

# SACRAMENTO Business Journal

## IN DEPTH: LAW & ACCOUNTING

From the May 21, 2004 print edition

### Joseph Babich

Dreyer, Babich, Buccola & Callaham / partner

Joseph Babich was pleased when one of his clients was awarded \$5 million in a personal-injury case last year. It was a career-topping verdict.

But that's old news in a firm that has since seen a \$34.2 million verdict for the Oakland Raiders in its fraud suit against the Oakland Coliseum, and was the first in the Sacramento area to see a \$1 million verdict, awarded about 15 years ago.

Babich is a partner, along with Roger Dreyer, Robert Buccola and William Callaham, in the Sacramento law firm [Dreyer, Babich, Buccola & Callaham](#).

Babich says insurance companies would like to see lawyers like him disappear. His charge is founded on their efforts to "restrict" his pay by capping damages awards and other measures.

"People should be held accountable for their conduct and the injuries that result from them," said Babich, who was recently honored by Sacramento Consumer Attorneys as Advocate of the Year for his 2003 trial results.

### BACKGROUND

- Age: 48
- Education: Bachelor's degree in economics, University of California Berkeley, 1977; juris doctorate from Hastings College of the Law, 1980
- Residence: Carmichael
- Native of: Sacramento
- Family: Wife, Monica Donnelly; four children, ages 14 to 20

### THE FIRM

Practice specialty: "I would say the vast majority of our cases involve motor vehicle accidents. We don't do medical malpractice. One of the reasons is the state passed a law in 1976 that restricted the attorney fees we could charge -- from 10 percent to 40 percent on a sliding scale (depending on the amount of the verdict) -- and put a cap of \$250,000 on the damage component to the claim. That (cap) has been in place since December of 1975, and has never been increased."

Brothers in law: "One of the reasons we've been so successful (as a firm) is we all love each other. It sounds corny, but it's true. Roger is 49, I'm 48 and Bob's 46. We're like brothers. We have a real close relationship; our families have grown up together and we spend time away from the office together.

"We also developed a really strong work ethic, and we also, early on, especially Roger, started to get some significant results in the courtroom.

"What also makes us successful and really driven is the competition among (us). It's a healthy competition."

Lawyers turned developers? "We've outgrown our space. There's about 13,000 square feet we own, and we're leasing next door another 4,000 square feet, and with all the lawyers (18) and support staff, we're maxed out.

"Our initial plan was to purchase property (at Exposition Boulevard and Highway 160) and build a 100,000-square-foot class-A office building. So we purchased the property ... and decided we didn't want to take on that amount (about \$15 million) of debt. We're either going to sell (the land) or develop it ourselves."

## **GETTING STARTED**

Going into law: "My dad (Joseph G. Babich) was a judge (in Sacramento Superior Court), and he didn't really steer me in that direction, but I was always interested in the law."

Trial by fire: "I got hired by the Sacramento County district attorney's office ... we tried misdemeanor jury trials. I tried 20 jury trials in my first year-and-a-half as a lawyer, and my first jury trial was completed in two days, and commenced on my third day (on the job).

"Then I was hired by Morton L. Friedman. At the time, he was the pre-eminent plaintiff's personal-injury attorney in Sacramento."

## **HIGHS AND LOWS**

Most satisfying case: "I tried a wrongful death case of an adult, a mentally disabled man who drowned in a swimming pool while at a day camp. His parents (with whom he lived) were the plaintiffs in the case.

"It was a different kind of case because of who the decedent was. It helped me understand what it was like to have a disabled member of the family. It was challenging to have the jury appreciate the loss that these parents suffered; I was concerned the jury would think (the death) would be a lifting of a burden rather than a substantial loss."

Jury prejudice: "The greatest challenge, within the sphere of trying cases, is getting beyond the jury-pool prejudices. They believe plaintiff's lawyers are overstating their cases; plaintiffs are overstating their injuries and claimed losses; and they believe that if they award a significant amount of money it will come back to haunt them in their own personal-injury insurance.

"When we go into a courtroom these days, we not only have to prove our case, but prove that our case is not one of those phony cases the insurance company wants you to believe it is.

"They've done a really good job convincing the public that lawsuits and personal-injury cases are the cause of high insurance premiums and businesses leaving California. They've done it through a well-thought-out public relations campaign that constantly attacks the injured person as being to blame."

Satisfaction: "To some degree, I think all attorneys are egomaniacs. There's a real sense of satisfaction you get when you get a good result ... and you've done something that will make your client's life better for the right reasons, and you see the system work the way it was designed to work."

Frustration: "The pace of play -- how long it takes for a case to go through the discovery process and be in a position to try it ... I did two cases in 2003; you can probably try three or four significant cases a year."

## **PERSONAL**

Leisure time: "I like to play golf; I like to duck hunt -- I'm starting to sound like a Republican -- and I enjoy coaching youth baseball. I've coached my son's team since he was 7; he's 14 now.

"Golf is an incredible game. If you play 18 holes with someone, which usually takes about four hours, you know everything about the person's character.

"You see their emotions, their ability to recover, to make a decision, whether or not they're honest."

-- *Interview by Danielle Starkey*

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