

The Dealmaker

Retired Judge Andrew Kauffman is known for practical, client-centered approach

By Shane Nelson

Special to the Daily Journal

Retired judge Andrew C. Kauffman once set bail at \$5 million for Madonna after she missed a scheduled appearance in his Los Angeles courtroom.

“She was a subpoenaed witness, and the DA wanted her to appear and testify,” Kauffman recalled. “And she hadn’t shown up because her lawyer said she was tired, having just finished a movie.”

Kauffman said he issued a body attachment, requiring the pop superstar to be in court or face arrest.

“I figured I’d better get her attention, and that worked,” Kauffman said with a chuckle about setting the bail figure so high. “She showed up when she was supposed to.”

A 1975 UCLA School of Law graduate, Kauffman spent 10 years working at the Los Angeles County district attorney’s office before taking the bench in 1985 as a commissioner for the South Bay Municipal Court in Torrance.

“I had spent 10 years trying to convince judges of my position, and I got to the point where I thought maybe I could do as good a job as they could, and I wanted an opportunity,” Kauffman said of his decision to apply for the bench.

Kauffman was appointed to the Los Angeles Municipal Court in 1989 and then elevated by Gov. Pete Wilson in 1995 to the Los Angeles County Superior court, where he tackled criminal and civil assignments until his retirement in 2011.

Kauffman said he started working to resolve disputes as a mediator and arbitrator for Alternative Resolution Centers (ARC) almost immediately after he left the bench, and said he’s conducted 45 arbitrations.



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“In my view, arbitration is a court trial without formality,” Kauffman said. “So, I am very flexible in terms of the presentation of evidence, in terms of the order the witnesses testify. I tell the lawyers they can take their coats off. I take mine off. ... And once the presentation of evidence is over, then I write up an award, and I get it in within 30 days.”

Kauffman said many of the mediations he’s tackled over the years have involved personal injury, business, real estate and employment claims.

He likes to receive briefs from all the parties but doesn’t typically speak over the phone with counsel before mediation. Kauffman also mentioned that he’s noticed a shift in how mediations often work these days, con-

trasted with what he first encountered as a private neutral in 2011.

“It seems often that the lawyers are coming to mediation in an attempt to save money,” Kauffman explained. “So, they’re coming early on in the litigation process, and oftentimes, they really haven’t done much in the way of discovery. So, the first part of every mediation, it seems, is to educate one side about what the other side’s case is about and what their position is.”

Kauffman said that doesn’t necessarily make reaching a resolution more difficult, but it can mean the process takes longer.

“Because in order for us to start talking about some kind of a disposition, we first have to get through the educational process and famil-

Andrew C. Kauffman (Ret.)

Alternative Resolution Centers

Los Angeles

Areas of Specialty:

Personal Injury

Employment

Real Estate

Business

Construction Defect

Malpractice

iarize everybody with what's at issue," he said, "and that often takes a couple of hours."

Kauffman added that he likes to employ an informal and "down to earth" approach to his mediations.

"I'm not wearing a robe. I'm not pretending that I'm still on the bench," he explained. "I want people to feel comfortable talking to me and telling me everything that I need to know about the case."

He noted that listening - especially to the plaintiffs - is critical early on in mediation.

"I ask them to tell me what happened in their own words," Kauffman said. "My impression over the years is that oftentimes ... they really feel they need an opportunity to have a third party listen to them and find out what they have to say."

La Crescenta defense attorney Pierro H. Babaian used Kauffman recently to settle a difficult assault and battery case, and said the mediator applied a terrific approach.

"I truly believe there are some cases that really need a special touch or else it's just got to get tried," Babaian said. "And you could tell Judge Kauffman spent a lot of time familiarizing himself with the facts of the case, and he truly made a good connection - especially with the client, who needed that extra attention."

Los Angeles defense attorney Ryan J. DeRose has used Kauffman to resolve two contractual disputes, and he agreed that the retired judge's approach resonates with clients.

"He doesn't open with a speech about his background on the bench ... and he doesn't make the day about himself," DeRose said. "He's great at making the clients feel heard, but at the same time, I think he keeps them honest about the realities of their case and the objective of settling."

DeRose said Kauffman also makes creative use of his extensive legal expertise.

"He's got a great knowledge of

the law," DeRose explained. "And he's great at getting through stalemates in that way because he's able to think outside the box."

Kauffman said he tries to encourage all the parties in a mediation not to move forward toward trial in hopes of teaching the other side a lesson.

"I tell them about the number of times when I was on the bench that parties insisted on going to trial because they feel they couldn't live with themselves unless they have an opportunity to tell their side of what happened," Kauffman explained. "And I tell them the number of times that those people came away unhappy with the result - which was every time."

Redondo Beach business and real estate litigator Steven F. Spierer has used Kauffman to resolve a couple dozen different cases and noted his readiness to listen.

"Clients like him," Spierer said. "They trust him. ... And he's not hes-

itant to tell them what he thinks. He's diplomatic, but blunt."

When it comes to the strengths and weaknesses of a case, Spierer said Kauffman often makes use of a confrontive but not combative approach.

"He will tell me when he thinks I'm wrong or out of line," Spierer explained. "He will tell me when he thinks I've taken an unreasonable position. He will tell me when he thinks my interpretation of the facts, or the law is not consistent with his. He is equally plain spoken with the other side. He's patient, and he's relentless."

Here are some attorneys who have used Kauffman's services: Steven F. Spierer, Spierer Woodward Corbali & Goldberg; Pierro H. Babaian, The Safarian Firm APC; Ryan J. DeRose, Park & Lim; Christine C. DeMetruis, Yoka & Smith LLP; John C. Clough, Buchalter APC.

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