

VERDICTS & SETTLEMENTS

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Careful Approach

*Former judge Terry Friedman wins praise for his sensitive handling of cases.*By Blaise Scemama
Daily Journal Staff Writer

LOS ANGELES — After dedicating decades of his life to offering free legal services to low-income seniors as a pro bono attorney, authoring a bill banning indoor smoking as a state assemblyman and presiding over juvenile cases as a superior court judge, Terry Friedman now works as a neutral in high-profile entertainment, business and employment disputes.

Attorneys say Friedman takes copious notes during mediation and arbitration and writes lengthy tentative rulings that are highly analytical.

“As a trial judge, I always prepared lengthy tentative rulings and I’ve continued to do that as a neutral in arbitration,” Friedman said. “For me, the process of writing a tentative informs my decision. I don’t always start the writing process knowing how I am going to decide, but the recitation of the facts and the law tends to lead me to a decision.”

Friedman said he likes to grant access to his detailed tentative rulings for all motions a few days before an arbitration hearing, so attorneys can get an idea of his thought process and how to focus their arguments. Like his tentative rulings, Friedman said he also applies a great deal of time and thought to his arbitration awards.

“At the conclusion of the arbitration, sometimes I have made a decision and sometimes I haven’t,” Friedman said. “The process of identifying the facts and the evidence I thought was important and the applicable law is an analytical one and it often leads me to decide the case.”

Patricia Glaser of Glaser Weil Fink Howard Avchen & Shapiro LLP, who recently used Friedman’s services as a neutral in a private equity entertainment dispute, said he is a thoughtful jurist.

“When I think of Terry, I think of him huddled over his computer taking a huge amount of notes,” Glaser said. “He is a thoughtful jurist who is obviously very bright.”

Before becoming a thoughtful neutral, Friedman was a true public servant. With a law degree from UC Berkeley School of Law, he began his legal career in 1976 specializing in educational rights for disabled children at the Western Center on Law and Poverty. Friedman later became the program director at Bet Tzedek legal services, where he provided tenant defense for low-income seniors.



Jana Ašenbrennerová / Special to the Daily Journal

“When I started, it was a tiny storefront office in the Beverly Fairfax neighborhood, and mostly relied on volunteer attorneys to service clients in the neighborhood,” Friedman said of his humble beginnings. “Then we grew substantially to become one of the primary providers of tenants’ defense for low-income seniors.”

As a leader of Bet Tzedek, Friedman oversaw a landmark federal case that established reparations paid to Holocaust survivors would not be countable income that would otherwise disqualify recipients from receiving public benefits.

In 1986, Friedman was elected to the state Assembly in the 43rd District in West Los Angeles, replacing then State Controller Gray Davis. He was elected in 1992 to the 41st District in a race against former Santa Monica Mayor Christine Reed. Among his legislative interests were issues involving employment discrimination, access to health care, worker safety, education and the environment.

After serving eight years in the state Legislature, Friedman said he was ready to leave the hurly-burly of politics and move to a public service job where the merits determined the outcome, rather than a variety of other factors, he said.

In 1995, Friedman was appointed by Gov. Pete Wilson to the Los Angeles County Superior Court.

During his 15-year tenure on the bench, Friedman first supervised the dependency court and then presided over the county’s overall juvenile court. Later, he transferred to civil court in Santa Monica, where he heard hundreds of trials in entertainment

disputes, intellectual property cases, and medical malpractice suits. Friedman said his experience on the bench has served him well as a neutral.

“For me, it was invaluable. On the mediation side, I had done a lot of mandatory settlement conferences, so I had experience settling cases,” Friedman said. “On the arbitration side, I had done hundreds of trials — mostly jury trials but a lot of bench trials.”

When it comes to granting summary judgment in arbitration, Friedman is not unwilling but said he exercises great caution.

“I certainly recognize there is great value in saving time and cost for the parties to resolve cases at summary judgment and we want arbitration to continue to fulfill its promise of being a cost-effective, time saving alternative to court, but not at the expense of due process,” Friedman said.

The standard for granting summary judgment in arbitration is higher than it is in court for good reason, he said. Other than a few narrow exceptions, the rulings in arbitration are binding and not subject to appellate review.

Friedman said one of the few grounds an arbitration award can be vacated is if the losing side was denied an opportunity to present all the evidence believed to be relevant to the dispute. “So, because of that, I am cautious about rendering summary judgment,” Friedman said.

Phil Kelly of Kendall Brill & Kelly LLP, who has gone before Friedman in multiple entertainment disputes, said he has on occasion requested summary judgment. Friedman has granted it for one

Terry B. FriedmanJAMS
Los Angeles**Areas of Specialty:** Business, entertainment, employment, personal injury, real property

or two causes of action, the attorney said.

“I had a very high opinion of him as a judge and continue to view him as a very strong neutral,” Kelly said. “He has judicial temperament carried over from the bench and gives the parties the opportunity to state their case, but he’s firm when needed.”

In a high-profile international entertainment dispute before Friedman for arbitration, Susan Leader of Akin Gump Strauss Hauer & Feld LLP, said he was not only very attentive but compassionate toward her Chinese client who required an interpreter during examinations and who had little to no experience with the American judicial system.

During an intense examination that referred to nasty email exchanges between the two parties, Leader said she had not immediately noticed her client was becoming emotional.

However, Friedman picked up the subtle signs that something was wrong. Before Leader could ask for a break, Friedman already suggested it.

“It shows you how he wasn’t only listening to the evidence but also paid attention to the nuanced signs that she was struggling,” Leader said. “He knew we needed to take a break.”

Steven Marenberg of Irell & Manella LLP, who has used Friedman for arbitration and mediation in entertainment and sophisticated commercial litigation, said the neutral often emerges as the first choice two opposing parties can easily agree upon.

“He calls them like he sees them without any bias,” Marenberg said. “That’s why you easily get agreement from the other side to use him.”

Here are some attorneys who have used Friedman’s services: Patricia Glaser, Glaser Weil Fink Howard Avchen & Shapiro LLP; Philip M. Kelly, Kendall Brill & Kelly LLP; Steven A. Marenberg, Irell & Manella LLP; Susan Leader, Akin Gump Strauss Hauer & Feld LLP and Paul R. Kiesel, Kiesel Law LLP.