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PERSPECTIVE

Third Phase

Ex-litigator and judge Elizabeth Feffer likes keeping people out of court.

By Shane Nelson

Special to the Daily Journal

In her role as a neutral with ADR Services Inc., Elizabeth R. Feffer likes to remind disputing litigants of what she often saw at her previous job as a Los Angeles County Superior Court judge.

"I will tell parties, 'Look, I've presided over so many jury trials and at a certain point, I stopped trying to predict what the jury would do because I just wasn't able to,'" Feffer explained. "But the jury will come back with a number. Sometimes, it's a number neither side likes. You're trusting the outcome of this resolution to strangers and you may not like what they have to say."

Feffer retired from the bench in 2020 after 13 years as a judge. She joined ADR Services in September to work as a mediator and arbitrator. Her cases have included elder abuse, catastrophic injuries, real estate, professional malpractice, business contract and entertainment disputes.

"When I joined ADR Services, I said I was looking forward to working on one case at a time and that's really proven to be true," Feffer explained. "I really do enjoy rolling up my sleeves and saying, 'This is the problem we're going to try to solve today.' I enjoy the preparation, the deep dive into the facts, working with lawyers and collaborating on how can we resolve this dispute without having to go to trial. It's tremendously satisfying."

Feffer graduated from USC Gould School of Law in 1993 and spent 14 years as a trial lawyer, representing plaintiffs and defendants. After her bench appointment

in 2007, she handled criminal cases for a year before overseeing a family law calendar for four years and then handling civil trials for another seven.

"I loved being a judge," she said, mentioning she handled more than 75 jury trials and 500 bench trials. "I really loved being the advocate for the legal system. ... And I accomplished everything I wanted to accomplish in 13 years on the bench."

Feffer said the pandemic's impact on the court system did inspire considerable reevaluation of

her role as a judge, however, and she said the idea of a third phase of her legal career started to sound appealing.

"Phase 1, I was a litigator, advocating for my clients," she said. "The second phase was being a judge — an advocate for the judicial system, making sure the law is followed, the trial's fair. The third phase is trying to solve problems and help keep people out of court. ... And I just thought, 'This is something I really enjoy: connecting with people and trying to solve problems.'"



Justin L. Stewart / Special to the Daily Journal

Elizabeth R. Feffer

ADR Services, Inc.
Los Angeles

Areas of Specialty:

Employment
Elder Abuse
Personal Injury
Entertainment
Real estate
Insurance

Before mediations, Feffer said she prefers to receive briefs from all sides and to speak on the phone beforehand with attorneys.

"I always enjoy introducing myself and talking," she explained. "And sometimes, lawyers don't want to put everything in a brief. So for behind-the-scenes things, I find phone calls are very helpful for introducing myself and getting a lowdown on the case, learning more about where things are."

Joint sessions aren't a typical strategy for Feffer on the day of mediation — unless both parties feel the approach will be helpful. Mediator's proposals are, on the other hand, something she won't hesitate to employ under appropriate circumstances.

"I've found that both sides need to buy in for it to be effective," Feffer said of mediator's proposals. "And that's really when you've exhausted everything."

Feffer said she tackles her role as an arbitrator with much the same approach she used on the bench.

"I listen to the evidence and rule on the evidence and on the law. The only difference is I'm not wearing a black robe," she said

with a chuckle. "But as far as the decision-making, I'm the same."

Feffer noted the rules of an arbitration are often quite different regarding evidence, of course, which generally leads to far more efficiency.

"We can get done in three days what would take weeks to do in court," she said of arbitrations. "There are just more hours in the day to hear the matter and so many different streamlined stipulations we can reach."

Los Angeles litigator Christina M. Coleman appeared many times before Feffer when she was a judge. Coleman worked recently with her as a mediator on a disability discrimination case against Los Angeles County that did not settle.

"This case has been extremely contentious from the beginning," Coleman said, noting she didn't really expect the matter to resolve in mediation. "But I would definitely use Judge Feffer again."

Coleman said Feffer's background representing public entities as a trial attorney made her a particularly good fit to try and resolve the discrimination suit against L.A. County.

"I've always found Judge Feffer to be very, very smart," Coleman said. "And her demeanor was very nice with my client. ... This has been a very long battle for her, and Judge Feffer handled her really well."

Beverly Hills trial attorney Lawrence C. Ecoff worked recently with Feffer as mediator to resolve a difficult sexual assault case.

"I thought she was very respectful and very conscientious," Ecoff said. "And she helped bridge the gap on a very, very difficult and very sensitive case. ... She listened, she considered the issues carefully, and she really helped the parties."

Ecoff also appeared before Feffer as a judge and said she was an excellent jurist. "You never know, though, when a judge comes off the bench what they're going to be like when they're sitting in a much different role," he said. "In this case, I thought she did an amazing job just homing in on the issues. ... And I would not hesitate to use her again."

Beverly Hills business and entertainment litigator Alan S. Gutman

also appeared a number of times in Feffer's court and said she recently helped resolve a complex dispute between a corporate executive and an ex-girlfriend.

"She had the skills of a hostage negotiator combined with the patience and technical expertise of a bomb squad technician," Gutman said with a chuckle.

Gutman added that Feffer's time as a judge helped her bring critical credibility to the mediation.

"Certainly her experience on the bench gave her the ability to navigate through complex legal issues and to point out where strengths and weaknesses were in the case," he said. "But beyond that, she was creative in her approach in trying to come up with ideas that would lead to resolution the parties probably couldn't see without her assistance."

Here are some attorneys who have used Feffer's services: Kevin R. Boyle, Panish Shea Boyle Ravipudi LLP; Christina M. Coleman, Law Offices of Christina M. Coleman; Lawrence C. Ecoff, Ecoff Campain & Tilles LLP; Alan S. Gutman, Gutman Law; Thomas A. Voge, Thomas Voge & Associates APC