



# Honorable Ana de Alba

## Circuit Judge, Ninth Circuit Court of Appeals

by Karen Escobar



Karen Escobar started her legal career in 1986 as a Trial Attorney for the U.S. Department of Justice in Washington, D.C. In 1990, she returned home to California to serve as an Assistant U.S. Attorney (AUSA) for the U.S. Attorney's Office for the Eastern District of California in Fresno. At the time, she was the first female AUSA in the Criminal Division in Fresno and there were no female judges in the district.

**M**y husband met Judge Ana de Alba in July 2022 before I did—and was quite impressed. She was clearly qualified to sit as the first Latina district judge in the Eastern District of California, but, beyond that, she was genuinely nice and cared about getting to know her new court family—from the janitorial staff to the Chief U.S. District Judge. As a retired federal law enforcement agent and, at the time, a Court Security Officer for the Eastern District, my husband is a pretty good judge of character. As a federal prosecutor in the Eastern District of California for the past 34 years, I quickly came to learn that he was right.

Judge de Alba, the child of immigrant farm workers in California's Central Valley, is one of those rare individuals who not only transformed her own life but transforms the lives of those who come into contact with her. Judge de Alba has always treated members of the legal profession and those who come before her with respect, understands the influence attorneys and judges hold, and has strived to make society a better place. When she is not on the bench, she meets with students, often from rural and underserved communities, to increase their understanding of the role and operations of the courts.

### Humble Beginnings

In 1979, Judge de Alba was born in Merced, California to parents who had immigrated from Mexico to labor in the Central Valley fields. The youngest of four, Judge de Alba grew up with her three older brothers in South Dos Palos, a small agricultural community about one hour to the west of Fresno. Until she was fifteen, Judge de Alba slept in a sleeping bag on the floor of her family's 500-square foot home. A photo of Cesar Chavez was one of the few items that adorned the walls of the little home that lacked insulation, heating, air conditioning, and adequate plumbing.

### Seeds of Injustice

At the age of 6, Judge de Alba began working aside her mother and grandmother in the tomato fields. While working in the fields, Judge de Alba experienced injustice firsthand. It was her job to bring water to



her mother and grandmother so they could hydrate without taking a break. One day, young Ana complained to the *mayordomo* (foreman) that the drinking water he provided was dirty. The *mayordomo* was rankled and told her to stop complaining, but Judge de Alba got upset. "I didn't do anything wrong," she recalled. "This guy is not letting us have drinking water." That evening while recounting the story to her oldest and beloved brother, Fernando, he responded, "Well, you're pretty mouthy . . . you should become a lawyer." When Ana asked what a lawyer does, her brother replied, "They fight for people's rights with their words."

Fernando's words had a lasting effect on Judge de Alba, who was not only inquisitive but academically gifted. To supplement the family's income, Judge de Alba worked in the fields, babysat, and tutored other students after school. Whenever she had a spare moment, Judge de Alba would find a quiet place to read. She was careful not to share her love of reading with others, except Fernando, who continued to encourage Ana throughout her school years and professional career. Women from South Dos Palos, the poor part of town where Judge de Alba grew up, were often not allowed to dream of a life beyond the fields or having children.

Sexual harassment on the job was commonplace. Judge de Alba witnessed her mother try to avoid the *mayordomo's* unwanted touching and leering. An early bloomer, Judge de Alba was just ten years old when the *mayordomo* remarked that she was *casi madura* (almost ripe). To avoid further harassment, Judge de Alba's family relegated her to babysitting her cousins while her *tias* (aunts) worked in the fields. When she entered high school, Judge de Alba was able to secure clerical work at an insurance company and, later, the local hospital, where she also interpreted for Spanish-speaking patients.

### Academic Foundation

Despite living at a near-poverty level, Judge de Alba always thrived academically. Even though Spanish was her first language, by the third grade Judge de Alba tested out of English as a Second Language ("ESL") classes and moved to regular English-speaking classes where she excelled. When she graduated from Dos Palos High School in 1998, her outstanding academic performance and 4.57 GPA earned her admission to UC Berkeley, along with significant financial aid and scholarships. Because her financial assistance was insufficient to cover the high cost of living in the Bay Area, Judge de Alba worked throughout her undergraduate career and graduated from UC Berkeley with a double major and highest honors in Spanish and Political Economy of Industrial Society.

Despite the challenge of working while going to school, Judge de Alba somehow found time during her senior year to start a tutoring program in Oakland for young students who were refugees from El Salvador and provided English instruction to their parents to help them better assimilate. Judge de Alba's efforts had a lasting effect on her students, some of whom have gone on to earn doctorate degrees.

Although her undergraduate years at UC Berkeley were busy, she nonetheless felt isolated. She sadly reported to her brother, Fernando, that it did not get dark at night in the big city and her fellow classmates had little in common with her. Fernando continued to encourage Judge de Alba, and she heeded his words of encouragement.

### Legal Beginnings

After graduation, Judge de Alba worked for a plaintiffs' employment law firm in Oakland that reaffirmed her belief that lawyers and judges can have a significant impact on the community. During her second year at the firm, UC Berkeley School of Law accepted Judge de Alba as part of the class of 2007. Despite having attended UC Berkeley as an undergraduate student, she found law school to be even more isolating and experienced impostor syndrome. Although Berkeley Law had a diverse student body, most of Judge de Alba's classmates had never worked in the fields or teetered on the edge of poverty. Pushing through her self-deprecating feelings, Judge de Alba graduated and passed the California Bar Exam on her first attempt.



After passing the bar, Judge de Alba returned to the Central Valley to begin her legal career at Lang, Richert & Patch, a respected business litigation law firm in Fresno, where Judge de Alba had worked during the summer after her 2L year in law school. Although Judge de Alba remained interested in making a meaningful contribution to the community, she chose to work first in a well-resourced law firm to hone her legal skills and pay back some of her law school debt. At the same time, Judge de Alba felt it was extremely important to do pro bono work. Her desire to do pro bono work did not initially sit well with the firm. However, during her third year with the firm and with the support of some of the more senior shareholders who recognized Judge de Alba's willingness to work long hours, Judge de Alba began to take on pro bono work, representing low-income undocumented workers who were unable to take advantage of legal services available to documented workers. Judge de Alba's work in this area represented a bold departure from her firm's traditional areas of practice.

During her fifth year at the firm, instead of asking for a reduced schedule to spend more time with her newborn child, she asked for and received approval from her firm to publicly support the Workers' Rights Clinic in Fresno that she helped to found. The clinic, a collaborative effort between Central California Legal Services, the Consulate of Mexico in Fresno, and San Francisco's Legal Aid at Work, helps to educate and provide legal advice to low-income and unemployed workers about their employment rights.

In 2013, Judge de Alba became a partner and was the first Latina in the firm's history to earn such a promotion. With Judge de Alba's influence, her firm, which had earned a reputation among attorneys and judges for outstanding advocacy on behalf of business entities, found itself representing more people of color, immigrants, and women. Judge de Alba's strong work ethic, her willingness to work long hours to advocate on behalf of her clients, and her ability to persuasively tell a client's story to a judge or mediator, resulted in significant vic-

This photo of Judge de Alba's childhood home in South Dos Palos, California is proudly displayed in her chambers.



Students of Vang Pao Elementary School handle the U.S. Marshals' shield and tour the holding cells of the Robert E. Coyle U.S. Courthouse in Fresno.

stories for these otherwise marginalized groups—and the legal community in Fresno took notice.

Notwithstanding her success in representing individual plaintiffs, Judge de Alba continued to represent her firm's traditional business clientele, because she felt that doing so made her a better litigator. She also continued her pro bono work, contributing 300 hours annually. In addition to helping her pro bono clients with their legal issues, she often met their children, encouraged them to stay in school and served as a wonderful role model. Her clients thanked her with flowers, hugs, tears, freshly harvested fruits and vegetables, and homemade meals. Judge de Alba never forgot their generosity.

### From State to Federal Bench

In 2018, Governor Jerry Brown appointed Judge de Alba to the Fresno County Superior Court of California. She was initially assigned to a high-volume misdemeanor court and, after two years, was reassigned to juvenile court, where she enjoyed the holistic approach of juvenile criminal justice. Prior to her judicial appointment, Judge de Alba had no criminal law experience. Undaunted, she worked evenings and weekends to come up to speed. In addition to her heavy case load, Judge de Alba remained active outside of the courtroom, serving on various judicial and grand jury selection committees.

In June 2022, eighteen months into her stint in juvenile court, Judge de Alba was nominated and confirmed to serve as a district judge for the Eastern District of California. Because over 50% of the population of the Central Valley, which is located within the Eastern District and is where Judge de Alba grew up, is Hispanic, her appointment as the district's first Latina judge was a significant milestone. Her appointment was also challenging. The Eastern District is a sprawling judicial district consisting of 34 of California's 58 counties and a

rapidly growing population of over 8.5 million people. Despite its size, the district's judges carry one of the heaviest caseloads in the country. When Judge de Alba was appointed to the federal bench, she was assigned over 1,300 criminal and civil cases. But, as her life story illustrates, Judge de Alba is not one to shirk from a challenge.

### Transforming Lives

Without the benefit of this backdrop, my husband's initial impression of Judge de Alba when she first arrived in federal court was on point. Of course, Judge de Alba rose to the challenge of a crushing case load and did so respectfully of those around her. She quickly met and got to know everyone she worked with at the courthouse. Because she loves to cook and fondly remembers how her pro bono clients showed their gratitude to her, during the holidays, she makes tamales for her chambers and the court's security staff and U.S. Marshals. Throughout the year, you will often find Judge de Alba hosting "thank you" parties for the court's janitorial and facilities staff, as well as for those who help with field trips to her courtroom.

Judge de Alba's desire to have an impact on her community beyond the courtroom persisted. Since her appointment in 2022, Judge de Alba has on a nearly monthly basis organized and hosted civics education programs for elementary through law school students. These students are met by members of the Clerk's Office, her chambers, and a Court Security Officer who provide a tour of the courthouse and overview of the court's operations. The students then arrive in the ceremonial courtroom, which Judge de Alba now reserves from the District Court, for an arraignment and brief preliminary hearing concerning charges filed in a mock criminal complaint in the matter of *United States v. The Wolf* (from



Judge de Alba meets with elementary school students in her chambers.

the story of Little Red Riding Hood), *United States v. Goldilocks*, or *United States v. Sid* (the sadistic kid and neighbor to Andy in Toy Story). The case varies depending on the age and background of the students.

While the court is called to order, Judge de Alba enters the courtroom and deputy U.S. Marshals accompany the defendant, typically, one of Judge de Alba's law clerks, from the holding cell. An Assistant U.S. Attorney advises the defendant of the charges and the Federal Defender, or one of her assistants, enters not guilty pleas to the charges. The attorneys then conduct a brief examination of the affiant of the complaint, who is actually a federal agent or state law enforcement officer, to provide the students a sense of live courtroom testimony. Following her dramatic entrance, Judge de Alba introduces herself to the enraptured students and then introduces all of the players in a federal criminal case. Law clerks, courtroom deputy, members of the Clerk's Office, court IT specialists, deputies of the U.S. Marshals Service, Court Security Officer, court librarian, and attorneys explain their background and respective roles. Judge de Alba then invites questions from the students. Invariably, most of the questions are directed to the deputy U.S. Marshals, who display some of their equipment used to apprehend fugitives and give a tour of the holding cells. The Spanish-speaking interpreter who demonstrates simultaneous interpretation is also always a hit with the students.

After this interactive courtroom experience, Judge de Alba invites the students to her chambers for more intimate discussion. Pointing to the photo of her little house in South Dos Palos, Judge de Alba provides words of inspiration to these visiting students, many of whom

come from similar humble beginnings, to overcome adversity and strive for justice. She is known to remind students that where they start in life need not dictate where they end up.

### Conclusion

Given her extraordinary commitment to justice and positive social change, it is not surprising that, within a year of her arrival to the district court, Judge de Alba was nominated and confirmed to serve as a judge for the Ninth Circuit Court of Appeals. She is the first judge of the Fresno Division of the Eastern District to be elevated to this position and looks forward to serving the country in this new role. For a first-generation child of Mexican immigrants who can barely read, Judge de Alba has come a long way. Humbly, she credits her brother, Fernando, a civil engineer, with much of her success. ☺