



# Warren Paboojian

*Landmark Title IX verdict leads to top honor, banner year for Fresno lawyer.*

BY STEPHEN ELLISON

If there were ever any doubts that Warren R. Paboojian had found his calling, he put them to rest in 2008.

During this past year, the Fresno-based plaintiff's attorney twice made history. First, Paboojian helped secure California's largest-ever verdict in an employment law case against a public entity when a jury unanimously found for plaintiff Stacy Johnson-Klein and awarded her \$19.1 million in her wrongful termination suit against the California State University Fresno. (*Stacy Johnson-Klein v. California State University Fresno* (Fresno Superior Court, State of California, case number 05 CECG 02645).) Then, in November, Paboojian became the first San Joaquin Valley lawyer in the 47-year history of the Consumer Attorneys of California (CAOC) to be named the organization's Consumer Attorney of the Year.

Indeed, these landmark achievements have put Paboojian and his firm on the proverbial map. Yet amid all of this glory, he pushes on and remains humble.

"It's been real positive on the practice and has helped with client credibility, you know, now that they think you know what you're doing," Paboojian commented.

The Johnson-Klein case drew national attention, and in the Fresno area, it was the topic *du jour* from the time the former CSU Fresno women's basketball coach decided to sue her employer for gender discrimination until the moment that the verdict was read in court. For his part, when Paboojian was first presented with the case, he found himself in a difficult spot, being a Fresno native and



Paboojian

graduate of his hometown university. In the end, duty to his client won out over academic loyalty.

"This was my alma mater I was being asked to sue," said Paboojian, a big Bulldogs fan who owns

season tickets to CSU Fresno's football and basketball games. "But I felt she was treated unfairly."

Journalist Mark Arax, a close childhood friend of Paboojian who also graduated from CSU Fresno, could not say enough about the lawyer's courage in "taking on the institution."

"He felt Fresno State had to be cleaned up," said Arax, who spent 20 years with the Los Angeles Times and now teaches literary journalism at Claremont McKenna College, a private liberal arts college located in Claremont, California.

"We talked a lot about the case, and Warren told me, 'Those guys have gotten arrogant, gotten fat, and I'm going to expose them.'"

"This was not an easy case," Arax continued. "Fresno may be the fifth-largest city in California, but at its core, it's still a small town. And the biggest game in town is the Bulldogs."

## Practicing for the people

As significant as the Johnson-Klein verdict has been to Title IX — academic institutions across the nation have begun re-examining their policies in the wake of this verdict — Paboojian doesn't consider it to be his most significant win.

At the top of his list, he said, is a medical malpractice case he won on behalf of a Southern California woman who died of breast cancer (*Andrea Martinez and John Martinez v. James R. Schaefer, M.D.* (El Cajon Superior Court, State of California, case number GIE018800)). For an entire year, the woman's obstetrician failed to diagnose her disease. Had her cancer been discovered earlier, Paboojian said, she could have been successfully treated and she would be leading a normal life today.

"When you have to speak about someone not being there, and you're doing this as that person is sitting there, across from you . . . I can't even begin to tell you how hard that is," revealed Paboojian, who secured a \$1.6 million award for his client. "It was one of the hardest trials I've had to handle emotionally."

It was also quite gratifying, Paboojian admits, considering how hard it is for plaintiffs to win medical malpractice suits. "That victory is one of my personal accomplishments that I'm most proud of," he stated.

## Dalliance with the defense

However, Paboojian, 51, wasn't always about taking on institutions for people who had been wronged. Early in his career, he went to the dark side, and for about 10 years, he defended insurance companies. Arax admitted that this line of work did not fit well with his friend's career mission. Ultimately, Paboojian's insurance defense career wasn't very emotionally rewarding.

"Warren grew up with a strong sense of social justice," Arax declared. "He put that away for a while, defending insurance companies, and he talked a lot



about how distasteful that was for him. When he started plaintiff's work, that's when the real Warren emerged. He was a little rough around the edges in the courtroom. But, people and juries could relate to him. They would see right away that he was the real thing; he was one of them. What he's doing now is very consistent with who he is and how he grew up."

Brian Panish, who met Paboojian while attending Fresno State, agrees, saying his friend and former colleague exhibits a credibility with juries that all plaintiff lawyers should strive for.

"No question, Warren is the kind of guy people relate to," said Panish, whose \$4.9 billion verdict against General Motors is the largest personal injury and product liability ruling in American judicial history. "He's honest, has a lot of passion and the (Johnson-Klein) jury saw the belief Warren had in his client's case."

While helping people was at the heart of his mission, Paboojian said other factors enabled him to evolve as a plaintiff's lawyer.

"I found that trial work was the closest thing to athletics; I have always thrived in head-to-head competition, and trying a case allows me to bring out my competitive nature," revealed Paboojian. "And I've always enjoyed speaking publicly. Those are the things that drive me."

### Street smart, hometown boy

Paboojian grew up on Ventura Boulevard, in a rough, ethnically diverse section of Fresno that Arax calls a barrio. The two fatherless friends of Armenian descent lifted weights together, partly out of the necessity to survive because they never knew when they might be forced to defend themselves.

"This guy's a streetfighter," Arax said of Paboojian. "We grew up fighting; we were always preparing for fights." "Growing up on the tough side of town was a tremendous education into the human condition, for all of us," Arax added. "Warren draws on that education every day in his legal practice."

When it came time for college, Paboojian and Arax, along with their other friends, stayed close to home. They attended CSU Fresno, the local university, and majored in journalism. During those undergrad days, the close-knit group often spoke about law school as part of the future. Paboojian followed through with his dream – again staying close to home – and attended law school at San Joaquin College of Law. Paboojian revealed that the thought of moving his practice to a more populous location such as the Bay Area or Los Angeles has never even entered his mind. "I like this area. This is where I was born and raised," he said. "I love the San Joaquin Valley."

That strong sense of community, along with a neighborly demeanor, likely ignited Paboojian's passion for giving back. He recently started a non-profit organization called Departed Angels that provides benefits to parents who have lost their children but do not have the financial means to give them a proper burial.

"It's something that I've found to be the most tragic thing," said Paboojian, who has three children of his own. "Not only have these parents experienced the ultimate loss with their child dying, but then they can't even pay for a funeral. It's heartbreaking."

### Just honored to be nominated

When the CAOC announced its Consumer Attorney of the Year award winner during the organization's annual awards dinner in San Francisco, it came as a genuine shock to Paboojian, who was selected from a group of 11 finalists. "I was totally surprised, because there were so many good lawyers nominated," he elucidated. "I hadn't even prepared anything to say, because I honestly didn't think I would win. It's a great honor. I respect the Consumer Attorneys of California immensely."

The award was a testament to the importance of the Johnson-Klein case and to Paboojian's diligence in uncovering CSU Fresno's wrongdoing. The pivotal point, Paboojian claimed, came

when the university suspended her, compiled a 380-page termination report and then used it as a bargaining chip. "I asked them to give me a copy of the report, and they wouldn't do it," Paboojian recalled. "They told me if she walks, (they) won't release the report. She wouldn't quit, so they fired her and released the report. And they published it on their Web site!"

"I was able to discredit that report," Paboojian continued. "That was the biggest key. They were just trying to get rid of her."

When fellow Fresno alum Panish first found out about the suit, he was concerned for his alma mater. "I knew the university was in trouble when Warren took the case," he said.

According to the Fresno Bee, Rene Sample, the incoming president of the Central California Trial Lawyers Association, said the Johnson-Klein case "set a precedent that required not only Fresno State, but athletic programs all over the nation, to reevaluate their commitment to Title IX and gender equity."

With a banner 2008 now behind him, Paboojian is content to conduct business as usual. He will continue to try cases and represent people who have been wronged. His advice to fellow plaintiff's attorneys and those aspiring to the profession: Try as many cases as you can; don't be afraid to try a case, because only through a trial will you find respect for your adversary.

Arax added his own little consult to future adversaries of Paboojian: "If you're an attorney facing Warren and you underestimate his appeal to the jury, you've just made a serious miscalculation."

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