

Personal Touch

Retired Judge Jacqueline Connor gets to know parties in mediation to find the root of the dispute.

By Don DeBenedictis

Special to the Daily Journal

After Jacqueline Connor has wrapped up a mediation matter, she does something most other mediators don't. She mails handwritten notes to the attorneys and their clients thanking them and wishing them well, attorneys said.

"She always includes some comment, something she remembers about the person," said Mitchell Rosensweig, a plaintiffs' personal injury lawyer, such as in his case, his move from Maryland to Santa Monica.

The notes she sent Buchalter APC partners Kevin Collins and Adam Smith complimented their skills during the mediation. "It's a nice touch," Collins said. "She really listened."

Connor can send notes like those because she "connects well with clients," said liability defense and appellate attorney Erin Hallissy. "She seems to care about the parties involved."

"She really gets involved," Rosensweig added. "She always makes an effort to get to know the client, ... understand who the clients are and how'll they'll present to the jury."

Connor said understanding the clients is central to how she approaches mediation, and she always makes a point of speaking to them directly. "In mediation, now I can actually talk to the client, which I never could on the bench," the former L.A. Superior Court judge said. "Now I can find out what's really bothering [them]."

"What is this fight really about? Regardless of whether it involves people who know each other per-



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sonally ... or just a contract dispute, it's always personal to those who are involved."

While she always asks the attorneys' permission, talking to the parties directly is important to Connor. "I want to hear it from their mouths," she said. "I don't want to hear it from the lawyers' mouths. There's stuff that comes up from them that the attorneys never knew that I find very informative as to what the problem is ... but also how it would impact 12 jurors."

She has a finely tuned understanding of jurors because during her 25 years on the bench in Los

Angeles, she worked with juries extensively. "The world of jurors and how to protect them, how to make sure that they do the right thing ... was a very high interest for me," she said.

In addition to serving on the Superior Court's jury committee, Connor regularly gave welcome talks to new jury pools.

During trials in her own courtroom, she kept a close watch on jurors to see how they were doing, she said. Unlike most judges, she also let jurors pose questions during trials, provided counsel agreed. After a verdict, she always tried to talk to the jurors to answer ques-

Jacqueline A. Connor

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tions and to find out what affected them during the trial.

And she always wrote them thank you letters.

Connor was born in Detroit, but she grew up in Japan where her father had started a business following his military service there at the end of World War II. Although all her education was in English in military and similar schools, she speaks Japanese well.

She came back to the U.S. to go to college at USC along with an older brother, where she studied international relations. The transition to what to her was a foreign culture was somewhat difficult, which led her to go to law school. "I realized I knew how to survive in Asia, but I didn't know how to survive here," Connor said. "I didn't know what the expectations or the rules were, and that's what made me decide to go to law school. Not to be a lawyer, but I just wanted to know how to survive."

She graduated from USC Gould School of Law in 1976 and joined the Los Angeles County district attorney's office the next year. "I think I was in trial within the first two weeks," she said. "I was so unprepared I called the defendant the alleged defendant. I wasn't sure if I could call him the defendant before I convicted him."

"The courtroom was so much fun. It really is performance art. You find out whether you win or lose right away," she said.

Gov. George Deukmejian named Connor to the L.A. Municipal Court in 1986 and elevated her to the Superior Court two years later.

For her first 14 years on the bench, she handled criminal cases, including ones against a man who stalked singer Madonna and against rapper Calvin "Snoop Dogg" Broadus. In late 2000, she presided over the only criminal prosecution of LAPD officers tied to the Rampart scandal. Three defendants were convicted, but Connor found there had been juror misconduct and granted them a new trial. Her ruling was upheld on appeal. *People v. Ortiz*, B147958 (Cal. App. 2nd Dist., July 12, 2004)

In 2002, she switched to hearing civil cases at the Santa Monica courthouse. "That was quite a transition," she said. "In criminal, you as a judge are obligated to make sure that justice is done, but in civil you just get out of the way. It's a fight about money."

With that understanding of being a civil judge, Connor conducted settlement conferences in her own cases, rather than sending them off to others, as many judges do. "I didn't find any problems with it," she said. A trial judge is "just a referee. We're not making the calls. ... So, I did quite a few and I enjoyed it."

Connor retired from the Superior Court in 2012 after 25 years on the bench. "I had my 25 years in, and I thought I would enjoy being a mediator. And it turns out I truly do," she said.

Since joining ADR Services as a mediator a dozen years ago, she has handled employment, personal injury and contract cases and a wide array of other civil cases from cannabis to habitability. She does not accept family law cases.

Her most difficult cases are disputes between neighbors, "especially wealthy ones," she said. "I find those very satisfying when we can work them out because we have to count on our neighbors sometimes. We can't be completely isolated."

Connor said she prefers that attorneys exchange their mediation briefs with opposing counsel. Confidential or negative material can be submitted to her separately. Sharing a brief is "really just telling the other side you're prepared," she said.

Hallisy represented a client in a neighbor dispute with Connor. She "tries to get to the root of the problem," the defense attorney said. While some mediators don't want to get into the facts of a case very much, Connor "looks at the essence of the dispute and why it exists." She understands that many cases are not simply about money, but she explains to clients what might happen at trial. Hallisy said.

Hallisy's partner, Michael Schonbuch, said Connor "gets a very immediate, deep insight into the sticking points of a case," and then is "able to explain in detail what's involved," which can lead to quick resolution.

Real estate and business litigator Michael Newhouse said Connor "doesn't waste too much time, and therefore money, on who's right or wrong." Rather, she encourages the parties to settle. He said she has a calm, relatable style and is "honest even when you don't necessarily want to hear what she has to say."

Personal injury defense attorney Michael Nebenzahl made a similar

point. He recalled the "come to Jesus" talk Connor gave him in one case. "She just picked up the 8-by-10 color pictures and said, 'How much are you going to pay?' It was the reality check," he said. "I still went back to her because she was doing the right thing."

Longtime entertainment attorney Martin Singer has brought hundreds of cases to Connor. "She's smart, understands the case, reviews all the facts, knows the law and is extremely effective in dealing with all the parties and the lawyers," he said. He especially praised her communication skills. "She is clearly one of the top 10 mediators in Southern California."

Connor said those communication skills, and her desire to talk to clients directly, trace back in part to her work with juries. But she also credits "everything I ever learned as a prosecutor, everything I ever learned as a daughter, as a sister, as a friend, as a parent, as a judge, as a settlement person," she said. "Everything feeds into trying to read the dynamics in a mediation because you really do get into the actual hearts and souls of what this fight is about."

Here are some attorneys who have used Connor's services: Matthew L. Brinton, The Brinton Firm; Aaron M. Brown, California Trial Team P.C.; Gavril T. Gabriel, Law Office of Gav Gabriel; Suzanne M. Henry, Newhouse Law Group PC; Brigitte M. Mayo, Prindle, Goetz, Barnes & Reinholtz; Michael E. Schwimer, Schwimer Weinstein LLP; Adam P. Smith, Buchalter APC; Nickolas B. Solish, The Brinton Firm.