

## Closer to The Cases

When Lourdes G. Baird stepped down from the federal bench to become a neutral, it helped her bridge the gap between parties.

**By Susan McRae**  
Daily Journal Staff Writer

LOS ANGELES — Lourdes G. Baird thought taking senior status on the federal bench would give her a lighter workload and more time to devote to individual cases.

Instead, she discovered the senior status judges were just as pressed for time as ever. Moreover, when a call went out for someone to fill in for a judge who had conflicting trial dates, Baird said she couldn't just sit back without volunteering.

Alternative dispute resolution organizations had solicited her earlier in her career, she said, and she began considering mediation and arbitration as a viable alternative to the pace of the federal bench. The work fit her background and experience, yet was different enough to be new and challenging.

So in 2005, Baird hung up her robe — she only takes it out of the closet now to perform weddings — and became a mediator and arbitrator at JAMS.

"It was an opportunity to get into something that I felt comfortable in, because I figured I knew enough to handle it, but it was new enough that it was going to be something different," she said. "I sometimes feel, at least for myself, I do much



Susan McRae / Daily Journal

better in a job if I'm challenged."

She hasn't been disappointed. The less-formal atmosphere, together with the ability to handle one case at a time without interruption has been a welcome change.

"The mediations here are so dramatically different," Baird said, "and far more effective [than court settlements], because you have so much more time and can get immersed in the case, hear the parties and talk with the parties without looking at your watch for the next court matter."

Arbitrations, which she compares to court trials, are similarly enjoyable, she said.

"In federal court, you're looking up at this person way up there who's just not connecting with me," Baird said, referring to the physical separation between the judge and litigants. "It was such a distance, such a distance."

The more intimate proceedings she oversees as a neutral give her additional insight into the issues. "I'm not saying the process of arbitration itself is that different...it's just the atmosphere, which does have an effect on my sense of understanding of where parties are coming from, and I'm not talking about a legal aspect, but just to be able to get a view of the person," she said.

Lawyers who have used Baird's services in arbitrations and mediations said her experience as a federal judge goes far in instilling confidence in parties and in bringing a practical perspective of a case's value and the parties' chances of winning if they opt for trial.

Victor T. Fu, of LKP Global Law in Los Angeles, said his familiarity with Baird as a judge prompted him to choose her to mediate three of his cases. They all involved disputes between businesses.

"I think certain judges have a harder time getting acclimated, but I think Judge Baird had an easy transition," Fu said. "She has a great ability to engage in rapport with clients and gauge settlement prospects. She's also willing to stay late at night. She takes time to access each side and figure out the realities...and does very well with the tougher cases."

Her 13 years as a federal judge lends a built-in respect from outside parties, Fu said.

"This is a person who can give [the parties] a real evaluation based on her own experience presiding over jury trials," he said.

Jeffrey T. Thomas, of Gibson Dunn & Crutcher's Orange County office, used Baird for a binding arbitration between

## Neutral Able to Get Closer to Cases

a developer and a school district in the Inland Empire over whether the district was obligated to use the school once it was built. The district had argued budget cuts would make it impossible to staff the school without closing other campuses in the district.

Baird conducted the arbitration over a five-day period encompassing two sessions and numerous follow-up phone calls. She ultimately ruled in the developer's favor, citing that the contract's clause bound the district to open the school.

"She's smart, professional, courteous, strong on the law and a quick study," Thomas said. "She read all the briefs, and was willing to make some tough rulings. There was no split-the-baby or coming to a result not dictated by facts and the law."

The lawyer for the school district, Daniel Shinoff of Stutz Artiano Shinoff & Holtz in San Diego, called Baird "extremely bright," and said he thought she did a "nice job for each side, letting them put on their case."

"Obviously, someone who has attained her level of success on the bench is an accomplished individual," Shinoff said.

Born in Ecuador, Baird moved to California with her mother and six older siblings when she was 1. Her father, an American who ran a business in Ecuador, wanted his children to improve their English. Baird said that her mother, an Ecuadoran native, never learned the language. As a result, Baird became fluent in Spanish early.

After graduating from Catholic schools, she briefly attended secretarial school before marrying businessman William T. Baird and starting a family. She didn't start her higher education until age 31, after the youngest of her three children was enrolled in school.

After five years of part-time attendance, Baird earned an associate's degree from Los Angeles City College. She transferred to UCLA, earning a bachelor's degree in sociology in 1973.

But two years of working in social service institutions taught her she wasn't suited for that occupation, and she enrolled at UCLA School of Law because of the versatility the degree offered. During her third year, Baird and her husband divorced.

Her first job out of law school was as a federal prosecutor for the Central District. Six years later, in 1983, she formed Baird & Quadros, a trial and appellate litigation boutique. A year later, she became a partner at Baird, Munger & Myers.

In 1986, Baird began her judicial odyssey when Gov. George Deukmejian appointed her to the Los Angeles Municipal Court. Less than two years later, he elevated her to Superior Court. In 1990, President George H.W. Bush nominated her to the Central District Court. Between her state and federal court positions, she served two years as U.S. attorney for the Central District.

Now at JAMS, Baird, 75, divides her time equally between arbitrations and mediations. She said that although she puts in as much time as she did on the bench, the flexibility to set her own schedule and work on cases one at a time without interruption eliminates much of the pressure inherent in a judicial position.

While Baird now does much of her own administrative duties, she can do them from home, where she maintains duplicate files, and only has to get dressed up when she comes to town for mediation or arbitration sessions.

And there's another payoff. Working as a



**Lourdes G. Baird**  
JAMS

**Age:** 75

**Areas of Specialty:**  
Intellectual property,  
business-commercial

neutral, she said, has given her a better understanding of the emotional involvement people have in purely business disputes, especially when it's a business the parties started themselves.

"That's something I had not really understood when I was on the bench," Baird said. "[There] you just call it the way it is. You look at the facts, and you look at the law, and you put it together, and this is the way it falls."

However, "I don't think I necessarily do things any differently here," she said. "Regardless of how much emotion there is, I have to give a sincere and honest opinion, no matter who is going to like it or not like it. But it has just given me a better understanding overall."

*Here are some lawyers you have used Baird's services:* Paul Alexander, Howrey, Palo Alto; Robert S. Mallin, Brinks Hofer Gilson & Lione, Chicago; Jeffrey T. Thomas, Gibson Dunn & Crutcher, Irvine; Peter T.K. Lee, Pasadena; Victor T. Fu, LKP Global Law, Los Angeles; Paul Kochanski, Lerner, David, Littenberg, Krumholtz & Mentik, Westfield, N.J.