

# VERDICTS & SETTLEMENTS

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## Softspoken Authority

*Mediator David Sotelo's patient approach encourages cooperation, attorneys say.*

By Shane Nelson

Special to the Daily Journal

Before he took the bench, retired judge David Sotelo spent six years as a Los Angeles County deputy district attorney and conducted more than 80 jury trials, including 20 homicide cases.

"I really enjoyed being a representative of the people," Sotelo said. "Poor people, oppressed people, brown people, people that are vulnerable, Black people - they are more likely to be the victims of serious and violent crimes, and I really enjoyed being their voice as a prosecutor."

A 1986 UCLA School of Law graduate, Sotelo worked first for a white-collar criminal defense firm in Beverly Hills after he passed the bar, but he soon recognized that some of the best criminal defense attorneys had first spent time as prosecutors.

"So, I developed an interest in the idea of joining the DA's office to become a good criminal defense attorney," Sotelo explained, adding that it didn't take him long to fall in love with his work as a prosecutor.

"And I enjoyed telling my friends, who were criminal defense attorneys, 'I'm a civil rights attorney,'" Sotelo recalled. "I fight for the civil rights of the poor and oppressed that are the victims of crimes, and I just really enjoyed it."

Sotelo never went back to defending clients facing criminal charges. In 1994, he took the bench as an East Los Angeles Municipal Court commissioner, handling criminal and civil assignments before he was appointed to the Los Angeles County Superior Court by Gov. Gray Davis in 2002.



Gary Wagner / Special to the Daily Journal

"I loved picking jurors," said Sotelo, who retired from the bench in 2023. "If judges do it right, our courtrooms become classrooms during jury selection to educate jurors of all different backgrounds and educational experiences about what it is that we mean to do and hope to do in our system of justice. ... And I loved it. That's the one thing I do miss."

Sotelo joined the ADR Services, Inc. roster of private neutrals in January 2024, and he's since been tackling employment, personal injury, commercial, civil rights and professional liability disputes as a mediator and arbitrator.

"What's crucial is there is so much in so many of these conflicts that is

not in dispute," Sotelo said of arbitration. "So, the more the parties can stipulate, the more they can stop fighting about things they don't need to fight about, then we can just get to what is in dispute, and I will make my call."

Prior to his mediations, meanwhile, Sotelo likes to receive briefs from all the parties and to speak over the phone with counsel. On the day of mediation, the retired judge said he prefers to first bring everybody together for an introduction.

"I think it's crucial just to let everybody know what we're going to do," Sotelo said. "We're not fact finding here. We're not trying to get to a place where somebody's going to

### Hon. David Sotelo (Ret.)

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win. We're just assessing what we have here, so that we can resolve the case before more money goes in the pockets of attorneys."

Pomona plaintiffs' attorney James P. Gutierrez, who frequently represents Spanish-speaking clients, used Sotelo recently to resolve a personal injury dispute.

"Judge Sotelo is bilingual and bicultural, and so what he brings to the table is cultural sensitivity and understanding," Gutierrez said. "And that goes a long way for my clients."

Gutierrez also described the retired judge as "calm and classy."

"I'm a little rough around the edges, but he's a classy cat," Gutierrez said with a chuckle. "He's very fair, very methodical. He pays a lot of attention to detail, and he stays neutral through the entire process. ... He's very sensitive in communicating with all parties and really maintains a tone of respect and collegiality throughout."

Sotelo noted that he typically begins his mediations with the plaintiffs, but he tries to allow all the

parties ample time to tell their stories. When the timing is right, and if he's asked, he will share his thoughts about the strengths and weaknesses of a case.

"If I've been asked to give my assessment on a legal point or a proof point that fills in the blanks for the legal elements, I do so," he said. "But it's a very tricky thing to do. ... And I'm not a browbeater."

Los Angeles plaintiffs' attorney Daniel J. Bramzon used Sotelo recently to resolve a difficult landlord-tenant dispute, and said, "He has an uncanny ability to get folks working as a team and on their own."

"He has a way of talking - it's like a softspoken authority, not an in-your-face authority. ... And when he brings the lawyers into a room together, his demeanor creates an atmosphere, where all of a sudden the attorneys find themselves working together, and he is in the background."

Pasadena litigator Mark Charles tried a case before Sotelo when he was on the bench and has since

used him to mediate an employment dispute. Charles said Sotelo was very good with his client and helped the parties reach a resolution without a mediator's proposal.

"His disposition is one where he can convey sensitive things to the clients," Charles said. "His gentle way of delivering not-so-rosy news was one of the traits I thought would be helpful for this particular case. I needed somebody who had the experience of being a judge - who has ruled on issues that related to the case - but at the same time could do so without talking down to the clients. ... And I found his style to be very effective."

Bramzon added that he hasn't had any issues getting the other side to agree on using Sotelo as a mediator.

"And that says something," Bramzon explained. "From the plaintiff side to the defense side - everyone seems to feel they're getting a fair shake with him."

Sotelo also said he's found the atmosphere of working with litigants

as a private neutral to be particularly pleasant.

"In a courtroom, people appear before judges that are public employees - we are public servants - and so the uncivility - even from attorneys - is just so glaring sometimes," Sotelo explained. "But when people come to this setting, where they're paying for a service, I've just noticed the attitude, the positiveness, the civility is just more visible. ... There's a little more optimistic attitude on the part of everybody because they're paying to settle: 'So let's be nice and get it done.' That's been a nice little discovery."

*Here are some attorneys who have used Sotelo's services:* Daniel J. Bramzon, Law Office, Daniel J. Bramzon & Associates; Mark Charles, Mark Charles Law APC; James P. Gutierrez, Gutierrez Law Firm; Raul F. Salinas, Frost Brown Todd LLP; Neer Lerner, Lerner Law Firm PC

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