

Gavel to Guidance: Judge Damoorgian Trades the Bench for ADR Wisdom at JAMS

By Lisa Willis

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When Judge Dorian Damoorgian first took the state court bench, the retirement age in Florida was 70. “I was definitely committed to stay till I reached the age of retirement at that point,” Damoorgian recalled.

Now, having reached that milestone and after a quarter-century of service—seven years on a state trial bench and 18 on a state appellate court—Damoorgian is stepping into a new role as a neutral with JAMS in Miami, one of the nation’s leading providers of alternative dispute resolution.

“I felt it was time to retire and certainly give other people a chance to serve Florida,” Damoorgian said. “But I still have something to offer.” For him, ADR represents a way to continue serving the legal community and the public, providing relief to an overburdened judicial system and giving parties a meaningful opportunity to be heard.

“Efforts to settle save people time and money, and this process offers that to people,” Damoorgian added. “It’s a pretty good alternative system.”

A Judge’s Perspective on ADR

Unlike some of his peers, Damoorgian plans to mediate cases directly.

“When I was on the bench, we were restricted from engaging in mediation,” Damoorgian said. “I never wanted to invite problems like that. My attitude was, I’m there to serve the litigants and move them forward to final resolution as efficiently and effectively as I can.”



Courtesy photo

Former 4th DCA Judge Dorian Damoorgian now with JAMS.

Since Damoorgian is freed from those restrictions, he’s eager to bring his judicial perspective to the mediation table.

“What I bring to the table is perspective,” Damoorgian said. “When you’re a trial judge and on the Court of Appeals, you see what litigation costs, and how you can get the parties closer together. Sometimes, just perspective and the experience that a judge has can get the parties across that finish line.”

Looking back, Damoorgian has witnessed profound changes in the practice of law.

“When I started practicing in 1980, a breach of contract claim was 10 paragraphs. There was actually a form in the rules book—a simple breach of contract,” Damoorgian recalled. “Over the last 25 years, things have gotten much, much more complicated. There are different claims of action that didn’t exist, more consumer protection statutes, and more complexity in what might otherwise be a simple tort or fraud claim.”

This complexity, Damoorgian said, has driven up the cost of litigation and made jury trials less common.

"That's why arbitration clauses have increased so much," Damoorgian said. "When I was first practicing law, you didn't really see many contracts with arbitration clauses. Now that's the norm."

Courtroom Management and Attorney Conduct

For Damoorgian, effective courtroom management starts with leading by example.

"I always showed up on time. And guess what? When I showed up on time, so did the lawyers," Damoorgian explained. "I started my 8:45 motion calendar exactly at 8:45, and the courtroom was full because lawyers knew I was going to be there."

Damoorgian dismissed the stereotypical image of the gavel-banging judge.

"I had a ceremonial gavel—I couldn't even tell you where it is," Damoorgian said. It was never in the courtroom, because if I had to start banging a gavel, I've already lost control."

Damoorgian emphasizes the importance of respect and order in the courtroom.

"Everybody gets a chance to be heard, everybody gets a chance to talk, but when two people are talking at the same time, I can't hear you," Damoorgian pointed out. "The worst thing that can happen in a courtroom is if the judge can't hear what's going on because everybody's screaming over everybody else."

Damoorgian's approach centered on respect and order.

"My responsibility is to give parties a full and fair hearing, an opportunity to be heard, and to act respectfully," Damoorgian said. "When two people are talking at the same time, I can't hear you. The worst thing that can happen in a courtroom is if the judge can't hear what's going on because everybody's screaming over everybody else."

The formula worked.

"It didn't take very long for lawyers to understand that in my courtroom, everybody gets a chance to be heard at the right time," Damoorgian said.

Advice for Appellate Practice: Do's and Don'ts

Damoorgian offered candid advice for attorneys practicing before the appellate courts.

"The only area I would tell you that over 18 years on the Court of Appeals, the briefs have gotten longer, and that has a lot to do with word processing and the simplicity of cutting and pasting," Damoorgian observed. "In the appellate court, more is not necessarily better."

Damoorgian urged lawyers to focus on clarity and brevity.

"A well-written, succinct brief is what's crucial in the court of appeals, because we read everything," Damoorgian advised. "Editing is important, and you've got to take the time to do a good job of editing, because every time you edit, it gets shorter."

Damoorgian also encouraged the use of diagrams and outlines in briefs, especially for complex factual scenarios.

"I've talked to Bar Association lawyers, young lawyers, about promoting more outlining and pictures and diagrams in briefs, because they help tremendously," the former judge said.

As Damoorgian embarked on his new chapter at JAMS, he is both reflective and optimistic.

"I hope I can bring value, and I hope that lawyers see value in what I'm doing," Damoorgian said. "And yes, I'm going to spend more time with my children and grandchildren, and plan on doing some other things, so I'm excited."

What will Damoorgian miss most about the bench?

"My colleagues and the interaction we had discussing cases," Damoorgian said. "These files were people's lives. We had the power to take people's liberty away, their fortunes, break their families up. I was always amazed by what we could do by the stroke of a pen, and we took this job very seriously."

Now, as Damoorgian embarks on his next chapter at JAMS, he hopes to continue serving the legal community.

"It's been 25 years since I applied for a job," Damoorgian said with a laugh. "I hope I can bring value and that lawyers see value in what I'm doing."