

VERDICTS & SETTLEMENTS

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Finding the Tricky Issues

Retired Judge Allan Goodman is especially skilled at hearing the thing that is at the heart of parties' dispute, attorneys say.

By Shane Nelson

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Retired Los Angeles County Judge Allan J. Goodman loves to solve complex problems, and when he joined ADR Services Inc. in 2019, it was the chance to work on especially difficult disputes that appealed to him most.

"It was an opportunity to continue to decide cases based on their merits and help people resolve their disputes," Goodman said. "And the more complicated they were, the more interesting."

Goodman retired from the Superior Court in 2015, but he spent another three years sitting on assignment in several divisions of the 2nd District Court of Appeal.

After graduating from UCLA School of Law in 1970, Goodman started his legal career as a deputy attorney general, and during nine years in that office, he argued three cases before the U.S. Supreme Court. He spent 15 years in private practice, litigating business disputes, frequently representing technology startup companies. Goodman's career on the bench began in 1995 on the Los Angeles Municipal Court. He was elevated in 2001 to the Superior Court, where he presided over more than 500 trials.

"The common element in what I've done over the last 51 years is enjoying working on complicated matters and trying to find the correct resolution for them," Goodman said.

Over his three years at ADR Services, Goodman has handled mediations and arbitrations involving legal malpractice disputes, employment cases, personal injury



Courtesy photo

and real estate matters as well business and investment disputes.

Prior to a mediation, Goodman said he sends an introduction email, asking attorneys for both sides to file a brief to him five days before the mediation date. After reading the documents, he will often call attorneys afterward to discuss specific issues.

Although he regularly made use of joint sessions as a judge, Goodman said in his private neutral role he rarely brings parties together because the effort is usually counterproductive. He pointed to property disputes between former spouses as an example.

"There are cases where the most important thing seems to be trying to one up the former spouse," Goodman said. "If they're in the same room, that just adds a dynamic one tries to avoid."

Bringing attorneys into a joint session is, however, an approach Goodman said he employs frequently.

"I don't want to cause a lawyer to be uncomfortable in the presence of the client," he said. "So sometimes it's a matter of helping the lawyer understand where he or she may be in the discussion or whether the argument the lawyer's made in the session with

Allan J. Goodman

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the client actually has merit or doesn't."

In initial conferences as an arbitrator, Goodman said he wants parties present so that everyone is clear about discovery agreements and procedures.

"Often, that's something that's left out of the arbitration clause of the underlying agreement," Goodman explained, adding that he tries to be available for informal discovery conferences throughout. "Both sides can stipulate to what the discovery is going to be, ... and hopefully, we can resolve the matter at the informal discovery conference. If not, then motion procedure is very similar to what motion procedure is in a matter in a court."

Encino trial attorney Marshall R. Cole was part of a recent arbitration of a \$20 million legal malpractice case. Goodman was lead arbitrator on a three-arbitrator panel. Cole said Goodman had a terrific ability to distill extraordi-

narily complex matters.

"The case we had couldn't have been more contentious and heated – lots of money, very, very complicated legal issues," Cole explained. "And they had to apply federal law, state law. ... Not all arbitrators can do that – not even close."

"When I'm checking boxes for an arbitrator, I want someone who is very smart and able to analyze complicated legal issues," Cole said. "And I just don't think you could get a better arbitrator to preside over your matter because he is extremely fair to both the plaintiff's side and the defendant, and he knows how to run a very efficient trial."

Los Angeles litigator Aaron A. Bloom appeared several times before Goodman when he was on the bench and has since used him as a mediator to settle a real estate dispute.

"He was extremely effective," Bloom said. "Some mediators are better than others at coming into

the mediation with a full knowledge of the facts. He certainly did."

Bloom represented the plaintiff in the dispute and said there were multiple defendants involved in the matter who were struggling with some tricky issues.

"I'm still not sure how Judge Goodman was able to navigate that, but he clearly was able to get two parties on the other side, who were at war with one another, to at least focus on their collective issue vis-a-vis my client," Bloom said. "He was eventually able to get a good result, and I just didn't think it was going to be possible, given the dynamics on the other side."

Los Angeles real estate litigator Peter A. Goldschmidt has used Goodman on two occasions as a mediator – one settled and the other is ongoing. Goldschmidt said the retired judge was candid with his opinions in both matters but did a great job of listening to the parties.

"It makes the clients feel heard, which I think is half the goal in mediation," Goldschmidt said. "I think sometimes mediators can come off more aggressively in trying to reach a resolution, but he does a really great job of riding that line. You want to reach a settlement. You want to do that efficiently, but he's really good at listening to the positions. ... If you're in a mediation, there's usually something going on besides just money. There's usually a reason the parties aren't able to reach a resolution on their own, and he did a really good job bringing parties together."

Here are some attorneys who have used Goodman's services: Aaron B. Bloom, TroyGould PC; Marshall R. Cole, Nemecek & Cole; Eric M. George, Ellis George Cipollone O'Brien Annaguey; Peter A. Goldschmidt, Gipson Hoffman; Peter E. Racobs, Fiore Racobs & Powers