

Judicial Spotlight

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CHANGE AGENT

Superior Court Judge Frank J. Ochoa has spearheaded a number of community endeavors during his time on the Santa Barbara bench, including a drug court and a dispute resolution program.



ROBERT LEVINS / Daily Journal

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

Frank J. Ochoa

Superior Court Judge
Santa Barbara County

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

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*, 107469 — 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*, 120480 — aggravated sexual assault of 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*, 120083 — murder

For the prosecution: Darryl Perlin, district attorney's office
For the defense: Robert Langheer, Santa Barbara; James Samuel Egar, public defender's office; Joe D. Allen, Santa Barbara

• *People v. Romo*, 110401 — murder

For the prosecution: Hilar Dozer, district attorney's office
For the defense: Alan G. Karov, Santa Barbara

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