

VERDICTS & SETTLEMENTS

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Calling It

Retired judge Michelle Rosenblatt blends facilitative and evaluative styles as a neutral.

By Shane Nelson

Special to the Daily Journal

Retired judge Michelle R. Rosenblatt is approaching her work these days as a private neutral a little differently than when she first joined ADR Services, Inc. nearly nine years ago.

"When I began, I attempted to be more facilitative in my mediations, and I didn't like to be particularly evaluative unless it was really something the lawyers wanted," Rosenblatt said, explaining that she often applies a combination of those two strategies to the cases she mediates these days.

"I really find the parties need to hear the risks of going to trial, so they will have a basis of comparison with the offers and the demands they're making in mediation. I need them to understand what's at stake," Rosenblatt explained. "So for me, it's whatever it takes to help the parties achieve peace."

A 1977 Southwestern Law School graduate, Rosenblatt spent a few years handling criminal defense and general civil litigation after she passed the bar. In 1980, she joined the Los Angeles County District Attorney's Office, trying cases as a prosecutor for more than a decade before her 1993 appointment as a Los Angeles Municipal Court judge. Gov. Pete Wilson elevated Rosenblatt in 1996 to the Los Angeles County Superior Court. Her assignments included an unlimited civil court before she retired in 2016.

Although she remains busy working regularly to resolve disputes as a mediator - often on employment, commercial, professional malpractice and real estate cases - Rosenblatt noted that she's working more frequently now as an arbitrator.



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"In arbitration, there's somebody who wins and somebody who doesn't, and the one that doesn't isn't necessarily going to be happy with you, right?" Rosenblatt said. "Many mediators prefer not to do arbitration, so they don't have to be in the position where there will be people who aren't so happy with them. But because my background was on the bench and I'm used to just calling it as I see it, to me that's just part of what I do. So for the party that decides they're not going to come back, that's OK. That's just part of the process."

Rosenblatt was quick to add that arbitration isn't about compromise.

"My goal in arbitration is to allow the parties to arbitrate their disputes in a fair and respectful manner, to

give them an opportunity to fully present their case, to follow the law and to achieve the results based on those factors," she said. "Even though arbitration is a streamlined process, I still want each side to feel they had an opportunity to be heard."

Litigator Caroline H. Mankey used Rosenblatt to arbitrate a commercial dispute in 2022, and said the retired judge was well prepared and methodical.

"Throughout the proceedings, she was very fair," Mankey said. "She was very careful to give each party an opportunity to be heard on everything. She was very careful to understand our positions and also to make sure we understood what was required of us."

Hon. Michelle Rosenblatt (Ret.)

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Mankey said Rosenblatt was also decisive and ultimately issued a 48-page ruling.

"She was very, very thorough in issuing her final award," Mankey explained. "It was very, very careful and thorough and detailed all the evidence, all the witnesses, all the issues and really carefully explained the reasoning and the rationale for her decision. So I really appreciated that."

Before her mediations, meanwhile, Rosenblatt likes to receive briefs from all the parties and invites counsel to speak with her over the phone. On the day of mediation, she leaves the choice of who's going to do the talking up to the lawyers and their clients. But Rosenblatt does like to speak directly with the clients early, hoping to share a little about herself and her experience and to build rapport with the parties.

"I like to know a little bit about them and their life," she said. "And I like to be in a position to let them know I understand what they are going through. Whether it's a single plain-

tiff in a discrimination case or whether it's a company that is being accused of wrongdoing - everyone feels personally attacked. And they need to know I'm here to try to help them resolve their issue."

When the timing feels appropriate to employ a more evaluative approach, Rosenblatt said she tries to do so thoughtfully.

"If I have concerns about an issue, I express it that way. I do my best not to attack them and tell them they have a lousy case," Rosenblatt said with a chuckle. "I express my concerns about whatever the issue is, what my worries are about it and how they think the other side might handle it or how they might handle it."

Glendale plaintiffs' attorney Ruben Limonjyan has used Rosenblatt to settle several employment disputes, and he described her as knowledgeable and pleasant.

"There are some mediators that make your clients somewhat uneasy and sometimes they even make me uneasy. ... Some mediators are just very aggressive," Limonjyan said.

"What really strikes me the most about Judge Rosenblatt is she's able to do it without being condescending, without putting the client down, without making the client feel uncomfortable. ... She just calmly explains everything - the strengths and weaknesses as the other side presents it - and she gives her own five cents, obviously, as well. And it just works. She gets cases settled."

Defense attorney Keith A. Jacoby has also used Rosenblatt to resolve employment disputes, and said she is "very good at distilling the case down to what is important."

"I think she has a really good sense for looking at a case and saying, 'OK, this is what matters, this is where it could very likely land,'" Jacoby explained. "That's the value judges bring to mediation, and I think she's one of the best."

Jacoby added that he prepares his clients beforehand for Rosenblatt's straightforward approach on the day of mediation.

"If you have a tough case with bad facts, you're not going to whiz

it by her. She will very, very quickly grasp the important things about the case," he said. "So when I mediate with her, I talk to my clients about how she is going to home in on the thing you are least comfortable with and spend a lot of time talking about that. ... She's not one of those mediators who's just going to shine you on and say, 'You have a great case; you're going to win.' She calls it the way she sees it. So you have to make sure your client's prepared to hear from a very experienced judge."

Here are some attorneys who have used Rosenblatt's services: Caroline H. Mankey, Ackerman LLP; Keith A. Jacoby, Littler Mendelson PC; Ruben Limonjyan, Limonjyan Law Group APC; J. Mira Hashmall, Miller Barondess LLP; Scott D. Zonder, Law Offices of Scott D. Zonder

shane.nelson@dailyjournal.com