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PERSPECTIVE

The Case Whisperer

Mediator Glen Reiser has a gentle way of helping attorneys and parties see the strengths and weaknesses of the claims, attorneys say.

By Don DeBenedictis

Special to the Daily Journal

Disputes over family trusts can stir high emotions among relatives when they are drawn into litigation over the assets. They and their counsel may arrive at a mediation session making extravagant or unreasonable demands.

Glen Reiser has an uncanny ability to quiet those emotions and moderate those demands, according to lawyers who work with him regularly.

"He has a great way about him to disarm clients while at the same time allowing them to be heard," Shawn S. Kerendian of Keystone Law Group said. "He asks questions that demonstrate the clients may not have as strong a case as they feel they have, but he does it very respectfully."

Mark A. Lester of Jones, Lester, Shuck, Becker & DeHesa LLP has brought 17 cases to Reiser to mediate. He said the retired Ventura County Superior Court judge manages to gently educate attorneys and parties about the strengths and weaknesses of their cases. "He truly understands the issues, and he will look the attorneys in the eye, and say, 'Do you really understand what your case is about and its value?'"

When a civil litigator inexperienced in probate matters comes to a mediation demanding \$10 million from a trust that only holds \$4 million, Tara L. Cooper responds, "Let's just wait and let Judge Reiser do his magic."

"He has a unique ability to deal with very difficult attorneys and



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their clients who have unreasonable expectations," she said.

Reiser's ability to gauge the value of a case comes from the roughly dozen years he spent hearing probate, trust and conservatorship matters on the Ventura court. He estimated he handled 10,000 to 15,000 conservatorships over those years.

He knows the field so well that he teaches it to California judges newly assigned to hear probate cases. He spent five years on the probate law curriculum committee of the Center for Judicial Education and Research.

"I think he trained most, if not all, of the probate judges in Southern California," Kerendian said. "He has the substantive knowledge down pat."

The combination of his knowledge of people and of the law means he can size up a case and the parties quickly, according to Susan B. Devermont of Hinojosa & Forer LLP. "He's so quick to get deep and read between the lines," she said. "No matter which side you're on ... he finds the best way to help you resolve the matter."

Other attorneys commented on Reiser's talent for finding creative

Glen M. Reiser

JAMS
Los Angeles

Areas of Specialty:
Trusts

Probate and
Conservatorships

California Environmental
Quality Act

solutions to problems. Santa Barbara lawyer Cristi Michelon Vasquez recalled one case in which a woman was pressing a claim for the loss of her eye against the estate of a decedent. During the mediation, “we all kind of danced around the topic” of the woman’s eye, Michelon Vasquez said.

Reiser took a very unusual approach to the issue when he met with the woman privately. When he returned, he told the lawyers, “I held her [artificial] eye in my hand.” He recommended that the woman send the judge, who would have to approve any settlement, a photo of her holding her eye. “It’s really powerful,” he told them.

“He’s really got great ideas and creativity, and I think that’s just critical,” Michelon Vasquez said.

Reiser credits his ability to connect with and persuade attorneys and clients to settle their disputes to his training in conflict dynamics at Pepperdine University’s Strauss Institute for Dispute Resolution.

“I learned about human psychology and ... how to deal with difficult litigants, how to listen to them, how to do empathic learning, how to really acknowledge their issues and their concerns and their anxieties,” he said.

Now in mediations, he works hard on those skills but “without spending all day letting somebody vent,” he said. “And I try not to be too evaluative.”

As a mediator since early 2019, Reiser has handled some environmental and property matters and arbitrated some commercial disputes and emergency relief petitions. But about 90% of his cases concern trusts, probate or conser-

vatorships, where his empathic skills are especially important.

And that’s the way he likes it. “The reason the cases are so great is they’re layered with 50, 60, 70 years of family history ... that may or may not be the catalyst for the litigation,” he said. Disputes about trusts can have a half dozen or more parties, each with individual interests and goals.

Serving as a mediator to help resolve those complex battles, Reiser said, is more rewarding than anything else he has done in his career.

Originally from Calaveras County, where his father was a California Youth Authority counselor, he grew up primarily in La Habra in Orange County. He started college at the U.S. Military Academy at West Point, which he found challenging but oppressive, so he transferred to UC Santa Barbara.

Not sure what to do next, he went to law school at UCLA, graduating in 1978. “I loved it. It was fabulous,” he said.

He joined an Oxnard law firm called Nordman, Cormany, Hair & Compton, which for a time was the largest in Ventura County. He started as a transactions lawyer but soon switched to litigating real property, environmental, trusts, family and other civil cases. Later, when the firm added an appellate practice, he took on many appeals.

In 1992, he opened his own firm. Then in 1997, he became of counsel to the county’s other large firm, Ferguson, Case, Orr, Paterson & Cunningham LLP, so that his clients would have a home if he were appointed to the bench. That happened the next year. He was Gov. Pete Wilson’s final judicial appointee.

As a litigator and appellate attorney, he handled several noteworthy cases, including winning some at the California Supreme Court. In one, he successfully defended Oxnard’s school desegregation plan against a challenge by some parents. *McKinny v. Oxnard Union High School District Board of Trustees*, 31 Cal.3d 79 (Cal. 1982).

In 1994, he won a pair of cases at the high court. The first allowed no-contest clauses in trusts. *Burch v. George*, 7 Cal.4th 246 (Cal. 1994). The second upheld his client’s trial victory in a defamation case over whether she had used surgery to improve the unique gait of her Peruvian Paso show horses. *Lundquist v. Reusser*, 7 Cal.4th 1193 (Cal. 1994).

When he was in solo practice, he often represented the county’s district attorney, including one case in which a Los Angeles deputy sheriff sued the office for defamation over its report that criticized how the deputy came to shoot and kill a drug suspect. The appellate court ruled the DA’s office could dismiss the lawsuit through an anti-SLAPP motion. *Bradbury v. Superior Court* (Spencer), 49 Cal. App.4th 1108 (Cal. App. 2nd Dist. Oct. 1, 1996).

But that wasn’t Reiser’s favorite part. When Ventura County District Attorney Mike Bradbury was being deposed, the LA deputy arrived carrying his service gun in a pouch. Reiser said it was outrageous for the plaintiff to show up armed. After many minutes of argument, the deputy gave the gun to Reiser, who put it under his chair.

“He stared at me like I’d taken some bodily part from him for the rest of the depo,” Reiser said. “He

was so upset with me. It was the best deposition ever.”

As a judge, at various times he handled civil, criminal, family and, of course, probate cases. He also was the court’s primary judge for cases under the California Environmental Quality Act. He eventually had so much experience with those lawsuits that attorneys would sometimes maneuver out-of-county cases to him.

“I did the LA airport modernization case. So if you’re looking at the construction now and you hate it, you can blame me,” Reiser said.

He retired from the court in 2018, after 20 years on the bench, and joined JAMS in 2019.

Even with his heavy caseload of trust and probate matters, he occasionally must arbitrate some aspects of a case he is mediating. But he doesn’t really like it.

“It’s just work. It’s being a judge, and I did that for so long,” Reiser said. “Mediation is much more dynamic and far more rewarding than any adjudicatory fact-finding. It doesn’t even compare.”

Here are some attorneys who have used Reiser’s services: Tara L. Cooper, Los Angeles; Susan B. Devermont, Hinojosa & Forer LLP; Abbas K. Gokal, Gokal Law Group; Lisa M. Kajani, Kramer Radin LLP; Shawn S. Kerendian, Keystone Law Group; James P. Lamping, San Francisco; Mark A. Lester, Jones, Lester, Shuck, Becker & DeHesa LLP; Cristi L. Michelon Vasquez, Santa Barbara; Scott Rahn, RMO LLP; Carmen D. Sinigiani, Spaulding McCullough & Tansil LLP; Vatche Zetjian, Jeffer Mangels Butler & Mitchell LLP.