

# VERDICTS & SETTLEMENTS

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## Patience and Gravitas

*Terence Bruiniers of JAMS is skilled at getting parties to control their emotions, lawyers say*

By Malcolm Maclachlan  
Daily Journal Staff Writer

**W**ALNUT CREEK — Terence L. Bruiniers' path to the law ran through an actual bar.

"I was tending bar at a little place called La Val's over on north campus," Bruiniers said. "A lot of the [Berkeley police] officers at the time had been to Cal and had degrees. I knew a couple of them. When Berkeley started hiring I was like, 'This is a job I can do at night for a couple of years and finish up at school during the day.'"

A couple of years turned into seven, counting periods of working as a full- and part-time policeman. Being both a Berkeley student and a Berkeley Police Department officer during the tumultuous late 1960s and early 1970s was an odd juxtaposition, perhaps never odder than the looks he received when he voted in a student government election while wearing his uniform.

The job resulted in Bruiniers spending a lot of time testifying in court. Those experiences, combined with an undergraduate constitutional law class, got him interested in the law.

In fact, he didn't fully leave the force until around the time he graduated from UC Berkeley School of Law and passed the bar. Bruiniers spent seven years



Malcolm Maclachlan / Daily Journal

as a deputy Alameda County district attorney, but said he decided to leave because he wasn't interested in moving up into management. Eighteen years in private practice followed, along with a decade each on the trial and appellate bench.

He's spent the last year and a half trying to readjust after a decade on the 1st District Court of Appeal.

"When you're on the trial court, you're interacting with the attorneys and law firms on a daily basis," Bruiniers said. "When you get on the court of appeal, you're dealing with a fairly specialized segment

of the bar. You lose some of the contacts. I try to go to bar events just to maintain the relationships."

These days, Bruiniers plies his trade for JAMS across Northern California. He's mainly done arbitrations, with most of his work focused on the business and employment arenas, but said he looks forward to doing more mediation work. His approach, he said, is often to attempt to get the parties to view the proceedings much like any other business negotiation.

Alfonso L. Poire did have a mediation with Bruiniers — a complex matter involving a property that was subdivided

### Terence L. Bruiniers

JAMS  
San Francisco, Walnut Creek

**Areas of specialty:**  
business, employment,  
class action, higher  
education, personal injury,  
property

and partially sold, with one portion inherited by a woman who then died and left it to her daughter, Poire's client. The associate with Reynolds Law LLP in Fairfield said of Bruiniers, "There was a certain gravitas that he had. His com-

partment was very conducive to a settlement. He was able to twist the arms that needed to be twisted.”

Danville attorney Karl R. Molineux echoed these thoughts.

“The most notable thing was probably his patience and demeanor,” Molineux said. “He had two very difficult parties. While we didn’t resolve the case, he did a very good job controlling the emotions.”

As a former appellate justice, Bruiniers must always be on the lookout for conflicts with his past cases. So far, it’s only come up once. He said he wrote an appellate decision on a case he later arbitrated, but that opinion took up a different question than the one at stake later on. So he was able to take it.

David J. Foran with the Sacramento and Foran Law Office Inc. said he thinks that was one of his cases — and the ruling was Bruiniers writing that his appellate court did not have jurisdiction. Foran represented a landlord in the arbitration.

“I thought he was fair,” Foran said. “He definitely knows the law inside out. He wasn’t distracted by the plaintiff’s attempts to try to get him to look at other things. ... He did a very thorough written order and addressed all of the issues.”

Bruiniers has been on the phone, or more often on Zoom, a lot these days. He has em-

braced the use of technology to keep his cases moving.

“We’ve been doing most of our stuff on Zoom,” Bruiniers said. “JAMS is really nimble in terms of using video technology for arbitration.”

He added: “I know originally people were very averse to it. They wanted to continue their arbitration until they could meet in person. Then that took a little longer than anyone expected.”

Not that the online approach doesn’t take a bit more time and attention to manage the parties. Then there’s the dreaded “Zoom fatigue,” the exhaustion that can set in after everyone has been staring at a screen for a couple of hours without a break.

While he doesn’t claim to be especially tech-savvy himself, Bruiniers was an early adopter, both as an attorney and as a judge. He was a partner at Farrand, Cooper & Bruiniers — now Farrand, Cooper PC in San Francisco — in the 1980s. Some of the firm’s clients were early technology companies. Bruiniers decided he wanted to computerize the office, down to assembling the new PC clones himself.

He later ordered the building of one of the first high-tech courtrooms in the state as the presiding judge of the Contra Costa County Superior Court. Bruiniers served on

the Information Technology Advisory Committee to the Judicial Council from 1999 to 2017, spending the majority of that time as either chair or vice chair.

And yes, he played a role in the Court Case Management System, which was shelved in 2012 after years of work and about \$500 million. Bruiniers said the real story is widely misunderstood.

“We found that a lot of the issues in dealing with that were not technology issues; they were politics,” he said. “The frustrating thing is we built a system that worked and they just put it on the shelf.”

Similar issues popped up a few years ago when he chaired the Technology Solution Subcommittee of the Judicial Council’s Language Access Implementation Task Force. The group received a lot of opposition from interpreters and their unions who feared the remote interpreting projects were an effort to replace them.

The reality, he said, is that there are not enough qualified interpreters to hire in the first place. The goal was to allow interpreters to serve multiple courts while staying in one place.

“I don’t know how many times as a judge we were sitting there twiddling our thumbs waiting for an interpreter because they’re running between

courtrooms,” Bruiniers said.

Embracing technology has been part of a life path partly defined by his willingness to step out into the unknown. He was the oldest of seven children who grew up in Laverne, on the eastern edge of Los Angeles County. Bruiniers was the first in the family to attend college, leaving in 1963 to spend his life in Northern California.

The 1960s and 1970s were a time of change at Berkeley Law. Bruiniers said his was one of the first classes to have large numbers of women. He said he welcomes the youth and growing diversity that has come to the field, even if it sometimes reminds him of the passing years.

“There’s always new generations of lawyers coming along,” he said. “I still remember the first time I was on the trial bench and a good friend of my daughter’s appeared in front of me. That was a sobering experience.”

*Here are some attorneys who have used Bruiniers’ services:* B. Richard Bowles, Bowles & Verna LLP; James H. Colopy, Farella Braun + Martel LLP; David J. Foran, Sacramento and Foran Law Office Inc., San Francisco; Karl R. Molineux, Danville; Alfonso L. Poire, Reynolds Law LLP.

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*malcolm\_macLachlan@dailyjournal.com*