

VERDICTS & SETTLEMENTS

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Engendering Trust

Attorneys say JAMS neutral brings rationality and calm to arbitrations.

By Meghann M. Cuniff
Daily Journal Staff Writer

ORANGE — As a self-declared “history nut” at UCLA, Luis Cardenas knew he wanted to teach it for a living, so he declared his plans to his professor.

“He just looked at me and said, ‘There’s no jobs and if you got one, there’s no money,’” Cardenas said. “I was terribly crushed and disappointed, and he just kind of flippantly said, ‘Go to law school.’”

So he did, earning his degree from Loyola Law School in 1968 and bringing a hint of academia to a legal career that’s stretched from the bench to the mediation table.

A veteran of JAMS, Cardenas has built a reputation as a fair and calm neutral who brings a scholarly aura to contentious, complicated disputes. He spent 20 years as an Orange County Superior Court judge before joining JAMS in 1996.

He’s carved a niche in labor and employment while working a range of other cases, and attorneys who work with him say he’s rational, patient and even-keeled.

“He’s gentlemanly, so he’s easy to try a case in front of,” said Michael A. Hood, principal and litigation manager of Jackson Lewis PC in Irvine. “He just runs a very fair and balanced and pleasant hearing.”

Hood has used Cardenas as an arbitrator in several employment issues over the last 15 years. Cardenas has a good manner in terms of how he handles visceral counsel, and he’s “very rational and calming and not at all excitable,” Hood said.

Maria G. Diaz, of counsel at Allred, Maroko & Goldberg in Los Angeles, said Cardenas is skilled at calming clients and working through contentious disputes. She’s used him frequently over the last 10 years, and she said he’s always impressive.

“What I find very useful about him, particularly in arbitrations, is he reads everything and he’s very meticulous,” Diaz said.

“Once you find a retired judge who reads your papers and is willing to look at the law and consider everything, I think that’s a very good judge to have in any case, on either side,” Diaz said.



Alex Drecun/Special to the Daily Journal

Cardenas said he splits his time evenly between arbitrations and mediations, with “maybe a little more arbitration than mediation.” That’s changed from when he started, when mediation accounted for about 75 percent of his time.

He’s seen a surge in arbitration cases since the American Automobile Association shifted its arbitration practices to JAMS, and he continues to build on a niche that he said evolved naturally.

“It just happened,” he said. “I didn’t focus on doing that.”

Cardenas loved being a judge, but he said being a neutral is the best career he’s ever had. He appreciates the relaxed environment and more informal structure that private judging provides, and he enjoys the socialization. He said approaching an arbitration or mediation like a regular court proceeding is one of the biggest mistakes he sees attorneys make, and one he tries to rectify by reminding them that the rules of evidence don’t apply.

As an arbitrator, he finds himself less likely to grant motions to dismiss and motions for summary judgment “because you’re denying somebody a right to have their case fully heard.”

That touches on the careful balancing act he’s perfected in his 20 years as a neutral: the need for an efficient, out-of-court process that saves money while serving as an effective judicial process.

He’s flexible with continuations, and he understands the motivating power of a looming trial date. He prefers to have a party’s decision-maker, such as a key official at the client company, present, but he’s accustomed to settling cases without them.

He rarely holds joint sessions, following a pattern that’s emerged in the last decade as lawyers became more resistant, but if he speaks ex parte to one party, he’ll let the other party know as a courtesy.

He knows the timing of mediation proposals is critical, and he knows how to use them not just to land settlements but to bridge negotiation gaps.

He uses brackets, and he “won’t make a proposal unless he thinks he has 50 percent buy-in from one or the other,” said Jeffrey P. Thompson, a partner and head of the labor and employment law department at Declues Burkett & Thompson LLP in Huntington Beach.

“I think he engenders trust on both sides,” Thompson said. “I particularly like him in a case where I know I might have some problems, because I know he’s not going to yell and scream at me.”

Thompson said Cardenas is “very, very low-key and mellow” and sets clients at ease, including a claims adjuster in a joint mediation who Thompson said was universally disliked “yet Judge Cardenas was

Luis A. Cardenas

JAMS

Orange

Areas of specialty: labor and employment, class action, voter rights, construction, education, entertainment, health care, real property, professional liability, special master and referee

able to develop a relationship with him and get the case resolved.”

Erin L. Muellenberg, a principal at Polsinelli LLP in Los Angeles, said she’s used Cardenas as an arbitrator and mediator “primarily in high-risk medical malpractice cases and in some managed care dispute cases.”

“He is knowledgeable about the subject matter and takes the time to thoroughly understand a case before reaching a decision,” Muellenberg said in an email. “While I don’t always agree with his decisions, I always respect them because they are well thought out and reasoned.”

Sylvia Sultanyan of the Law Offices of Richard M. Foster in North Hollywood said Cardenas skillfully handled a lengthy arbitration in a commercial lease breach case. The arbitration took about seven days over several months, including a first witness whose testimony lasted two days. Cardenas was thorough and detailed, and he awarded a “pretty significant” fraud judgment in Sultanyan’s favor, she said.

“He’s very put together and very polite,” she said.

Outside of work, Cardenas enjoys traveling and photography. His wife, Kimberly, is a flight attendant, and “we just have our bucket list of every place we want to go before we get into a power chair or walker and we can’t do it anymore.”

He is also an avid reader and built a large library in his home. Much of what he reads contributes to a side job he’s held for 20 years, teaching Roman history at Cal State Fullerton and UC Irvine.

Here are some attorneys who have used Cardenas’ services: Mirna Villegas, Morgan, Lewis & Bockius LLP; Michael B. Garfinkel, Perkins Coie LLP; Gregory M. Bordo, Blank Rome LLP; Matthew C. Helland, Nichols Kaster, LLP; Charles M. Clark, Jackson Tidus, A Law Corporation; David M. Lester, Musick Peeler & Garrett LLP; Parry G. Cameron, The Cameron Law Firm