

VERDICTS & SETTLEMENTS

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The Facilitator

Jackson Lucky of JAMS relies on broad experience and a light touch to resolve disputes.

By Shane Nelson

Special to the Daily Journal

JAMS neutral Jackson Lucky wants to be sure the disputants he works with feel they've been heard.

"People don't just need their day in court," Lucky said. "They need to feel like they got their day in court."

Lucky joined JAMS in August 2021 after 13 years as a Riverside County Superior Court judge, during which he oversaw criminal, family law and civil calendars. Before his bench appointment, Lucky spent 14 years as a deputy district attorney in Riverside County, prosecuting everything from gang and financial crimes to domestic violence and child sex assault cases.

"I'd say I'm a very proud generalist," Lucky explained.

He tackles mediation and arbitration at JAMS along with work as a special master and some case consulting and evaluation. Lucky said most of his mediations now involve employment, medical malpractice, personal injury and family law disputes while he frequently arbitrates commercial and employment cases.

"As an arbitrator, I try to remember what it's like to have to try a case. My motto has always been that trials or arbitration — litigation is stressful enough. The neutral or the judge should not be a source of undue stress for the lawyers and litigants," Lucky explained. "Now, that doesn't mean I'm not going to cause stress. I have deadlines. I'm going to make decisions people don't like. But what I want is for the process to



Ricardo Pineda / Daily Journal

be as collegial, as professional, as pleasant as it can be under the circumstances."

Before mediations Lucky said he likes to receive briefs from all parties, and speaking for 30 minutes to an hour over the phone beforehand with attorneys can be particularly useful.

"I find you get a great level of candor that way, and you develop some rapport," he explained. "Those phone conversations can be really helpful. Sometimes it's a problem that somebody is having with a client. Sometimes it's a problem they're having with opposing counsel. ... It's just very helpful to have that discussion, so I know

what people's expectations are when they come in, and I can help communicate what my expectations are."

Los Angeles defense attorney Craig S. Dummit appeared before Lucky when he was a judge and has since used the JAMS neutral to settle a few medical malpractice cases. Dummit said Lucky's thorough pre-mediation phone calls set him apart.

"The mediation actually started a few days earlier when he called on the phone," Dummit said. "He knows everyone's allegations. He's read the mediation briefs and knows the strengths and weaknesses of the case. So it isn't just

Jackson Lucky

JAMS
Los Angeles

Areas of Specialty:

Employment
Medical Malpractice
Personal Injury
Probate
Commercial
Family Law

a half-day or a one-day mediation. He really starts things off a few days before on the phone.”

On the day of mediation, Lucky said he tries to begin with a more facilitative approach.

“I find that early on it’s not helpful for my process to be evaluative,” he explained. “Most of the time, really developing trust and rapport early on is a lot more helpful. ... I think a lot of times what people need is to find trust in the process and to get buy-in in that process. I try to concentrate on that early.”

Lucky will share his thoughts about cases, but he said he tries not to do so until later in the mediation, and while he will make mediator’s proposals and has had success with that approach, he’s not a huge fan.

“Part of my hesitation is I don’t necessarily want to be in control of the process. I don’t mind hav-

ing influence over it, but we have people who are supposed to dispense justice, and that isn’t necessarily the mediator. The mediator is trying to find the best solution short of litigation for the parties,” Lucky explained. “Now, I will say that I’ve been pretty successful with getting people to take my mediator’s proposals. ... But I still think they’re a tool of last resort. That’s really as close to a hammer as a mediator has, so I try to wield it gently.”

Santa Ana plaintiffs’ attorney Benjamin T. Ikuta appeared before Lucky on the bench and has since used him to settle a medical malpractice case involving elder abuse allegations. Ikuta said he was impressed by Lucky’s thorough understanding of the law in the dispute.

“Especially in damages, med-mal is very complex, given MICRA

and the cap,” Ikuta explained. “And he knew all those laws like the back of his hand. It was incredible how much he knew.”

Ikuta said the retired judge was also terrific with clients.

“They absolutely loved him,” Ikuta said. “And my clients in that case weren’t the easiest. They were not unreasonable, but they weren’t the easiest clients, and he did a really good job navigating them.”

Sherman Oaks bankruptcy attorney Ori S. Blumenfeld used Lucky to settle a factoring dispute, and he also said the JAMS neutral applied a terrific facilitative approach while handling a range of complex emotions and personalities involved with the case.

“He’s definitely a judge that just gets it. He sees the detail, he sees the law, he sees the big picture,” Blumenfeld said. “All the person-

alities you can imagine were involved in this case. There was the friendly party, there was the ridiculous party, there was the aggressive party. And he handled each one perfectly. He was just an absolutely fantastic neutral, handling each side and wanting to hear what their concerns were. He definitely lets people talk and express themselves, and then he becomes just an absolutely fantastic neutral in getting to a compromise.”

Here are some attorneys who have used Lucky’s services: Ori S. Blumenfeld, Levinson Arshonsky Kurtz & Komsky, LLP; Benjamin T. Ikuta, Ikuta Hemesath LLP; James J. Kjar, Kjar, McKenna and Stockalper LLP; Philip J. Bonoli, BG Law LLP; Craig S. Dummit, Dummit Buchholz & Trap.