

VERDICTS & SETTLEMENTS

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No Hard Feelings

Former justice Victoria Chaney has a knack for resolving difficult disputes with care.

By Shane Nelson

Special to the Daily Journal

Before enrolling at Loyola Law School, now-retired appellate justice Victoria G. Chaney worked for several years as a registered nurse, and she's still using some of what she learned during her time in medicine to resolve disputes as a mediator.

"Nursing was helpful in that I learned how to work with people," Chaney said, noting that she focused for a time specifically on psychiatric patients. "I just sort of react naturally now to somebody who's very anxious or somebody who's very angry, somebody who's very aggressive. And I learned ways of behaving in response to the aggression or the anxiety or the fear - whatever it is the person is exhibiting - that I have carried with me for the rest of my life. And it's been invaluable."

After 19 years as a Los Angeles County trial court judge - and another 15 on the 2nd District Court of Appeal, Division 1 - Chaney retired from the bench in July last year. She joined ADR Services Inc. The next month and has since been tackling construction, commercial, insurance bad faith and personal injury disputes as a mediator and arbitrator.

"In many of the cases, people come to me because I'm good with difficult parties - angry parties, frightened parties, parties from other countries whose cultures may be different and they don't understand what's happening," Chaney said.

As an arbitrator, she believes in formality, following procedures and following the law.

"In short, I don't split the baby - as the expression goes," Chaney



Justin L. Stewart / Special to the Daily Journal

explained. "I have a strong belief and respect for our legal system. ... Making it clear we're going to follow the law, following the rules of evidence, following procedural requirements, I think, gives a level playing field to everybody and makes decision making easier in a way. It's not necessarily easy. I just mean easier in that there are the guidelines called the statutes, regulations, case law that if followed make things predictable."

Before mediations, Chaney likes to receive detailed briefs from all the parties and speak over the phone with counsel in especially complex matters or when attorneys request it.

Early on the day of mediation, Chaney noted, one challenge she routinely encounters is fear.

"I have found that the individual parties - not the attorneys and not the insurance adjusters - but the people involved in the case are often frightened," Chaney said. "So, I explain to them a little bit about my background, and then I ask them to tell me about what's going on. 'How did you get here? Tell me your story.' And through that I figure out how nervous they are, how sophisticated they are, and I try to address not just legal needs and what's happening with them in the case specific, but I try to explore with them a little bit about

Victoria G. Chaney

ADR Services, Inc.
Los Angeles

Areas of Specialty:

Commercial
Personal Injury
Professional Malpractice
Construction
Insurance

‘How do you feel about this?’ and how it’s going to affect them.”

Los Angeles litigator Wendy L. Slavkin used Chaney recently to resolve a complex dispute between two shareholders, and she said the neutral “immediately got a feeling” for who she was working with.

“The parties were not the easiest to deal with,” Slavkin said. “And I thought she handled them really well. ... It’s important that a mediator sense not just the nature of the matter but the nature of the people that are involved in the dispute. And these two individuals were very, very different, and she was able to grasp just how significant that was early in the mediation process.”

Chaney added that when the timing is appropriate in her mediations, she will have an honest discussion with the parties about the state of their case.

“Often, parties see their case through the proverbial rose-colored glasses,” the neutral explained. “And

I try to help them make the lenses clear that they’re looking [through], so they have a better perspective and a better understanding of their case.”

Los Angeles defense attorney Elaine K. Fresch used Chaney recently to settle a difficult food safety dispute, and said the neutral is a terrific fit for complex cases.

“She really took the necessary time to understand the facts and the law that were applicable to the case,” Fresch said. “And then we thoroughly discussed the good, the bad and the ugly, which was a big help. I think both sides needed that push. That’s really what got the parties to reach a resolution.”

Chaney added that frank discussions are key in her mediations.

“I ask both the parties and the attorneys, ‘What is it you want? What do you really want?’” Chaney explained. “You won’t get everything in a mediation, so tell me what you really want, and let’s start working on the issues.”

Los Angeles litigator Michael L.

Cypers tried a case before Chaney when she was on the Superior Court and has since used her to successfully mediate a pension fund dispute.

“She’s got a combination of the scholarly and intellectual side, and she’s got the common sense, practical side,” Cypers said. “I strongly recommend her. ... She handles disputes with the appropriate level of seriousness, but she can recognize that most cases are not literally a matter of life and death, and she brings a perspective to them.”

Cypers said Chaney’s thoughtful evaluation of the case quickly earned her a great deal of credit with his client.

“She basically pointed out the strengths of our side’s case, but she also pointed out some things we would need to worry about if we filed a lawsuit,” Cypers explained. “Our client’s entire team and the general counsel trusted her. And it was basically how she expressed her views of the case, her under-

standing of the facts, and her ability to say, ‘In court ... these are the issues that are going to drive an outcome.’”

Chaney said connecting with people has been a real joy in her new role as a private neutral.

“I get to know the people more now,” she explained. “On the bench, there is a distance that needs to be maintained. And although there’s some distance during mediations, you get to talk to the people more. ... And I feel that I can be closer and more helpful to the people than you can be on the bench because of the nature of the job.”

Here are some attorneys who have used Chaney’s services: Michael L. Cypers, Glaser Weil LLP; Elaine K. Fresch, Hawkins Parnell & Young LLP; Wendy L. Slavkin, Law Offices of Wendy L. Slavkin; Stephen M. Hayes, Hayes Scott Bonino & Ellingson LLP; Aaron D. Sadock, Panakos Law APC.

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