

Judicial Profile

JANET A. CABRAL

Hon. Anthony J. Battaglia U.S. District Judge for the Southern District of California

JUDGE ANTHONY BATTAGLIA was sworn in as a district court judge in the Southern District of California only a year and a half ago, but he is certainly no stranger to the federal court in San Diego, or to the Federal Bar Association. Judge Battaglia was sworn in as a U.S. district judge on March 10, 2011, after having served in the Southern District of California as a U.S. magistrate judge since Nov. 15, 1993. President Barack Obama initially nominated him for the district judgeship on May 20, 2010, but the Senate failed to confirm him before the end of its 111th congressional session in December of that year. The President re-nominated Judge Battaglia on Jan. 5, 2011, after which the Senate unanimously voted to confirm him on March 7, 2011.



A San Diego native, Judge Battaglia received his law degree from the California Western School of Law in 1974. He was in private practice specializing in plaintiff's personal injury and maritime claims from 1974 until his appointment to the federal bench in November 1993. He is a past president of the San Diego County Bar Association and served for many years as an arbitrator and judge pro tem for the San Diego Superior Court before becoming a magistrate judge. He is married with two adult children.

Judge Battaglia is a long-standing advocate of the utilization of magistrate judges in the federal judicial system. Recognizing how valuable magistrate judges are in the expeditious and efficient management and resolution of both civil and criminal cases, Judge Battaglia served on numerous committees over the years to enhance the role of magistrate judges in the federal judiciary. From 1996–2009, he served on the Magistrate Judge Advisory Group to the Administrative Office of the U.S. Courts, and from 2006–2008 he served as the chair of the Ninth Circuit Magistrate Judges Executive Board. He served on the Board of Directors of the Federal Magistrate Judges Associa-

tion starting in 1999 and was president of the association in 2009. In 2010, before Judge Battaglia was nominated to the district judgeship, Chief Justice John Roberts selected him to serve a two-year term as the magistrate judge observer to the U.S. Judicial Conference. This is an extremely prestigious position, as there is only one magistrate judge observer to the conference. As a result of the appointment, Judge Battaglia was an ex-officio member of the U.S. Judicial Conference Committee on the Magistrate Judges System from 2009–2011. He relinquished these positions upon his confirmation as a district judge.

Judge Battaglia is passionate about the law, and during his time on the federal bench he has been a frequent writer and lecturer on the topics of Federal Civil and Criminal Procedure as well as many other topics. Judge Battaglia's frequent speaking and writing demonstrates his firm commitment to the efficient, fair, and timely administration of justice throughout the federal courts. Since joining the federal bench, Judge Battaglia has authored more than 30 articles on issues ranging from the ability of parties to consent to trial before a magistrate judge

in civil actions, to the procedures for settlement of claims involving minors and incompetents, to recurring issues at criminal detention hearings, to the expanding role of class actions in federal court, and the importance of conferring with opposing counsel about civil discovery. He is also the author of an FBA publication titled "Disclosure and Discovery under the Federal Rules of Civil Procedure," which many practitioners simply refer to as the "Discovery Bible."

Much of Judge Battaglia's knowledge of the Federal Rules has been gained through his service on rules committees at the local and national level. From 2003–2009, he was a member of the U.S. Judicial Conference Advisory Committee on the Rules of Criminal Procedure, and during that time he was the chair of the Subcommittee on Preliminary Procedures as well as the Subcommittee on Technology and the Rules. He was also a member of the Subcommittees on Victims Rights Amendments and Time Computation Amendments. Locally, Judge Battaglia has been an integral part of the Southern District of California's Local Rules Committee for almost as long as he has been on the bench.

Throughout his career on the federal bench, Judge Battaglia has lent strong support to the Federal Bar Association. In 2005, following the untimely passing of District Judge Judith N. Keep, Judge Battaglia worked tirelessly with the FBA to establish the Judith N. Keep Federal Civil Practice Seminar in San Diego. Judge Battaglia explained his reasons for establishing the program—"I felt such a sense of loss with Judy's passing that I needed to do something special to honor her for the friendship, guidance, and inspiration she had given me and so many, many others. At the same time, I felt that our legal community needed an annual federal civil practice seminar, where we could advance practice standards in the community." The Eighth Annual Seminar will take place on Sept. 13, 2012, and Judge Battaglia continues to serve as a program chair, devoting countless hours to making the seminar not only substantively informative, but also entertaining.

The Federal Civil Practice Seminar is only one of the many opportunities Judge Battaglia has taken to educate the bar on federal practice and procedure over the years. As FBA San Diego Chapter President Katherine Parker commented, "Judge Battaglia has never hesitated to support the San Diego FBA. He is always ready and willing to help organize a CLE event, speak on a panel, or make his courtroom available. Our members and all San Diego federal attorneys have benefitted immensely from his tireless efforts in organizing the Keep Seminar, the Disclosure and Discovery series, and countless other events." In fact, since he joined the federal bench in 1993, Judge Battaglia has participated in almost 80 seminars sponsored by the FBA, as well as other local and national bar organizations. In 2006, the

FBA honored him at a reception recognizing his tireless dedication association, which was attended by the association's executive director and several national officers.

Judge Battaglia's experience in private practice, and the bar's respect for him as a fair and impartial magistrate judge, was reflected by the number of cases he tried as a magistrate judge. Because their jurisdiction is limited as a matter of federal statute, magistrate judges can only try cases upon the consent of all parties to the action. While the practice has become more common in the Southern District of California in recent years, it was somewhat unusual for parties to consent to a trial in Judge Battaglia's earlier years as a magistrate judge. Nonetheless, during his time as a magistrate judge, Judge Battaglia tried numerous civil cases to verdict. When given the opportunity to comment on his performance as a magistrate judge over the years, the bar's comments have been uniformly positive and often effusive, pointing out his preparation, patience, intelligence, and lack of bias.

Judge Battaglia has taken on a strong role as mentor to young lawyers. He typically employs two to five law students as judicial externs in his chambers, to help with the substantial case load and to give these young students an opportunity to observe the judicial process. Most of those students are from Judge Battaglia's alma mater, California Western School of Law, as well as the other two San Diego



Balboa Park's 1,200-acre site was placed in reserve in 1835, making it one of the oldest sites in the United States dedicated to public recreational use. In addition to open space areas, natural vegetation green belts, gardens and walking paths, it contains a variety of cultural attractions including many museums, several theaters, and the world famous San Diego Zoo.



law schools, Thomas Jefferson School of Law and the University of San Diego. Judge Battaglia also regularly hosts civil procedure students from these local law schools for lectures on federal practice and procedure. Judge Battaglia's former law clerks also speak highly of his role as mentor. One of his former law clerks, Lisa Widdecke, described her clerkship and lasting impressions of Judge Battaglia this way: "He has been a wonderful mentor and friend to me throughout my legal career. He is always someone with whom I can speak frankly about the law, legal careers and life in general. He's an amazing inspiration to me in that he is so very smart and equally

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down to earth. He respects the law and takes his career very seriously but doesn't take himself too seriously. Even though he is a little shy, he has a very funny sense of humor and can crack a good joke when he's in the mood."

It is evident that Judge Battaglia's colleagues respect and admire his commitment to excellence. Chief Judge Barry Ted Moskowitz calls Judge Battaglia "the court's guru on the Rules of Procedure. I have had the pleasure of being Judge Battaglia's colleague for almost 19 years, and his assistance to the court has been truly invaluable. He chaired the committee that did the most recent revision of our Local Rules and has a knowledge of the Federal Rules unlike anyone else in the courthouse." Judge Irma Gonzalez, who recently stepped down after seven years as chief judge in the Southern District of California, also speaks of what a wonderful asset Judge Battaglia has been to the court, both as a magistrate judge and district judge. "He is one of the most talented and knowledgeable judges I know. He has a tremendous understanding not only of the Federal Rules, but also of the judicial process in general. The

several pieces of surf and ocean memorabilia in his office, including a custom long board he received as a gift several years ago that is emblazoned with the word "Judge" and signed by his staff, family, and close friends.

Perhaps I should have started this article with a disclaimer, as I am admittedly a bit biased in singing Judge Battaglia's praises. I was his first law clerk, starting work in his chambers two weeks after he was sworn in as a magistrate judge near the end of 1993. I worked as his law clerk for 10 years, during which I learned far more than whether a particular discovery request sought relevant evidence or whether a habeas corpus petitioner was entitled to relief. Judge Battaglia taught me the importance of seeing the big picture, and not getting lost in the minutia of details. At the same time, however, he taught me the importance of not skipping over the details in making sure cases were decided correctly. By deciding matters based solely upon the relevant law and the facts before him in each individual matter, Judge Battaglia demonstrated fairness and impartiality. Over the years, he has held himself out to me as a mentor and a friend, challenging me to move forward in my career. This advice has been invaluable.

Judge Battaglia is well-respected among his colleagues and members of the bar for good reason. It is no surprise that the San Diego Chapter of the FBA asked him to act as honorary co-chair of this year's Annual Meeting and Convention in San Diego. He is a true San Diego treasure. **TFL**



The San Diego Zoo is home to a record-setting new mother: 20-year-old panda Bai Yun gave birth on July 29 to her sixth cub after a long "panda watch." The six cubs are considered a record, with the most surviving pandas born at a breeding facility outside the endangered species' native China.



judiciary has recognized Judge Battaglia's talents as evidenced by the Chief Justice's selection of him to serve on numerous U.S. Judicial Conference Committees. And no matter how busy, he is always willing to drop what he is doing to help when his colleagues call upon his expertise." Ninth Circuit Judge Mary M. Schroeder, who spoke at Judge Battaglia's formal installation ceremony as a district judge, described him as "a born leader, a polite and compassionate human being, and a fine judge."

In addition to his passion for the law, over the last several years Judge Battaglia has rediscovered a passion from his days as a teenager in San Diego—surfing. Many weekend mornings, you will find Judge Battaglia riding the waves on his long board at La Jolla Shores or Tourmaline, two popular San Diego surf spots. Occasionally, he has even been spotted pulling into the courthouse parking structure on a weekday morning with his board in the back of his car, and his hair still wet from the ocean, having caught a few early-morning waves. He also has

Janet A. Cabral served for many years as a law clerk in the U.S. District Court for the Southern District of California, clerking for Judge Battaglia as well as Judge Irma E. Gonzalez and Ninth Circuit Judge David R. Thompson. She recently left the court to join the Criminal Division of the U.S. Attorney's Office in San Diego as an assistant U.S. attorney. The views expressed in this article do not necessarily represent the views of the Department of Justice or the United States.