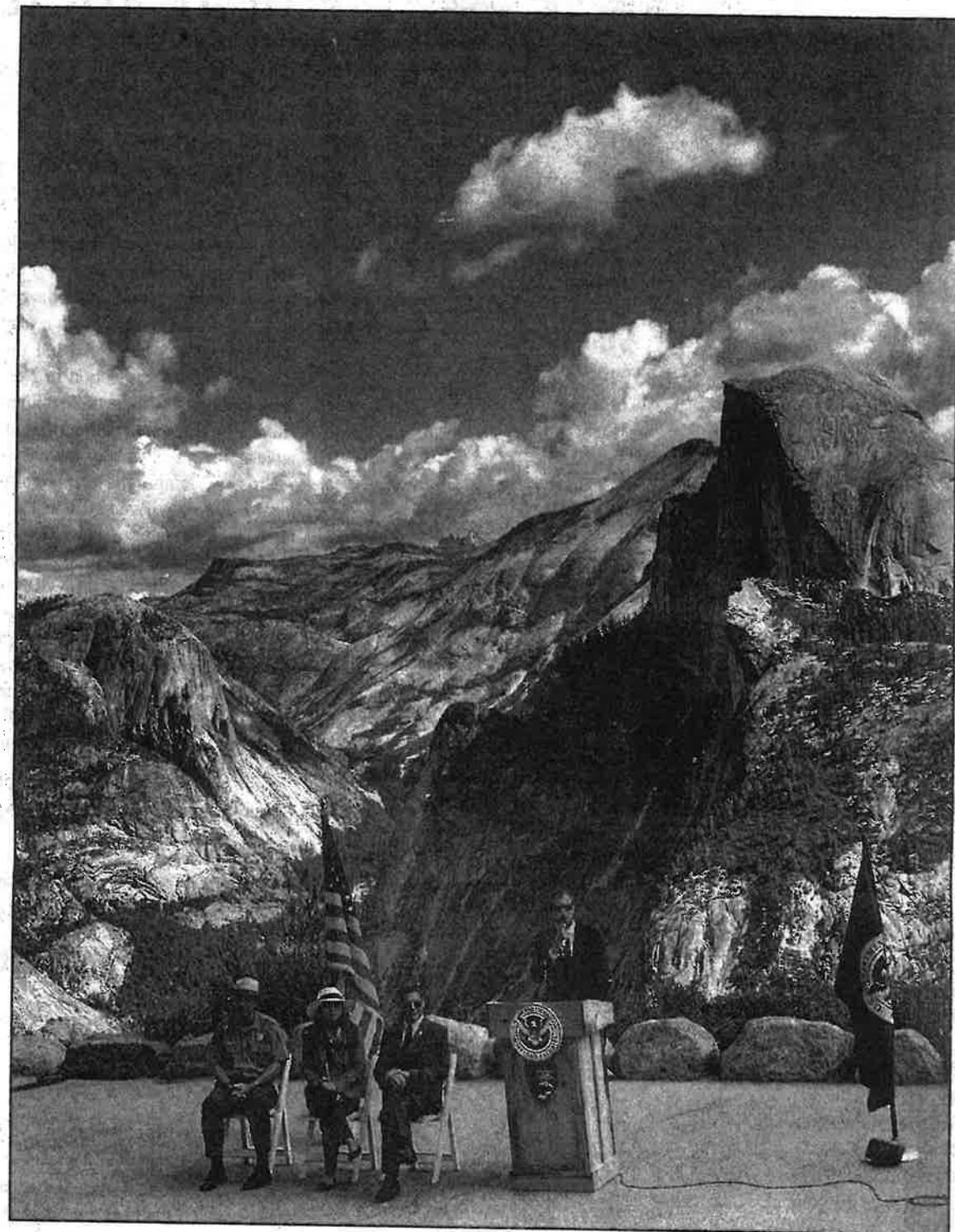
"We were both coming from private East Coast law firm environments to very different places," Peterson said. "It's pretty unusual, but I think we both felt very fortunate that this district would consider people from elsewhere."

In an odd coincidence, Peterson's neighbors in Yosemite knew Grosjean from Jujitsu tournaments, where she is an avid competitor and has won age division titles.

Living in the valley allowed Peterson to follow his own athletic pursuits. He describes himself as an avid hiker, cyclist and rock climber, though he acknowledges these days he and his wife are more focused on the activities of their three children.

Yosemite received almost 4.6 million visitors in 2019. This meant a steady stream of criminal cases to Peterson's court, nearly all of them misdemeanors. There is a small jail on the valley floor, though most arrestees are released without being held overnight.

"A significant majority of cases involve alcohol," Peterson said. "A lot of cases involve the roadways. There's very little violence or murder, but people seem to seek out Yosemite as a place to experiment with different



Courtesy of U.S. Magistrate Judge Jeremy Peterson
U.S. Magistrate Judge Jeremy Peterson conducted a citizenship ceremony at Granite Peak in 2019.

illicit substances that from time to time can lead to some pretty crazy behavior."

One of the most common substances, marijuana, is now legal in California and many other states. But Peterson said people "often forget federal law applies" in the national parks.

Illegal marijuana grows aren't much of an issue in the more crowded confines of the park, he said, but can be found in the surrounding national forest. These can involve toxic pesticides and heavily armed gangs, he explained.

Lawyers shouldn't assume the bucolic setting means that Yosemite's courthouse is a relaxed environment, said David Harshaw. The supervising attorney with the Eastern District Federal Defender's Office is based near Sacramento but often appeared in person in Peterson's Yosemite Court.

"Misdemeanor court can be a fast and furious thing," Harshaw said. "Defense attorneys and prosecutors are trying to come to terms. Some cases are getting set for trial; there's a lot of pleas. Everyone needs to be

nimble, including the judge. Judge Peterson is able to do that with aplomb."

Peterson was probably better prepared for the COVID era than many judges, said Carter Capps White. The supervising attorney of the Civil Rights Clinic at UC Davis School of Law noted the Yosemite Court takes on some of the prisoner civil rights caseload from the Eastern District's many prisons. Due to the time and cost of travel, Yosemite magistrates have traditionally heard these cases by phone, even long before the pandemic hit.

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White said he was particularly pleased when he learned Peterson clerked for Judge Ruggero J. Aldisert on the 3rd U.S. Circuit Court of Appeals. Aldisert "wrote the book on appellate advocacy," White said. Aldisert's "Winning on Appeal: Better Briefs and Oral Argument," came out in 1992 and quickly became a mainstay in many law schools.

White and a student, Daria Cleci-cov, brought a complex prisoner civil rights case based on *Bivens v. Six Unknown Named Federal Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

"Judge Peterson didn't give my student a break because she was a student," White said. "I feel like sometimes judges tend to treat the students differently because they are students, but he didn't do that at all."

Other cases often involve illegal hunting or the signature crime of the Yosemite Valley: illegal BASE jumping, in which sky divers throw themselves off the highest peaks and parachute into the valley, sometimes with the aid of a wingsuit that allows them to glide for long distances.

Peterson said there was a lot less BASE jumping by the time he arrived in the park, likely due to numerous arrests and several deaths. Plenty of less adventurous visitors have also met untimely ends in the park, often merely from standing too close to a ledge or fast-moving stream.

"There's an emotional burden of being a ranger in dealing with the recovery situations," Peterson said.

But there were plenty of uplifting experiences as well, he said. In 2019, he swore in 42 new U.S. citizens from 15 countries in a ceremony atop Glacier Point, 3,200 feet above the valley floor with views of the famed peaks of Half Dome and El Capitan.

He also worked with the park's longtime legal specialist, Susan St. Vincent, to put on a law day program for a group of eighth graders. St. Vincent is a paralegal specialist with the U.S. Parks Service who worked for years as the non-attorney prosecutor in Yosemite.

While Yosemite was a dream assignment, especially for someone who loves the outdoors, Peterson gave it up after 2 1/2 years and moved to Sacramento in October. He now handles a standard magistrate caseload of misdemeanors, felony arraignments, prisoner civil rights cases and civil matters where the parties consent.

One reason for the move was his children, Peterson said. "The real obstacle in Yosemite was the shrinking community of residents, in particular the ever-shrinking community of older children."

The Park Service and its concession vendor have made changes that have resulted in fewer people living full-time in the Yosemite Valley. His two oldest children are now teenagers. They had already seen many of their friends move away and faced a three-hour round-trip commute to high school if they stayed. Peterson said he and his wife didn't want them to be lonely during these key years.

Peterson said he's also enjoying being in "a community of judges," including three other magistrates in Sacramento.

"It's been wonderful to have the support of more experienced colleagues to help me learn the ropes," Peterson said.

Here are some of Judge Peterson's cases and the attorneys involved:

• *United States v. Sampayan*, 6:19-mj-00025-JDP-1 — possession of controlled substance, unsafe driving

For the prosecution: Susan St. Vincent, National Park Service

For the defendant: David Harshaw, federal defender's office

• *Williams v. Baker*, 1:16-cv-01540-DAD-HBK — prisoner civil rights complaint

For plaintiff: Carter Capps White, King Hall Civil Rights Clinic, UC Davis School of Law

For defendant: Benjamin E. Hall, U.S. attorney's office

• *Arnold v. Commissioner of Social Security*, 1:18-cv-00613-JDP — social security denial

For plaintiff: Jacqueline A. Forslund, Sunriver, Oregon

For defendant: Benjamin E. Hall, U.S. attorney's office

• *Baldhosky v. Hubbard*, 1:17-cv-01343-JDP — prisoner civil rights complaint

For plaintiff: Ken I. Karan, San Diego

For defendant: Diana F. Esquivel, attorney general's office

• *Doe #1 v. Hall*, 1:12-cv-01200-JDP — challenge to sex offender registration

For plaintiff: Janice M. Bellucci, Sacramento

For defendant: Scott C. Hawkins, Tulare County Counsel's office

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