



AAA Mediation.org™

**FN-4126459 MN-4126459 LN-4126459,
Esq.**

Santa Barbara, California



[View Video](#)

Current Employer-Title Destination Dispute Resolution LLC - Sole Owner

Panelist Video <https://www.adr.org/videoresume?paramName=819125119>

Profession Arbitrator, Attorney, Consultant, Educator, Judge and Mediator

Work History Private Judge Mediator and Arbitrator, Self-employed, 2015 – Present; Lecturer, University of California at Santa Barbara, 2009 – 2018; Judge of the Superior Court, State of California/Santa Barbara Superior Court, 1983 – 2015; Executive Director, Legal Aid Foundation of Santa Barbara County, 1980 – 1983.

Experience Retired from the Santa Barbara Superior Court in January, 2015, after 32 years on the trial court bench. Was a legal services attorney and administrator, managing two county wide offices or programs. Extensive experience in complex state and federal litigation in areas of employment law, housing law, educational rights, civil rights, family law, and government benefits. As an attorney, was lead counsel in reported cases; Hennagin v. County of Yolo (E.D. Ca., 1979) 481 F. Supp. 923; Vaughn v. Regents of U.C. (E.D. Ca., 1981) 504 F. Supp. 1349; Driskill v. Woods (1977) 70 Cal. App. 3rd 622; and Jonasen v. County of Yolo (E.D. Ca., (1980) 24 E.P.D. Para. 31,364.

As a judge, served in all assignments available on the court, including handling civil, criminal, family law, juvenile, and probate calendars. Appointed by the Governor to the Santa Barbara Municipal Court in 1983, and served on that court for 14 years. Ran, and won a county-wide election for an open seat on the Superior Court in 1996. Served as the Presiding Judge of the court for three years, from 1998-2000, managing the consolidation of the Superior and Municipal Courts into a single entity under the California State Court Unification process. Helped design and implemented multiple Drug Court treatment programs, in both adult and juvenile courts. Led the effort to design and establish the court's CADRe (Court Administered Appropriate Dispute Resolution) program, one of the first county-wide integrated ADR systems in California courts, and which is still an integral part of the court's civil operations at present. Authored a county ballot

initiative and helped direct the political effort to allow Santa Barbara County to receive state trial court funding for the courts and law enforcement entities, superseding existing local government spending limits. Drafted state legislation modifying and adding provisions to the California Government Code which effected the consolidation of the Santa Barbara County Marshal's Office into the Santa Barbara County Sheriff's Office. Served as a member and committee chair on the California Probation Services Task Force, a joint Judicial Council and California State Association of Counties entity. Testified numerous times before state and local legislative bodies on issues of import to the local and state judiciary.

Handled a number of high profile cases which were the subject of intense local and/or national media attention. Handled cases involving a number of nationally known public figures as a civil or criminal case defendant or victim. Another lengthy case, a murder trial resulted in hour long television programs on NBC's Dateline and CBS's 48 Hours. Trial judge in numerous cases reported in official case reporters.

Taught judges, lawyers, law students, and university students in a variety of law related contexts, including on the topic of ADR programs and processes. Taught law school classes on the subjects of Legal Method and Process, Statutory Law, and Legal Ethics. Teach university courses on "Law and Civil Rights" and "Latinos and the American Legal System". Taught Bar Association sponsored Minimum Continuing Legal Education courses on "Elimination of Bias" in the workplace. Authored Santa Barbara County's Personnel Policies related to Anti-Sexual Harassment and Bias Free Workplace, which were among the first such policies in the nation.

Temporarily assigned to the California Court of Appeal, authoring seven decisions for the court, three of which were published in official reporters. One, *Keith v. Buchanan* (1985) 173 Cal. App. 3d 13, is the subject of significant attention in the most widely used digest of California law, "Summary of California Law", by B.E. Witkin. That treatise states, inter alia, that "U.C.C. (Uniform Commercial Code) Section 2313 was given a definitive construction" in Calif

Mediator Experience

Mediated many hundreds of cases during years on the bench and in private practice as a lawyer and as a private neutral. Case types have included commercial and contract disputes, real estate, property, employment, personal injury, probate, and many other types of civil cases. In one property dispute related to probate, two siblings were suing each other over their father's last asset, the family home. The dispute was over percentage split each would receive from the sale of the palatial but dilapidated downtown Santa Barbara home. It was to be sold at X\$. Worked out an "internal flip" of the property. Obtained agreement for one party to pay for renovations with funds expended reimbursed off the top from sale. Oversaw and managed the renovation process and sale of the property for 1 ½ years. Property sold for 3X\$, substantially increasing each party's monetary gain and laying groundwork for possible family reconciliation.

Representative Issues Handled as a Mediator

Disputes over contract terms involving major hospital groups and insurance carriers with hundreds of patient claims at issue. Property issues regarding boundary lines, neighbor usage concerns, view impairment disputes. Personal injury claims involving complex medical and causation issues. Employment contract disputes involving single and multiple parties. Business creation and dissolution cases with multiple layers of issues.

Mediator Style & Process Preferences

I usually have a joint introductory session where I review the benefits of mediation with the disputants. I note that a famous lawyer once gave advice to other lawyers saying, "Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser – in fees, expenses, and waste of time." I inform them that the quote is from a lawyer named Abraham Lincoln. And, I add that permanent destruction of relationships is another cost of the courtroom process which can be reduced or eliminated in a mediation.

I started the Santa Barbara court's ADR program decades ago. Mediation is a form of ADR- commonly called Alternative Dispute Resolution. I called our program the court's Appropriate Dispute Resolution program. I had learned that courtroom trials are often not the best way to resolve disputes, and, at times, are clearly the worst way to resolve disputes.

I often find a different case from that depicted in the paper submissions once the mediation process commences. I work to identify the factors impelling the dispute and endeavor to obtain resolution of those underlying factors, or to help the parties identify them and remove them from the dispute

resolution equation. I inform the parties of the counter productive aspects of courtroom processes and the creative possibilities of mediation.

There is nearly always an emotional dispute which accompanies a legal dispute. The parties need to be helped past the emotional level to be able to focus on the logics of the legal dispute. I usually begin with a facilitative mediation style. If needed to secure progress, I transition into a more directive style. If factors such as an imbalance in power arises, adjustments may need to be made. A mediation is not an event. It is a process. Each one is different. And shepherding the parties from active disputants to people with their fight in “the rear-view mirror”, takes patience and understanding.

Mediators must be constantly engaging in self-check processes. You may develop a perceptive framework of the dispute built on deductions and conclusions from the communications occurring. The neutral must constantly re-examine those perceptions, realize that he or she could be off the true mark, and make adjustments. Or even hit the reset button.

The goal is to find a resolution which the parties are equally dissatisfied with, but are willing to accept, to obtain resolution of the dispute. A legal dispute is a roadblock on the path of life, and removal of that blockage has immeasurable benefits to each of the parties.

Education University of California, Davis School of Law (JD-1975); University of California, Santa Barbara (BA, English and History-1972); Long Beach City College (AA, English-1970).

Professional Licenses Admitted to Bar: California (1975); US District Court: Eastern (1976) and Central (1979) Districts of California; US Court of Appeals: 9th Circuit (1980).

Professional Associations National Academy of Distinguished Neutrals, Diplomate Member; California Academy of Distinguished Neutrals, Diplomate Member; California Judges Association.

Recent Publications & Speaking Engagements Wrote an article entitled "Mediation and 'Alternative' Dispute Resolution: A Brief History in the Santa Barbara Superior Court" which was published in the April edition of the Santa Barbara Lawyer Magazine, a publication of the Santa Barbara County Bar Association. It was also published in a blog connected to the Southern California Mediation Association.

Wrote many articles and decisions over the years, many with ADR implications. Extensive experience as a speaker or panelist at numerous university and educational conferences for judges, lawyers and others related to ADR systems and processes. As to public speaking engagements, among others: Panelist, "Civil Law Update", co-panelist with a California Supreme Court Justice and a Court of Appeal Justice at a California Judicial and Education and Research "Civil Law Institute", 1990; Panelist, "Integrating ADR Processes with Case Management Systems", California Statewide Conference on Court-Connected ADR Programs for Civil Cases, 2001; Keynote Speaker, Kern County Mediation Conference, 2010; Panelist, "Civil Court Judicial Forum: Advanced Discovery and Trial Practice", National Business Institute, Inc., Ventura, CA 2013; Panelist, "As Judges See It: Top Mistakes Attorneys Make in Civil Litigation", National Business Institute, Inc., Santa Barbara, CA, 2013; Co-Presenter, "Ethics in Mediation", Santa Barbara County Bar Association, 2016 Bench and Bar Conference, 2016.

Locations Where Parties Will Not be Charged for Travel Expenses Santa Barbara, Ventura, and San Luis Obispo Counties. Costs for travel and other expenses out of the tri-counties region shall be negotiated at the time of engagement.

Mediation Rate \$750 Per Hour

Languages Spanish, English

Citizenship United States of America

Locale Santa Barbara, CA

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.