

Daily Journal Judicial Profiles  
 www.dailyjournal.com  
 © 2009 The Daily Journal Corporation. All rights reserved.

• select Print from the File menu above



**HON. Frank J. Ochoa**  
 Judge  
 Superior Court of California Santa Barbara County

## JUDICIAL PROFILE

**Career Highlights:** Elected to Santa Barbara County Superior Court, 1997; appointed to Santa Barbara Municipal Court by Gov. Jerry Brown, 1983, executive director, Legal Aid Foundation of Santa Barbara County, 1980-83; directing attorney, Legal Aid Services of Northern California, 1976-80; staff attorney, Legal Aid Services of Northern California, 1976 Law School: UC Davis School of Law, 1975 Age: 58

**By Robert Iafolla**  
**Daily Journal Staff Writer**

SANTA BARBARA - Around the time Superior Court Judge Frank J. Ochoa was graduating from high school, it seemed like the country was burning.

First an assassin's bullet gunned down Martin Luther King Jr., then Robert F. Kennedy was murdered a few months later. Then Chicago erupted in violence during the Democratic National Convention.

And as the list of fellow graduates who had died in Vietnam grew, Ochoa decided not to go into teaching like his father before him, but to instead become a lawyer.

"I saw the law as a tool with the potential to change things and impact society," he said. "And I think that perception has been borne out in the course of my career in the law."

During Ochoa's career as a civil rights attorney, he argued impact cases in appeals courts and litigated in federal court less than two years out of law school. And since taking the bench at age 32, he has handled matters that changed the legal process to make the system more fair and responsive to people's needs.

"The law is important because it is what defines us as Americans," Ochoa said. "Other cultures have deeply rooted traditions and systems for managing social interaction and defining what is proscribed conduct, and you deal with disputes at a community level. Our society is thrown together from people of all different cultural traditions throughout the world. It is our promise to deal with each other using the Constitution that binds us together, despite our varied cultural antecedents."

Lawyers who have appeared before Ochoa describe him as a patient, compassionate, intelligent judge who is seen as a leader in Santa Barbara's legal community.

"He cares about the defendants and the other people in the courtroom," said Senior Deputy District Attorney Lee Carter.

Carter recalled a recent matter before the judge in which the family of an individual killed by a drunk driver was vocal in its dissatisfaction with how the case was charged, thinking it was too lenient. Ochoa took the time to talk to the family and explain that there was no justice that could solve the grief they were feeling, Carter said.

Ochoa excels in settlement negotiations, lawyers said.

When he takes parties in chambers, said Tara Haaland-Ford of Balash & Haaland-Ford, he'll tell the prosecution or the defense honestly if the opposition has a great case and they should settle. Haaland-Ford also noted Ochoa's independence on the bench.

"He's made some hard decisions," she said. "Maybe the DA is not so happy with some of

those decisions, but he makes them anyway."

Robert D. Sanger of Sanger & Swysen said Ochoa is always interested in a good intellectual discussion based on the legal issues at hand.

Born and raised in Long Beach, Ochoa earned a bachelor's degree in English and history from UC Santa Barbara in 1972, and a law degree from UC Davis School of Law three years later.

Ochoa moved to Sacramento and joined Legal Aid Services of Northern California in 1976 as a staff attorney handling service case work. He attracted the attention of a senior attorney with Legal Aid Services named Robert Leidig a few months later, and Leidig engineered Ochoa's transfer to Yolo County.

"It was a great opportunity for me," Ochoa said. "Here I am in practice for six months and I'm working with this experienced attorney who's doing work in federal court. There were 14 law students there and we were working on 130 cases, with about two dozen of them impact cases and the rest service cases - it was a buzz of activity."

Leidig left Legal Aid Services in August 1976. And just eight months into practice, Ochoa ascended to the position of directing attorney for the entire county office.

During his early days of practice, he was involved in two high-profile affirmative action cases involving the UC system. He joined a coalition of attorneys that submitted briefs to the U.S. Supreme Court urging it to deny a writ of certiorari in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978). The case was initiated by Allan Bakke, a white man who claimed he was denied admission to UC Davis' medical school because of his race. The Supreme Court granted the writ in 1978, but ruled the university had the right to take race into account in its admissions criteria.

In a related case, Ochoa represented a group of law students and civil rights organizations that unsuccessfully tried to intervene on behalf of UC Davis in *DeRonde v. Regents of the University of California*, 28 Cal.3d 875 (1981). In that case, the California Supreme Court ruled the university did not discriminate against Glen DeRonde, a white student denied admission to law school under a policy that gave preference to minority applicants.

Ochoa also was involved in resolving disputes outside of the courthouse. He described an incident in Yolo County in which an interracial block party devolved into violence, with officers from seven different law enforcement agencies responding. When the people who were arrested went to court, members of the community picketed.

Soon after, some from the community went to Ochoa and asked him to file suit against the authorities, but he said litigation did not feel right. Around the same time, though, he was asked by a representative from the Justice Department to mediate the situation. Ochoa met with various stakeholders for the next six months and his work eventually led to official use-of-force policies for area law enforcement, he said.

"That showed me there are different ways to use the legal process to help this society grow and get along," Ochoa reflected.

In 1980, Ochoa moved to Santa Barbara and became executive director of the local Legal Aid Foundation. He continued to practice law and organized the pro bono efforts of attorneys in the county.

He put in his application to become a judge a few years later, and on New Year's Eve 1983, he got a call from the outgoing governor of California, Jerry Brown, informing him he had been appointed to the municipal court as a judge. He was elected to the Superior Court in 1997. He was a temporary justice at the California Court of Appeal for two months in 1985, and authored three published and four unpublished opinions for the court.

Ochoa has spearheaded a couple of county programs during his time on the bench. He said he worked with the local bar and authorities to develop and implement a drug court for dealing with addicts and alcoholics, dubbed the "clean and sober calendar." And after presiding over a case in which a father sued a son, he said he was motivated to start the CADRe program, a mandatory dispute resolution program for civil litigants.

Ochoa said he's presided over a wide variety of matters during his 20-plus years on the bench, from drug court to juvenile court, civil disputes to murder trials. He has ruled on cases that led to a change in how juries are drawn in Santa Barbara and how grand juries are used in Ventura County. The only thing he hasn't handled is a death penalty case - although he said he is not anxious to do that.

The thing he dislikes the most from lawyers in his courtroom is dissembling.

"Santa Barbara is a small legal community and you get known very quickly about how you practice law," Ochoa said. "There's a real premium on mutual respect, and that's earned by being forthright and not engaging in sharp practices."

Away from the court, Ochoa spends a great deal of time with his family. He is married to television newscaster Paula Lopez and has six children, three of whom live at his home. His son Francisco Ochoa is an associate with Mayer Brown in Los Angeles. And his cousin Ellen Ochoa was the first Latina astronaut to explore space.

In addition, Ochoa likes to read historical treatises, hike, golf and play the occasional game of tennis.

Here are some of Judge Ochoa's recent cases and the lawyers involved:

People v. Clark, 1068460 - murder

For the prosecution: Ronald J. Zonen, district attorney's office

For the defense: Raimundo Montes de Oca, public defender's office

People v. Ballesteros, 1074699 - murder

For the prosecution: J. Gordon Auchincloss and Gerald M. Franklin, district attorney's office

For the defense: Robert M. Sanger, Sanger & Swysen, Santa Barbara

People v. Aristondo, 1204804 - aggravated sexual assault on a child under age 14

For the prosecution: Joyce Dudley, district attorney's office

For the defense: Neil D. Levinson, Santa Barbara

People v. Jones et al, 1200839 - murder

For the prosecution: Darryl Perlin, district attorney's office

For the defense: Robert Landheer, Santa Barbara; James Samuel Egar, public defender's office; Joe D. Allen, Santa Barbara

People v. Romo, 1104013 - murder

For the prosecution: Hilary Dozer, district attorney's office

For the defense: Alan G. Karow, Santa Barbara

*This profile originally appeared in the Los Angeles Daily Journal and San Francisco Daily Journal on July 18, 2008.*

## BIOGRAPHY

### CURRENT ASSIGNMENT

Court Name: Santa Barbara Superior Court

Title: Pres. Judge

Dates: 1998 to Present

Status: Elevated

Elevated By: Re-Election (Unopposed)

### SIGNIFICANT CASES

Case Name: Vaughn v. Regents of University of California (1981)

Date Filed: January 1, 1981

Cite: 504 F. Supp. 1349 E.D., Calif.

Case Name: Jonasen v. County of Yolo (1980)

Date Filed: January 1, 1980

Cite: 24 EPD 364 E.D., Calif.

Case Name: Hennagin v. County of Yolo (1979)

Date Filed: January 1, 1980

Cite: 481 F. Supp. 923 E.D., Calif.

Case Name: Driskill v. Woods (1977)

Date Filed: January 1, 1977

Cite: 70 Cal.App.3d 622, 138 Cal. Rptr. 863

#### PREVIOUS JUDICIAL ASSIGNMENTS

Court Name: Superior Court of California Santa Barbara County

Title: Judge

Dates: 1997 to Present

Status: Elevated

Date Elevated: January 6, 1997

Elevated By: Election

Status: Appointed

Appointed By: Re-Election (Unopposed)

Court Name: Santa Barbara Municipal Court

Title: Pres. Judge

Dates: 1993 to 1995

Status: Appointed

Court Name: Santa Barbara Municipal Court

Title: Acting Presiding Judge

Dates: 1992 to 1993

Status: Elevated

Elevated By: Election

Court Name: Santa Barbara Municipal Court

Title: Pres. Judge

Dates: 1987 to 1989

Status: Appointed

Court Name: Santa Barbara Municipal Court

Title: Acting Presiding Judge

Dates: 1986 to 1987

Status: Appointed

Court Name: California Court of Appeal - 2nd District

Title: Justice Pro Tempore

Dates: 1985 to 1987

Status: Appointed

Appointed By: Governor Jerry Brown

Status: Appointed

Date Appointed: January 2, 1983

Appointed By: Governor Jerry Brown

Court Name: Santa Barbara Municipal Court

Title: Acting Presiding Judge

Dates: 1983 to 1985

Status: Appointed

#### EDUCATION

Law School UC Davis School of Law

Location: Davis, CA

Date: 1975

Degree: J.D.

College UC Santa Barbara

Location: Los Angeles, CA

Date: 1972  
 Degree: B.A. English/History  
 Honors: Dean's Honor List, Winter 1971, Spring 1972  
 College: Long Beach City College  
 Location: Long Beach, CA  
 Date: 1970  
 Honors: Dean's Honor Roll, 3 semesters

#### PRACTICE HISTORY

Organization: Legal Aid Foundation of Santa Barbara County, Inc., Executive Director  
 Location: Santa Barbara, CA  
 Dates: 9/80 to 1/83  
 Organization: Legal Services of Northern California, Inc., Directing Attorney  
 Location: Yolo County  
 Dates: 8/76 to 8/80  
 Organization: District Attorney's Office, Intern  
 Location: Sacramento County  
 Dates: 1974  
 Specialty: Intern  
 Organization: Colorado State Public Defenders's Office, Intern  
 Location:  
 Dates: 1974 to 1974  
 Organization: Sacramento Concilio's Centro Legal, Intern  
 Location:  
 Dates: 1973 to 1974  
 Organization: Legal Services of Northern California, Inc., Staff Attorney  
 Location: Yolo/Sacramento, CA  
 Dates: 1/76 to 7/76

#### BAR AND RELATED PROFESSIONAL ACTIVITIES

Organization: Member, Presiding Judges Advisory Committee's Transitional Executive Committee  
 Dates: 2000  
 Organization: Member, Judicial Council's Presiding Judges Advisory Committee  
 Dates: 1999  
 Organization: Member, California Judicial Council's Trial Court Budget Commission  
 Dates: 1998  
 Organization: Member, Executive Board, California Judges Association  
 Dates: 1992 to 1995  
 Organization: CJA Area Coordinator, Santa Barbara County Judges Public Forum  
 Dates: 1990  
 Organization: Chair, CJA Court Administration Committee  
 Dates: 1988 to 1990  
 Organization: Member, CJA Court Administration Committee; Member, Court Personnel Subcommittee;  
 Chair, Municipal and Justice Courts Subcommittee  
 Dates: 1984 to 1988  
 Organization: Board of Trustees, Santa Barbara County Law Library  
 Dates: 1984

Organization: Santa Barbara County Bar Association

Dates: 1980 to 1982

Organization: Barristers Club of Santa Barbara

Dates: 1980 to 1981

Organization: Admitted to California Bar to US District Court - Eastern District of California (1976) to US District Court - Central District of California (1979) to US 9th Circuit Court of Appeals (1980)

#### PERSONAL HISTORY

Birthplace: Long Beach, CA

Sex: M

#### MILITARY

#### OTHER ORGANIZATIONS

Organization: Baseball Amigos, Inc.

Organization: Chicano Alumni Club, Board of Directors, Former Member

Organization: Santa Barbara School District Community Outreach Program, Board of Directors

#### OTHER ACTIVITIES

Activity: Professor, Santa Barbara College of Law (taught courses in Legal Process, Statutory Law and Professional Ethics)

Activity: President, Board of Directors, Santa Barbara and Ventura Colleges of Law

Activity: Member, Board of Directors, Old Spanish Days

Activity: Member, Board of Directors, UC Davis School of Law Alumni Association

Activity: Member, Board of Directors, UCSB Alumni Association

Activity: Member, Santa Barbara Hispanic Achievement Council

Activity: Judicial Coordinator, Santa Barbara County High Schools Mock Trial Competition

Activity: Tutor, Adult Literacy Program (taught reading skills to county jail inmates)

#### QUESTIONNAIRE

No Judicial Questionnaire exists.