



HON. JOHN ZEBROWSKI
Los Angeles Superior Court (Ret.)
California Court of Appeal (Ret.)



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Justice Zebrowski served on the Los Angeles Superior Court from 1982 to 1995, when he was appointed to the California Court of Appeal. He served on the California Court of Appeal until November of 1999, when he joined ADR Services, Inc. His ADR practice since then has covered a spectrum of business-related matters including commercial contracts, insurance, real estate, finance, entertainment, partnership and corporate disputes, business torts, securities, intellectual property, environmental liabilities, professional liability (other than medical malpractice), employment and similar matters.

ADR Practice, 1999-Present:

Justice Zebrowski's ADR practice consists primarily of arbitration and mediation. He also conducts temporary judge trials and judicial reference proceedings, and has acted as a provisional corporate director. On occasion he also consults on or conducts moot court proceedings regarding appeals or major motions, assists in development of litigation and mediation strategy, or handles discovery references.

Although Justice Zebrowski has presided over cases in New York, London, Washington, Atlanta, Denver, San Francisco, San Diego, Fresno, Santa Barbara, Ventura, the Inland Empire, Palm Springs and other cities, the bulk of his work is done in Los Angeles and nearby Counties.

Justice Zebrowski served on the California Law Revision Commission from 2008-2011, and was Chair of the Commission in 2010-2011. He currently serves as a member of the BAJI Civil Jury Instructions Committee, and is a Fellow of the College of Commercial Arbitrators.

California Court of Appeal, 1995-1999:

Justice Zebrowski authored 48 published opinions. He also joined in (or dissented from) approximately 100 other published opinions, and in total participated in a few thousand appellate and writ decisions. He attended the NYU appellate jurist's training program in 1997 and 1998.

Los Angeles Superior Court, 1982-1995:

Justice Zebrowski served on the Los Angeles Superior Court, first in the capacity of Judge Pro Tem and Commissioner, and then in the capacity of Judge, for thirteen years. All of his 13 years on the Superior Court were in civil assignments. He served for approximately seven years in law and motion and writs and receivers, and approximately six years in civil trial departments, including five years in downtown fast track. He was often designated as judge for all purposes in complex business cases.

During his early Superior Court service Justice Zebrowski served as a consultant to the BAJI Committee. He also served as a member of the State Bar Lis Pendens Task Force, and drafted the

code commentary that now appears in the annotated version of the *lis pendens* law. For many years Justice Zebrowski taught for the Rutter Group and edited *Civil Procedure Before Trial*. He also co-authored *California Pre-Judgment Money Remedies* (West), served on the Board of Governors of the ABTL and on the executive committees of the LACBA Litigation Section and the Intellectual Property and Entertainment Section, taught for many years at Loyola Law School, wrote and lectured widely on civil litigation and related subjects, etc. He attended the California Judicial College in 1983 and 1987, and subsequently taught injunctions at the College. He also served on the Los Angeles – Leningrad liaison committee in 1990-1992.

USA Petroleum Corporation, 1981-1982:

Justice Zebrowski served as Assistant Secretary and Assistant General Counsel of former client USA Petroleum Corporation in Santa Monica. His duties covered the spectrum of issues arising in corporate operations, including contracts, UCC, finance and credit, insurance, environmental, real estate, personnel, regulatory proceedings, mergers and acquisitions, securities, international trade, etc. Justice Zebrowski also held a real estate broker's license at this time and conducted real estate transactions.

Private Practice, Los Angeles, 1975-1981:

Justice Zebrowski practiced business litigation with the firms of McCutchen, Black, Verleger & Shea (now Baker & Hostetler) and Schwartz, Alschuler & Grossman (later Alschuler, Grossman & Pines), which was subsequently largely absorbed by Bingham. Areas involved included insurance, contracts, banking and finance, real estate, entertainment, construction, antitrust, admiralty, high tech, international trade and other business-related areas.

United States Department of the Interior, 1973-1975:

During his last two years in law school, Justice Zebrowski worked approximately 30 hours per week as a Legislative Analyst for the Department of the Interior. In this capacity, he analyzed proposed legislation, primarily relating to environmental, natural resources and energy issues, prepared legislative reports for Congress, and drafted proposed legislation.

Georgetown University Law Center, 1972-1975:

Justice Zebrowski received his J.D. in 1975 from Georgetown, where he served as a law review editor. His student note has been cited several times by Federal appellate and Federal administrative courts.

University of Pennsylvania, 1966-1970:

Justice Zebrowski received a B.A. with honors from the University of Pennsylvania (Philadelphia) in 1970. He majored in an interdisciplinary program divided between the Wharton business school and the College of Arts & Sciences, emphasizing economics, business and international affairs.

Published Opinions Authored:

- Hedging Concepts, Inc. v. First Alliance Mortg. Co. (1996) 41 Cal.App.4th 1410 (contracts and finance: construction of trust deed securitization contract, rescission and quantum meruit).
- Davis v. City of Pasadena (1996) 42 Cal.App.4th 701 (torts: standards for determining dangerous condition of public property pursuant to Govt Code 830).
- Milrot v. Stamper Medical Corp. (1996) 44 Cal.App.4th 182 (procedure: proper grounds for adding additional defendants to judgment).
- Roddenberry v. Roddenberry (1996) 44 Cal.App.4th 634 (entertainment and contracts: construction of contract for sharing of profits from "Star Trek;" parole evidence and substantial evidence).
- Robertson v. Chen (1996) 44 Cal.App.4th 1290 (settlement: application of CCP §664.6 signature requirement for enforcement of settlements).
- University of Southern California v. Superior Court (Comeau) (1996) 45 Cal.App.4th 1283 (discovery: discoverability of proceedings of hospital medical staffs or peer review bodies).
- Janken v. GM Hughes Electronics (1996) 46 Cal.App.4th 55 (employment: whether individual supervisory employees may be sued on claims of discrimination).
- Catanese v. Superior Court (1996) 46 Cal.App.4th 1159 (discovery; applicability of interrogatory "Rule of 35" and "self-containment rule").
- General Star Indem. Co. v. Superior Court (1996) 47 Cal.App.4th 1586 (insurance: application of SIR endorsement to CGL policy).
- People v. Gutierrez (1996) 48 Cal.App.4th 1894 (criminal: sentencing in Three Strikes case).
- Silva v. Block (1996) 49 Cal.App.4th 345 (procedure: propriety of class action alleging improper use of police dogs).
- Crusader Ins. Co. v. Scottsdale Ins. Co. (1997) 54 Cal.App.4th 121 (insurance and statutory construction: standards for determining whether statute creates private right to sue; whether statutes regulating surplus line brokers create private right to sue).
- Ward v. Superior Court (1997) 55 Cal.App.4th 60 (real property: whether notice of violation of homeowner's association is recordable).
- Remington Investment Inc. v. Hamedani (1997) 55 Cal.App.4th 1033 (banking: admissible evidence necessary to prove borrower's liability on line of credit; applicability of D'Oench Duhme doctrine).

- Cooper v. Superior Court (1997) 56 Cal.App.4th 744 (torts: applicability of CCP §425.13 motion requirement to claim for punitive damages for sexual battery against gynecologist).
- Barajas v. Oren Realty and Development Co. (1997) 57 Cal.App.4th 209 (mediation: whether attorney who mediates one case is barred from later litigating related case).
- Byers v. Cathcart (1997) 57 Cal.App.4th 805 (real property and civil procedure: applicability of civil harassment statute to resolution of dispute over easement).
- Western Landscape Const. v. Bank of America Nat. Trust and Sav. Ass'n (1997) 58 Cal.App.4th 57 (construction: effect of progress payment release forms on right to be paid retention).
- Liberty Mut. Ins. Co. v. Superior Court (1997) 58 Cal.App.4th 617 (insurance: permissibility of insurer motion for summary judgment after initial ruling on duty to defend).
- People v. Gohdes (1997) 58 Cal.App.4th 1520 (criminal: liability for recurring molestation of a child).
- Weddington Productions Inc. v. Flick (1998) 60 Cal .App.4th 783 (mediation and settlements: enforcement of settlement contracts pursuant to CCP §664.6).
- First Fidelity Thrift & Loan Ass'n v. Alliance Bank (1998) 60 Cal.App.4th 1433 (real property: priority of encumbrances, encumbrancer's duty to investigate).
- Berg v. MTC Electronic Technologies (1998) 61 Cal.App.4th 349 (multi-state litigation: forum non conveniens; jurisdictional submission versus forum selection clauses).
- Mabie v. Hyatt (1998) 61 Cal.App.4th 581 (torts: malicious prosecution, necessity of probable cause for all claims advanced).
- Lontos v. Sanitation Districts (1998) 61 Cal.App.4th 726 (inverse condemnation: liability for damage caused by public works projects).
- Wooden v. Raveling (1998) 61 Cal.App.4th 1035 (torts: elements of claim for negligent infliction of emotional distress).
- Robison v. Six Flags Theme Park Inc. (1998) 64 Cal.App.4th 1294 (torts: foreseeability of accident causing personal injury, necessity of prior incidents).
- Regency Health Services, Inc. v. Superior Court (1998) 64 Cal App .4th 1496 (discovery: duties of guardian ad litem).
- In re Kelley L. (1998) 64 Cal.App.4th 1279 (dependency: father's right to notice before visitation orders are changed).
- FSPP v. City of Los Angeles (1998) 65 Cal.App.4th 650 (government contracting: charter requirements for contract formation with city).

- CrossTalk Productions, Inc. v. Jacobson (1998) 65 Cal.App.4th 631 (business torts: defense of unclean hands, bribery).
- People v. Rodriguez (1998) 66 Cal.App.4th 157 (criminal and constitutional law: constitutionality of "shooting out of vehicle" special circumstance).
- California Rifle and Pistol Assn., Inc. v. City of West Hollywood (1998) 66 Cal.App.4th 1302 (constitutional law: preemptive effect of state law on local ordinance).
- Obregon v. Superior Court (1998) 67 Cal.App.4th 424 (discovery: duty to attempt informal resolution, consequences of inadequate effort).
- Quan v. Truck Ins. Exchange (1998) 67 Cal.App.4th 583 (insurance: effect of negligence allegation on duty to defend).
- Cloud v. Northrop Grumman Corp. (1998) 67 Cal.App.4th 995 (employment: judicial estoppel, effect of failure to schedule claim in bankruptcy).
- Arthur Andersen v. Superior Court (1998) 67 Cal.App.4th 1481 (accounting and insurance: entitlement of insurance commissioner to rely on audit).
- Winograd v. American Broadcasting Co. (1998) 68 Cal.App.4th 624 (settlement and arbitration: interpretation of arbitration/settlement stipulation).
- Carlson v. State of California Dept. of Fish and Game (1998) 68 Cal.App.4th 1268 (procedure: duty of clerk to file document presented for filing).
- Wausau Underwriters Ins. Co. v. Unigard Security Ins. Co. (1998) 68 Cal.App.4th 1030 (insurance: duty to defend environmental case).
- Wollersheim v. Church of Scientology (1999) 69 Cal.App.4th 1012 (procedure: proper standard for addition of additional defendants as alter egos).
- Waffer Internat. Corp. v. Khorsandi (1999) 69 Cal.App.4th 1261 (attachments: defense of election of remedies).
- Agricultural Ins. Co. v. Superior Court (Feb 26, 1999) 70 Cal.App.4th 385 (insurance: "reverse bad faith" and fraud suits by insurer against insured).
- People v. Elize (1999) 71 Cal.App.4th 605 (court's duty to instruct on self defense).
- Saret-Cook v. Gilbert, Kelly, Crowley & Jennett (1999) 74 Cal.App.4th 1211 (settlement and rescission, sex harassment, attorney's fees and damages).
- Tokio Marine & Fire Ins. Corp. v. Western Pacific Roofing Corp. (1999) 75 Cal.App.4th 110 (addition of insurer to judgment in construction case).

- *Binder v. Aetna Life Ins. Co.* (1999) 75 Cal.App.4th 832 (wrongful termination and summary judgment).
- *In re Marriage of Keech* (1999) 75 Cal. App.4th 860 (attorney's fees in marital dissolution case).

Published Concurring or Dissenting Opinions; Published Opinions Extensively Quoting from Prior Rulings:

- *Westoil Terminals v. Harbor Ins. Co.* (1999) 73 Cal.App.4th 634 (expansion of duty to defend to non-insured successor; dissenting).
- *Sipple v. Foundation for Nat. Progress* (1999) 71 Cal.App.4th 226 (reach of SLAPP statute; concurring and dissenting).
- *Stadish v. Superior Court* (1999) 71 Cal.App.4th 1130 (case management orders, protective orders and discovery; concurring).
- *Reno v. Baird* (1998) 18 Cal.4th 640 (individual liability of supervisors on discrimination claims; quoting extensively from *Janken v. G M. Hughes Electronics*).
- *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3rd 1446 (EIR requirements; trial court order incorporated as part of dissent).

Other Publications:

Articles in Periodicals:

- OSHA: Developing Outlines of Liability in Multi-Employer Situations, 62 *Georgetown Law Journal* 1483 (1974). Student note on application of OSHA regulations on large construction projects. Cited in *Anning-Johnson Company v OSHRC*, 513 F.2d 1081, 1089, 1091 (7th.Cir. 1975) and *Brennan v. OSHRC*; 513 F.2d 1032, 1039 (2d. Cir. 1975) and several times in decisions of the Occupational Safety and Health Review Commission.
- The Interrogatory Trap, *The Advocate (LATLA)*, October 1983.
- The Business Records Subpoena: Misunderstood and Misused, *Los Angeles Daily Journal Report*, February 1985.
- Business Records Subpoena and the Hearsay Rule, *Los Angeles Daily Journal Report*, June 1986.
- The Realities of Law and Motion Practice, *Los Angeles Lawyer*, October 1985.
- Ex Parte Law and Motion, *Los Angeles Lawyer*, March 1986.
- Injunctions Against Civil Harassment, *Los Angeles County Bar Prejudgment Remedies Section Newsletter*, April 1986.

- Attachment Evidence Law, Los Angeles Daily Journal Report, July 1986.
- Preparing a Business Records Declaration, Los Angeles Lawyer, February 1987.
- Lis Pendens Expungement: A Revisionist View, Los Angeles Lawyer, January 1989.
- Common Mistakes in Summary Judgment, ABTL Report, November 1989.
- The Summary Adjudication Pyramid, Los Angeles Lawyer, November 1989. (Cited in United Community Church v. Garcin (1991) 231 Cal.App.3d 327).
- The Summary Adjudication Pyramid (reprint), the Advocate (LATLA magazine), September 1990.
- Judge or Jury: The Judge's Perspective, Litigation (ABA), Fall 1994 (reprinted for LACBA trial training course, for New Hampshire judge's training course and in the ABA's The Litigation Manual).
- The Manual for Complex Litigation, ABTL Report, September 1995 (reprinted in ABTL Northern California Report, March 1996) (regarding third edition of manual).
- Free and Clear (regarding new lis pendens law, co-authored with Barry Jablon), Los Angeles Lawyer, June 1996.
- Local Rules: What Goes Around, Comes Around, Los Angeles Daily Journal, February 9, 1998.
- Posting Unpublished Opinions on the Internet, Closing Argument, Los Angeles Lawyer, June 1998.
- Find File, Cyber Esq., Winter 1998-99 (trends in electronic discovery law).
- Fat Chance, Cyber Esq., Spring 1999 (a primer on the FAT Filing system used in OS and Windows, importance to electronic discovery)
- E-Mail and Employment Litigation, Cyber, Esq., Summer 1999 (evidentiary issues raised by e-mail).
- Weight of Evidence, Cyber, Esq., Fall 1999 (e-mail discovery in mass tort).

Contributions to Treatises:

- Contributing Editor for Weil & Brown, California Civil Procedure Before Trial (Rutter Group), 1985 to 2000.
- Co-author, California Pre-Judgment Money Remedies (West Group, 1998).
- Consultant for Civil Procedure Before Trial (CEB).

- Consultant for Civil Trials and Evidence (The Rutter Group).
- Consultant for Bancroft-Whitney's Business Litigation series, Volume 3 (Contracts) and Volume 4 (Uniform Commercial Code and Financial Institutions).
- Consultant for Younger, California Motions (West Group 1998).
- Consultant for CEB Action Guide, Making and Opposing a Summary Judgment Motion (Spring 1998).

Seminar Materials and Miscellaneous:

- Award of Attorney's Fees and Pre-Judgment and Post-Judgment Interests, 1980 ABTL seminar materials, Chapters 8 and 9.
- Five Steps to Settling the Hard-to-Settle Case, 1991 SCDC settlement seminar.
- Tips on a Successful Appeal: An Interview with Justice John Zebrowski, ABTL Report, September 1996.
- Los Angeles Superior Court Multi-Party Construction Defect Litigation Manual (founder and co-chair of committee that authored manual).
- Code commentary to lis pendens law published in annotated codes, Code of Civil Procedure §405 et seq. (Written as reporter to lis pendens task force.)
- Electronic Discovery, 1998 American Lawyer Legal Tech Conference, Los Angeles (emerging law governing discovery of computerized data).

Further Information

Although Justice Zebrowski often handles quasi-public proceedings such as private judge trials, judicial references, Federal special master assignments, administrative hearings, etc., ADR procedures are usually confidential. However, general descriptions of the subject matter of representative cases handled by Justice Zebrowski can be found on his website at www.JusticeZebrowski.com and at www.ADRServices.com. Information on Justice Zebrowski's experience with particular areas of substantive law may also be available upon specific inquiry.