



Hon. Frank R. Zapata

Judge, U.S. District Court, District of Arizona

by Cindy Reyna



Cindy Reyna served as Judge Zapata's law clerk for his 26 years on the federal bench as both a magistrate judge and district judge. Prior to her position with Judge Zapata, she served as a law clerk to the late Hon. Alfredo C. Marquez for four years.

Judge Frank R. Zapata has served most of his esteemed legal career practicing before or presiding over matters in the U.S. District Court for the District of Arizona. The judge, who prefers to be called Frank, is prevalently referred to as humble, both on and off the bench.

Prior to his appointment as a U.S. magistrate judge, Judge Zapata served as an assistant federal public defender for 20 years. Having served as a judge for the District of Arizona for more than 26 years, including two years as a magistrate judge and 24 years as a district judge, he has presided over an immense and diverse volume of civil and criminal matters. Judge Zapata assumed senior status on Aug. 3, 2010.

The youngest of five children, Frank Ramirez Zapata was born and raised solely by his mother, Esperanza, in a rural neighborhood known as "Little Hollywood" in Safford, Ariz. Judge Zapata and his siblings often accompanied their mother during her seasonal work in the agricultural fields. Esperanza instilled in her children the values of education and hard work. She lived to age 93, attending the investiture ceremony of Judge Zapata to the district bench as his most distinguished guest.

Following Judge Zapata's matriculation through the Safford public school system, he began his college education at Eastern Arizona College in Thatcher, Ariz., a community neighboring Safford, where he received his associates degree in 1964. Judge Zapata readily acknowledges that he was awarded his highest collegiate award during his junior college studies as the recipient of the Cassius Bavor Award, a distinction bestowed upon him for his outstanding service as student custodian.

Judge Zapata transferred to the University of Arizona and moved to Tucson in 1964 to pursue a B.A. in English literature, which he was awarded with distinction in 1966. He remains to date a diehard Wildcat fan!

Following his graduation, he earned his teaching certification in 1967 during a year of postgraduate studies and accepted his first teaching position at Hayden High School, in the small mining community of Hayden, Ariz., where he met and later married his wife, Josefina (Josie).



After teaching in Hayden for two years, Judge Zapata moved to Tucson, where he taught at inner city Utterback Junior High School for one year while pursuing his admittance to law school. Following his three years of teaching English and literature in the public school system, Judge Zapata was admitted and began law school at the University of Arizona College of Law in 1970. He and Josie, a graduate of the Good Samaritan School of Nursing and the University of Arizona with degrees in nursing and education, married that same year and celebrated their 50th wedding anniversary in 2020.

In 1973, Judge Zapata graduated from law school and was admitted to the Arizona State Bar. Important to note is that from 1967 to 1973, during the time of his postgraduate studies and law school, Judge Zapata respectfully served in the Arizona Army National Guard.

Immediately following his admission to the state bar, Judge Zapata served for one year as a staff attorney for Southern Arizona Legal Aid, during which he handled a general civil practice representing predominately minority clients, with an emphasis on poverty law issues that included landlord tenant disputes, consumer advocacy, domestic relations, and bankruptcy, in addition to various matters before administrative

agencies. During the year he worked as a staff attorney for Legal Aid, Judge Zapata returned to Little Hollywood to work on a relocation project for approximately 40 families displaced by the Gila River Flood of 1972, which destroyed most homes in the small rural community. The relocation project involved construction contracts and loans, individual disaster relief applications, and negotiations with county and federal government agencies and local utilities, providing the displaced residents with superior homes to those destroyed by the flood.

In 1974, Judge Zapata accepted a position with the Federal Public Defender's Office, where he served as an assistant public defender and chief assistant for 20 years. As an assistant public defender, Judge Zapata engaged in an intensive criminal trial and appellate practice, handling approximately 2,000 cases involving charges ranging from immigration violations to first degree murder. He tried approximately 125 cases as an assistant public defender and argued before the U.S. Court of Appeals for the Ninth Circuit on approximately 25 occasions.

During his first year of federal practice, the Zapatas welcomed their first son, Eduardo, followed two years later by Antonio, both graduates of the University of Arizona. Antonio and his wife, Heather, have a son, Atticus, the Zapatas' only grandchild.

In addition to the practice of law, Judge Zapata also taught trial practice as an assistant adjunct professor at the University of Arizona College of Law during his duties as chief assistant to the federal public defender.

Prior to his judicial appointment, Judge Zapata held office and served on both legal and community public service boards of directors for more than 20 years. He also served as a lawyer delegate to the Ninth Circuit Judicial Conference from 1989 to 1993.

In May 1994, Judge Zapata was appointed as a U.S. magistrate judge for the District of Arizona. During his tenure as a magistrate judge, he served on the executive board of the Ninth Circuit magistrate judges.

When the late Hon. Richard C. Bilby took senior status, Judge Zapata was nominated to the district bench. It was the late Hon. Alfredo C. Marquez who tracked him down, while the judge and his family were on their annual San Diego beach vacation, to advise him of his nomination. Judge Zapata recalls writing down the information he received from Judge Marquez on a disposable white paper plate.

Upon his confirmation by the Senate, Judge Zapata was appointed U.S. district judge by President William J. Clinton and sworn into office on Aug. 1, 1996. During his tenure, Judge Zapata has presided over hundreds of civil cases and thousands of criminal matters. As a border district with one of the heaviest criminal caseloads, the judge continues to preside over criminal matters to lessen the load of his colleagues.

In addition to his extensive criminal caseload, Judge Zapata has presided over notable matters, including *Hughes v. Kisela*, which led to the 2018 decisive opinion by the U.S. Supreme Court on the issue of qualified

immunity, in which the Court summarily reversed the judgment of the Court of Appeals for the Ninth Circuit—which had reversed Judge Zapata's finding of qualified immunity—in a very difficult case based on the determination that the officer's actions did not violate clearly established statutory or constitutional rights of which a reasonable person would have known. This is just one example of many significant cases brought before the judge for review.

In addition to his duties as a federal judge, Judge Zapata has served on a number of committees, including the Ninth Circuit Judicial Standing Committee on Alternative Dispute Resolution and the Magistrate Judge Utilization Committee, and has also participated in numerous judicial activities. During his tenure on the district bench, Judge Zapata sat by designation on the Ninth Circuit Court of Appeals in San Francisco, Pasadena, and Portland.

Judge Zapata has received a number of distinctions and awards during his distinguished career. He was honored at the 2014 Roll-Zapata Criminal Seminar by the Tucson William D. Browning Chapter of the FBA for 40 years of dedication to the practice of law before—and as a distinguished member of—the federal bench, commemorating the 25-year friendship and profession he shared with the late Hon. John M. Roll.

In October 2018, Judge Zapata was bestowed with the Lifetime Achievement Award of the University of Arizona James E. Rogers College of Law, from which he was also honored as the 2013 Distinguished Alumnus. In October 2019, he was selected to receive the Morris Institute for Justice Lifetime Achievement for Justice Award, which was previously received by the distinguished late former Dean Charles Ares, who was a professor and dean of the University of Arizona College of Law while Judge Zapata was a law student. He was honored at the time of the presentation of this award with a thoughtful comparison to the character Atticus Finch in Harper Lee's Pulitzer Prize winning novel, *To Kill a Mockingbird*, as a man who is "civil in his heart" and one who "in their right minds never take pride in their talents." It seems only fitting that the judge's beloved grandchild is named Atticus.

The U.S. District Court for the District of Arizona has been privileged to have this sincere, compassionate, humble, and civil-in-his-heart man serve on the federal bench. It is those, however, who have worked with, appeared before, and have come to know Judge Zapata who are truly the honored ones. ☺