Charles “Chuck” Dell’Ario

A lone wolf finds his pack

By Deborah Chang

Although he started his career as a litigator and trial attorney, appellate specialist Chuck Dell’Ario soon tired of the obstructionist tactics too often used by opposing counsel during discovery. Gradually, he realized that a more civilized practice with a controllable schedule awaited him in the appellate courts. Luckily for him, he always excelled in writing with clarity and finding creative aspects of the facts of the case and the law that others may have overlooked. In over 250 appeals, those traits have served him well. "An early mentor told me that I needed to know more about the case than anyone else in the world," he recalls. "I still aspire to that standard of preparedness."

Being a champion and standing up for others came with the territory. It is something that should be expected from the Stanford graduate who served as an Army First Lieutenant in Vietnam, where he was awarded the Army Commendation Medal, the Bronze Star with Cluster and the Air Medal.

After graduating from UC Hastings College of Law, he practiced in Oakland for 35 years, and had his own law firm since 1982. Dell’Ario earned a reputation for tenaciousness and never giving up. "Sometimes you take a righteous case because you need to do it," he says. It is that attitude that led him to fight a bank for nine years without being paid a dime until he convinced the Ninth Circuit to pull its first opinion and issue a new one that finally recognized that damages for emotional distress were available for bankruptcy stay violations. (Dawson v. Washington Mutual Bank, F.A. (9th Cir. 2004) 399 F.3d 1139.)

He moved to Napa in 2011, but his appellate practice takes him throughout California and to Washington, D.C. “My love for food and wine led me to Napa,” Dell’Ario explains. An accomplished chef who has won honors from the Gilroy Garlic Festival and the Oakland Tribune Recipe Contest, Dell’Ario finds time to cook daily. In his spare time, he also coaches the Justin Siena High School mock trial team in Napa: “The kids are like sponges and it is astonishing how good they are.”

In all his years of practice, however, Dell’Ario never saw the need to join CAOC before this year. “I had always foolishly thought that there was no need to be involved on a statewide basis before,” said Dell’Ario, who chose instead to get involved with the local bar associations.

All of that changed when he experienced firsthand the depth and power of CAOC while working on Rosen v. The Regents of the University of California, a case involving a UCLA pre-med student brutally slashed across the throat and stabbed multiple times in her chemistry lab by a fellow classmate brandishing a knife. The plaintiff claimed that her attacker exhibited numerous red flags, but UCLA claimed it had no duty to protect its students. After its Motion for Summary Judgment was denied, UCLA filed a petition for a writ, and the Court of Appeal invited amicus briefs.

Enter the CAOC amicus committee. Sharon Arkin, the committee’s co-chair, filed a brief on behalf of CAOC and 5,000 other amici consisting of college students and faculty, as well as groups such as Friends of Safe Schools U.S.A., the National Center for Victims of Crime, Crime Victims United of California, and victims of shootings at other universities, arguing that colleges and universities have a duty to protect their students from foreseeable dangers.

Dell’Ario was immediately impressed. “When I saw how CAOC was willing to help out, it gave us some collective statewide momentum,” he said. “You are a part of a collective force that is bigger and better than you are by yourself.” While the issue is pending in the Court of Appeal, it is Dell’Ario’s hope that that collective voice will resonate with the justices.

He was also impressed with CAOC’s efforts to effectuate change in the Legislature and in the courts. Dell’Ario said he realized “it was time to join the collective force instead of standing alone.” He not only joined CAOC, but became a member of the President’s Club. “CAOC is a strong voice and if it wasn’t here, we’d all be in a vacuum,” he explains.

Dell’Ario is already enjoying his role on the amicus committee. “We’re better together than by ourselves,” he said. “I’ve been a lone wolf a long time and it’s so nice to find a pack.”