

Epitome of service

Judge Jose S. Castillo, a Marine and former federal prosecutor, is skilled at condensing issues

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Jose S. Castillo

San Diego County (San Diego)

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SAN DIEGO — Sharpness. That is the first word that comes to mind when entering Superior Court Judge Jose S. Castillo's courtroom. His office reflects a military past.

Sure, there are the symbols and a framed promotion photo to attest that, but it is also impeccably clean – and spacious, since there is no abundance of files sitting on his desk and no wide shelves stacked with law books. It is certainly dry too, as his window welcomes the afternoon sun while the downtown skyline allows a glimpse of Coronado Bay.

Considering Castillo handles a large portion of domestic violence cases, divorces and temporary restraining orders, among many other aspects of family law, the chambers offer a

contrast of peace and stillness.

“The epitome of the service is helping individuals reach or resolve a dispute,” Castillo reflected. “This role has made me more thoughtful because of the nature of each case. My approach is to try to condense the issues to the bare minimum. I spend time on my own thinking and considering the different points of view on each side. It doesn't call for prejudgment, but I consider all the potential outcomes. It's a chess game that I play in my mind.”

“I do not have a family law background. In the past it was primarily federal law and federal criminal law. Lingo, words, acronyms that I did not fully understand. Or I didn't fully appreciate it initially, as it has many entrance and exit points,” Castillo said.

He expanded on his approach to his work and thought pattern in the courtroom: “On a regular calendar I triage the cases, like joint continuances, that are going to require a short hearing. That allows me to have time estimates. And then for the longer ones I set a readiness conference in advance to figure out and zero in on the barebones issues ... Cases that keep me challenged are restraining order hearings. Oftentimes they are self-represented. Allegations are serious and the case rises or falls on the credibility of the parties.”

Castillo organized his thoughts as if he were running. (He completed the Boston Marathon in 2010 in 3:00:05 and the San Diego Rock 'n' Roll Marathon in 2021 in 3:25:10).

Questions such as, “What is the right and just outcome?” rush through his mind constantly. Also: “What is applying the laws to the fact? Where can we strike the right balance, where both sides are being heard and taken into account?”

“The severity of the decisions that have been made affect one party or the other,” he explained. “There are a lot of emotions involved. Sometimes the reactions are more severe. People react nonrespectfully and have to be escorted out of the courtroom. I definitely don't yell or scream, but I am stern.”

Defense attorney Jeremy D. Warren of Warren & Burstein has witnessed the calm and at times strict demeanor in federal court when Castillo was an assistant U.S. attorney.

“Castillo!” Warren reacts on the phone. “He's a very smart, conscientious, hard-working guy. He comes from a humble background. A tough prosecutor, always honest and enjoyable to have a case against him. I am proud and excited for his future.”

One case Castillo worked on at U.S. attorney's office was a long-term RICO conspiracy investigation that included a murder. The mother of the victim only spoke Spanish so he was able to communicate with her directly.

"At the end the defendant was found guilty and she came up to thank me and gave me a hug for helping her prosecuting the case," Castillo turns reflective. "I don't think I'll ever forget the gratitude that she felt. That moment stuck with me." *People v. Graves et al.*, 14-CR-1288-DMS (S.D. of Cal., filed May 6, 2014).

It has been a long road in the still nascent career of the judge. The Castillo family moved constantly throughout California. His father started as a dishwasher in a restaurant and later became a cook, while the mother attended the children and was a housekeeper.

"We were definitely working class, we lived in many neighborhoods throughout," the judge said. He does not have any interest in revisiting episodes where he encountered discrimination along the way.

At 17, Castillo joined the Marines. He was stationed in Iwakuni, Japan for a year and then in San Diego at the Miramar Navy Air Base, where he became an emergency firefighter. The experience allowed him to know a lot of service members from all around the nation and, suddenly, made him realize that the way to open doors was education.

"The highest enlisted member is subordinate to the lowest officer. The difference is a college degree," the judge said as his epiphany.

So Castillo began to attend night school at a community college, but was limited to two classes per semester. Nevertheless, his mind was set. He returned to Mexico, completed one year in Santa Rosa Junior College and then transferred to California State University. He graduated summa cum laude in 2003. "Initially I wanted to go to law enforcement, but one of my professors asked if I ever thought of law school."

It never occurred to Castillo as he was the only member of his family to earn a higher education. But then he realized he could do much more as an attorney and got accepted to UC Davis School of Law.

"All those experiences shaped who I am. I feel extremely lucky and blessed that I get to serve San Diegans in every capacity," he said.

When he was appointed by Newsom in 2020 it was at the heart of the pandemic, with no vaccine in sight, so the swearing in had to be done virtually. The ceremony, he recalls, "was small and private." And fast.

"Starting out I didn't have the same experience as most new judges, where they visit different courthouses, they get to sit in and watch other judicial officers," said Castillo, who was sworn in on a Tuesday and the next day he was assigned to the family law department.

Some technological limitations were also encountered since courts were shut down, but the flow of the cases went on as he adapted to the position and the no in-person policy.

He estimates San Diego County experienced an increase in domestic violent cases because of the shutdowns, so "the big emphasis was having the family law department open during that time, and addressing those critical issues that needed immediate attention."

Matthew J. Mesnik of Mesnik Law Group Inc. has appeared in front of Castillo "a lot." Although not always agreeing with his decisions, the attorney considers Castillo's assignment a tough one and referred to his relative inexperience in the assignment.

"It takes three years to reach that level of judicial demeanor," Mesnik estimates.

"He's very measured and very conscious of what he says to parties and attorneys. Friendly. A good listener. I bring that up because not every judge possesses those qualities," Mesnik explained. "He has a calm temperament. I haven't seen him yell at anybody. I would be shocked if he does. It's not his character."

Castillo is yet to sanction an attorney. “Overall, I’m impressed by the caliber of the majority of them,” he said. He also hasn’t had reversals or affirmations of his judgments by appellate courts. “I’ve been doing this for a short period of time.”

“Let’s put it this way,” attorney Lori C. Viviano said, “you are never going to agree with a judge 100%. You want a judge who reads the document. And you can tell Castillo does because he makes references. That’s important. He is a polished guy. He controls his courtroom. Very professional to the attorneys and he is prepared.”

Outside the courtroom Castillo spends his time running, gardening, cooking, and visiting antique shops. He recently finished “Aunt Julia and the Scriptwriter,” by Peru’s Mario Vargas Llosa, at a book club among other judges of the courthouse.

He also wants to pay it forward to the community and extended families. “I wouldn’t be here without the support of mentors and people who guided me through this path,” acknowledges the judge.

So, Castillo is part of Just the Beginning, a program put on by volunteer judges. “It’s a once a week summer legal institute for students with no law background. We hope to inspire local high schoolers. I tell them my story so they can relate to it because their beginnings are similar to mine.”

Here are some of Judge Castillo’s recent cases and the attorneys involved:

- Howard v. Howard, 19FL008513C — domestic violence, restraining order, custody

For petitioner: Amelia J. Mattis, Mattis Law APC, La Jolla

For respondent: George Gedulin, San Diego

- Hajjar v. Hajjar, 19FL003778C — divorce, custody

For petitioner: Jillian K. Duggan-Herd, Cage & Miles, San Diego

For respondent: Amy J. Lass, Griffith Young & Lass, Carlsbad

- McMillin v. Swiader, 20FL004464C — divorce, custody

For petitioner: Christopher J. Banuelos, Patterson Lopez Banuelos Khiterman LLP, San Diego

For respondent: Vera A. Livingstone, Holstrom Block & Parke APLC, San Diego

- Spence v. Spence, 18FL009744C — domestic violence, restraining order, custody

For petitioner: Claudia D. Garcia, San Diego

For respondent: Lorraine M. Nisbet, San Diego

- Blair v. Anzalone, 20FL005837C — domestic violence restraining order (renewal) and custody

For petitioner: Sandra Mayberry, Parks & Solar LLP

For respondent: Denise Bohdan, Del Mar