

VERDICTS & SETTLEMENTS

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Knack for Settlements

Retired state appellate court justice Candace Cooper is known for her ability to manage people.

By Meghann M. Cuniff
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LOS ANGELES — Nearly a decade after leaving the 2nd District Court of Appeal, Candace D. Cooper has established herself as a skilled JAMS neutral with a knack for labor and employment issues, lawyers say.

It's not just the cases she heard while on the bench that attorneys say put her at the top of the crowded ADR field. It's her pioneering experiences as a black woman who became a judge when women and racial minorities rarely did, and the situations she saw firsthand because of that.

"One of the benefits she brings as a neutral when she's doing mediation is the fact that she really understands implicit bias," said Toni J. Jaramilla, founder of the plaintiffs' firm Toni Jaramilla, A Professional Law Corporation. "She doesn't undervalue the emotional damage that we always allege is associated with a discrimination case or termination."

Cooper's easygoing, fact-oriented demeanor have impressed defense attorneys, too, and she's built a caseload that has her booked nearly through August. But she's always looking for more to do, and she has no plans of slowing down now that she's hit her second-career stride.

"Mediation is both an art and a science," Cooper said in a recent interview at the JAMS headquarters in downtown Los Angeles. "There are multiple styles and personalities that can probably do it pretty well, but you have to have some underlying people skills and ability to read people to be good at it."

Cooper has been honing those skills and that ability since she was a child growing up in Los Angeles' Crenshaw neighborhood. She often took on the role of peacemaker in her neighborhood, and her Type A personality put her in close contact with a range of people through her roles as student body president of her junior high and high school.

"I'm not someone who likes a lot of confrontation and a lot of commotion

for nothing," Cooper said. "If I walk into a situation that's a little chaotic, my attitude is 'OK, let's figure out how to calm this down and get things done.'"

She's known for being direct while also warm and engaging.

"She puts everything out there, good or bad or indifferent," said Rodney S. Diggs, an associate with Ivie McNeill & Wyatt who has used Cooper for mediations. "She's very candid."

Cooper joined Gibson, Dunn & Crutcher LLP after graduating from the USC Gould School of Law in 1973. But she wasn't particularly enthralled by her work, and her involvement with the Black Women Lawyers Association of Los Angeles exposed her to other women who were sure being a judge was the perfect job for them. She interviewed them when considering association endorsements, and she found their passion infectious.

"They were all incredibly enthusiastic about becoming a judge," she said. "I had never really given it any thought."

She then went to lunch with 2nd District Court of Appeal Justice Joan Dempsey Klein and the late 2nd District Court of Appeal Justice Vaino Spencer, at the time a Los Angeles Superior Court judge.

Both were pioneers in California's judicial system. They encouraged Cooper and other women at the lunch to seek careers as judges, so Cooper applied. Her timing was right: Gov. Jerry Brown, in his first go-round in Sacramento, had declared his intent to appoint more women and minorities to the bench.

Cooper joined the Los Angeles County Municipal Court in 1980. She was six years out of law school, and her sole courtroom and litigation experience was limited to helping her cousin get a default divorce.

How did it go? "Smooth," she said. She kept a script and a seating chart identifying the court's key players. But she was assigned to traffic court, and she soon realized she'd found her niche.

Gov. George Deukmejian elevated



Alex Drecun / Special to the Daily Journal

Cooper to the Los Angeles County Superior Court bench in 1987, and Gov. Gray Davis appointed her to the 2nd District Court of Appeal in 2001.

Her appellate work gave her a huge range of experience with all types of cases and issues. She's frequently called on for employment issues such as discrimination, wrongful termination or wage-and-hour disputes, but she also handles routine and complex commercial disputes and is an experienced neutral evaluator in mock appellate hearings.

Her intricate knowledge of different areas is what led Victor Look, a partner with Nano Law in Pasadena, to enlist her as a mediator for a copyright dispute involving a hotel's interior design.

"We wanted to find a mediator who understood copyright and intellectual law associated with copyrights," Look said. "She fit the profile."

Look credits Cooper with a settlement that favored his client. He believes she helped the opposing side understand the overall case better.

"She was really able to cut to the heart of what the issue is, look at both sides, see who's in the right and who's in the wrong and give her opinion as to what may happen if this would proceed to trial," Look said.

Despite her appellate experience, Cooper believes she was at a slight disadvantage when she left the court for JAMS in 2008.

Appellate work is more isolating than superior court judgeships, and she didn't have the immediate connections to complex civil cases that so many do who've transitioned to mediation and arbitration straight from superior court.

Candace D. Cooper

JAMS / Los Angeles

Areas of specialty:

labor/ employment, business/ commercial, contracts, intellectual property

"They were already a known commodity, so I really had to build," she said.

Jaramilla said Cooper's empathy sets clients at ease.

"She definitely takes real-life experience coupled with her experiences as a judge and blends it together really well," Jaramilla said.

Diggs, who does both defense and plaintiffs' work, said Cooper's thoughtfulness also stands out.

"I've been in front of a few mediators who don't fully understand the issues, and it seems as though they really want to force my client to take a settlement," Diggs said. "Justice Cooper wants cases settled, but she fully understands both sides."

Here are some attorneys who have used Justice Cooper's services: Brian T. Dunn, The Cochran Firm California, Los Angeles; Gregory W. Smith, sole practitioner, Beverly Hills; Raymond E. Hane III, California Employment Counsel APC, Costa Mesa; Michael J. Black, M & D Properties, Lynwood; Louis C. Klein, Foley & Mansfield LLP, Los Angeles; Lawrence C. Hinkle II, Fox Rothschild LLP, Los Angeles; Victor Look, Nano Law, Pasadena; Rodney S. Diggs, Ivie McNeill & Wyatt, Ontario; Toni J. Jaramilla, Toni Jaramilla, A Professional Law Corporation, Los Angeles.