

Judicial Profile

ARASH JOSHUA FULADIAN

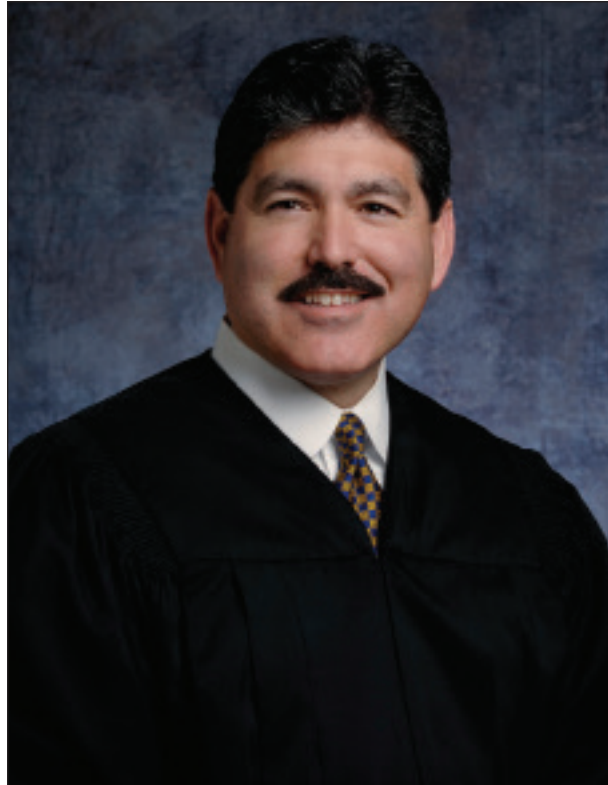
Hon. Dana M. Sabraw U.S. District Judge, Southern District of California

IMAGINE THE IDEAL JUDGE: one who acts with integrity, even-handedness, courtesy, and an abiding dedication to the majesty of the law and the administration of justice. Judge Dana M. Sabraw, serving on the U.S. District Court for the Southern District of California, embodies the traits we all think of when we imagine the ideal jurist.

Proving the apple does not fall far from the tree, Judge Sabraw is a reflection of his parents. His father met his bride-to-be while he was a young Army soldier stationed in Japan during the Korean War. Interracial marriage was not favored at the time, but Judge Sabraw's maternal grandfather—an enlightened gentleman who was educated at the University of Oregon in the early 1900s—was receptive to the idea; he immediately took a liking to the young soldier and introduced him to his daughter. Shortly thereafter, the couple married in Yokohama, Japan, and relocated to San Rafael, Calif., where Dana Sabraw was born in 1958 and given a Japanese middle name—Makoto—in honor of his mother's family; fittingly, the name means "truth." Three years later, the family moved to Carmichael, Calif., a small suburb just northeast of Sacramento.

Childhood was a memorable time for Judge Sabraw. "It was a great time to be a kid," he recalls, "when kids could roam the neighborhood playing ball and creating innocent mischief without the fears and pressures that burden many of today's children." He grew up in an idyllic home along with his older brother and younger sister; children in the neighborhood often gathered there and always felt welcome. The judge's father devoted his career to teaching special needs children at the kindergarten through sixth grade level, and his mother taught English as a second language to elementary schoolchildren.

The judge describes his parents as the ideal couple, who never raised their voices or uttered an unkind word to each other. They were a model of civility, he says, "devoting their lives unconditionally and always to their children." He credits his parents with setting

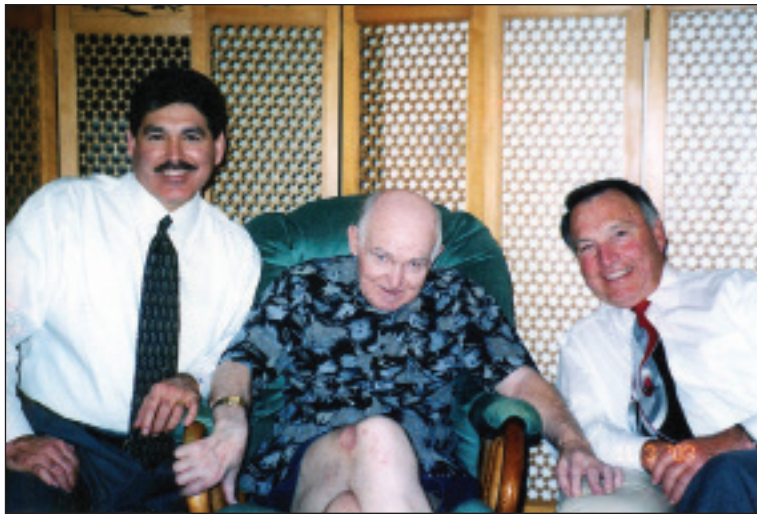


an example for him to follow in his daily life—both then and now.

Judge Sabraw's parents instilled in him a work ethic that is evident to this day. Since his early teenage years, the judge has rarely missed a day's work. He bused tables, painted houses, delivered furniture, worked as a cashier in an appliance store and doughnut shop, worked on the graveyard shift at a local cannery, drove a large delivery truck and distributed soda to supermarkets, and spent summers working as a lifeguard and wrestling coach. All of it was "character building," he says.

In high school, Judge Sabraw kept active playing sports, participating in baseball, wrestling, track, and a youth fitness team that won national honors. Although he claims to have been mediocre at all these sports, he confesses he "fumbled around" enough to catch someone's eye. During his senior year, he was selected as the grand marshal of Sacramento's annual Camellia Festival Parade because of his athletic success.

Judge Sabraw lived in the Sacramento area until he left for college. He attended San Diego State Universi-



(l to r) Judge Sabraw with his father, Dr. Liston F. Sabraw, and uncle, Justice M.O. Sabraw.

ty and graduated in 1980. Even though he was certain he wanted to be an attorney, he heeded his father's advice—"you have the rest of your life to work"—and delayed enrolling in law school for one year. During that year, Judge Sabraw traveled around the country in his 1966 Rambler (with no air conditioning), covering more than 40 states. He describes the experience as a once-in-a-lifetime trip that allowed him to visit friends and family throughout the country.

After his cross-country adventure, Judge Sabraw attended McGeorge School of Law, where he served on the *Law Review* and graduated in the top 10 percent of his class. He also met someone who has richly influenced his life ever since: his wife of 22 years. They met when she was campaigning for president of the student body, and, the judge notes with pride, she won. He was immediately smitten when they met, and they were engaged to be married just five months later. The judge quickly points out (with an impish grin) that his decision "was not at all impetuous as [he] knew then, as now, that she was perfect." Indeed, they have honored and supported each other ever since.

After law school, Judge Sabraw moved to Santa Barbara, where he began practicing law at Price, Postel & Parma, purportedly the oldest law firm on the West Coast. His practice focused on securities and business litigation in state and federal courts.

In 1988, the Sabraws moved to San Diego to be closer to both their families, and today their parents and extended families all reside in the area. Judge Sabraw joined the international law firm of Baker & McKenzie, where he later became a partner, handling securities and "bad faith" insurance litigation. His wife joined the San Diego County District Attorney's Office and now serves as chief of the district attorney's largest branch office. Judge Sabraw's mother-in-law and sister-in-law also practice law in San Diego; the

judge notes that his mother-in-law is an accomplished lawyer, who regularly serves as a judge pro tempore at the San Diego County Superior Court.

Judge Sabraw credits his former law partners for shaping the way he practiced law as a young lawyer. They "litigated on the high road," he says, and they set an example as consummate professionals, who had a lasting impact on his career. He describes his litigation practice and former colleagues with great fondness but confesses that it was his family's tradition of public service that lured him to the bench.

The judge's family includes seven schoolteachers (his parents and his brother and sister, among others) and three other jurists. His uncle, M.O. Sabraw, is a highly respected retired justice of the California Court of Appeal, First Appellate District, based in the San Francisco Bay Area. Justice M.O. Sabraw's wife, Bonnie L. Sabraw, recently retired from the California Superior Court, County of Alameda, where she served with distinction in the court's complex civil litigation department for several years. Justice M.O. Sabraw's son, Ronald M. Sabraw, also enjoyed a distinguished career on the Alameda County Superior Court, serving both in the court's complex civil litigation department and as its presiding judge. Members of the Northern California contingent of the Sabraw family all currently serve as private mediators in the Bay Area.

Judge Sabraw credits his uncle for his decision to become an attorney and then to pursue the bench. At an early age, he observed his uncle on the bench and had many discussions with him about the law. His uncle encouraged him to apply to law school and guided him throughout law school and his career. He remains one of Judge Sabraw's strongest role models to this day.

Gov. Pete Wilson appointed Judge Dana Sabraw to the North County Municipal Court of San Diego in 1995, and he served as presiding judge of that court in 1998. Later that year, Gov. Wilson elevated him to a seat on the San Diego County Superior Court. While on the state court, Judge Sabraw presided over nearly 200 jury trials, including numerous complex civil and capital felony trials. He served as a criminal supervising judge for one year and as a direct civil calendar judge—handling cases from initial filing through disposition—for two years.

President George W. Bush nominated him to the federal bench in May 2003, and the judge was unanimously confirmed by the U.S. Senate on Sept. 25, 2003, exactly eight years after first taking his seat on the state bench. He notes with pride the richness of San Diego's Southern District bench and its tradition of excellent judges, including its highly esteemed senior judges: Howard B. Turrentine, Gordon Thompson Jr., William B. Enright, Rudi M. Brewster, and Napoleon A. Jones Jr.

Today, Judge Sabraw relishes his role of shepherding the administration of justice at the federal level,

where his deep respect for the judicial process manifests itself in the respect he shows attorneys and litigants who appear before him. He is widely known for his patience and for his attentive ear, as well as for running a courtroom with a calm presence that compels awe and respect—a courtroom where an atmosphere of solemnity and serenity combine to serve justice.

Judge Sabraw believes that the hallmark of a civilized society is determined by the manner in which it resolves disputes and that our justice system—in which the rule of law is applied transparently, fairly, and without regard to status—has become a role model for all. He believes justice is administered to its fullest when judges are dedicated to the process and devoted to each case. As he says, each case takes a little piece out of him.

The judge enjoys complex litigation, and he has developed a reputation for his skillful handling of such cases. He chaired his court's Patent Advisory Committee, which was responsible for implementing local rules of practice dealing with patents in the Southern District of California. The rules are widely heralded by the patent bar for significantly increasing predictability and efficiency in the litigation of patent cases.

The judge is currently handling one of the nation's largest subprime "predatory lending" cases, which is at the center of the mortgage foreclosure crisis. The case was assigned by the multi-district litigation panel and includes more than a dozen civil enforcement prosecutions by state attorneys general as well as private class action complaints consolidated from throughout the country. Just before receiving the case, the judge wrapped up a criminal case involving 34 defendants and five separate actions against members of California's notorious "Mexican Mafia," a violent prison-based gang. The lead case was prosecuted as a racketeering conspiracy and involved tens of thousands of pages of discovery, hundreds of intercepted telephone calls, capital allegations as to two defendants, and three separate trials, the last of which included seven defendants simultaneously tried by a jury.

In another matter, Vincent J. Bartolotta Jr., a renowned plaintiffs' attorney, handled a complex eminent domain trial before Judge Sabraw. The case featured a prominent local business owner who had litigation pending in both state and federal courts. The related state case resulted in the largest jury verdict ever rendered against the city of San Diego. In the federal case, the developer sought a similarly hefty sum from the federal government for taking property that allegedly resulted in the loss of a planned international NASCAR-sanctioned motor speedway. Even though the verdict "didn't turn out" as the attorney and his client had hoped, Bartolotta describes his experience trying the high-stakes trial before the court as "phenomenal." Judge Sabraw, according to Bartolotta, "is what all judges should aspire to, from his intellect to his work ethic to his handling of the

courtroom and respect for all the parties and lawyers involved." He noted that the judge "places the law in very high regard and as a result, everyone around him does the same."

"The importance of resolving complex trials in a dignified and appropriate way cannot be overstated, both for the litigants and from a societal standpoint," the judge notes. "These trials present a great opportunity to showcase our justice system, where enormously complex and emotional disputes are resolved efficiently and in a manner that allows litigants to move on knowing they had an opportunity to be fully and fairly heard."

Judge Sabraw believes that the legal profession will continue to prosper only if respected veterans of the bar take time not only to mentor newly admitted attorneys but also to serve as ambassadors of the law in our communities. "We ought to lead by the example we set," he says. Indeed, he has mentored many young attorneys through his long involvement with the American Inns of Court, of which he is a founding member, master of the bench, and past president of two Inn of Court chapters in San Diego. He also speaks regularly at bar events and other public functions on various legal topics, including his tireless effort to promote diversity in the law.

Outside the legal world, Judge Sabraw and his wife have their hands full with three teenagers, a son and twin daughters—"twin teenage girls," the judge emphasizes with a smile. He cherishes the time he spends with his family; his wife and his children keep him "running from one activity to another, and grounded in all that is good and wonderful in life." "We are enjoying these years to the fullest," he says, "as our children will soon be pursuing their own dreams and setting their course independent of us."

Judge Sabraw is a man of unquestioned integrity and honor, and he is a fair and dignified judge. During a surprise party thrown in honor of Judge Sabraw's 50th birthday, Senior Judge William B. Enright, a legendary figure in the San Diego community for whom a local chapter of the American Inn of Court is named, delivered a touching toast, summing up his colleague as "the epitome of what a federal judge should be." To those who know, work with, or appear before Judge Sabraw, we could not agree more. **TFL**

Arash Joshua Fuladian is a 2009 graduate of the University of San Diego School of Law. He may be reached at ajfuladian@gmail.com. The author would like to thank Judge Sabraw for inspiring him to be a better person and for setting an early example that the author will follow for the rest of his career.