

VERDICTS & SETTLEMENTS

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Enterprising Evaluator

Irma Gonzalez's success as a neutral stems from years as a federal judge

By Deirdre Newman
Daily Journal Staff Writer

SAN DIEGO — Judge Irma E. Gonzalez has been a trailblazer for women and Hispanics in the law. When she worked at the U.S. attorney's office's criminal division in Tucson, she was the only female for a time. "It was challenging because almost all the witnesses were men and the law enforcement agencies were all male officers," she said. "Everyone was respectful but you really had to maintain a level of dignity where I wouldn't be taken advantage of because I was a woman. It was something that was always on my mind."

After several decades as a judge on different county and federal benches, she now lends her expertise to JAMS as a neutral. She reached the point as a federal judge where she had senior status and a reduced caseload, but decided she wanted a new challenge.

"I knew a lot of former colleagues who were neutrals and decided I would really enjoy trying to resolve disputes," she said. "I went with JAMS because I felt it was the organization where I could have a national platform. And all the federal judges I knew had come to JAMS."

Her love of litigation was inspired when she clerked for federal judge William C. Frey right out of law school. She then landed a job with the U.S. Attorney's Office in Tucson.

"I tried a lot of drug cases and bank robberies," she said. "And one thing about Arizona is that there a lot of Indian reservations. The U.S. Attorney's office had jurisdiction over some of them, so we tried a lot of crimes committed on these reservations. They were typically violent murders, assaults, etcetera."

She eventually moved to the U.S. Attorney's office in Los Angeles and tried criminal cases there for a few years. Then she got the urge to go into private practice and apply the skills she gleaned as a trial lawyer in civil cases. In 1984 she was appointed as a magistrate judge by the San Diego District Court where she presided un-

til 1991 and then served as a judge on the San Diego County Superior Court for 1½ years. In 1992 she was appointed to the federal bench, where she served for 21 years.

"It was a fabulous career and I wouldn't trade it for anything," she said. "I learned a lot. I tried a lot of cases."

Besides presiding in the courtroom, Gonzalez was the chief judge from 2005 to 2012. During that time, she experienced the building of a new courthouse, a transition to electronic files, a pipe bomb exploding at 2 a.m. one morning, and intense fires across San Diego County that affected several courthouse employees. During this time, she said, she learned a lot about leadership.

One of the cases she presided over was a case that was catalyzed by the U.S. Supreme Court decision in Citizens United, which restricted the government from limiting independent political contributions by a non-profit. In light of this decision, a San Diego man brought a lawsuit against the city of San Diego in protest of its strict campaign contribution ordinances, which he claimed were now unconstitutional. The city disagreed, claiming its laws were constitutional because they prevented corruption. Gonzalez decided to keep some of the city laws intact and overturn others. The plaintiff appealed and the 9th Circuit sided with Gonzalez, validating her opinion.

"They wrote a lengthy opinion, agreeing with everything I had written," she said.

Gonzalez also presided over a case involving concealed weapons in San Diego County, which has a higher threshold to get a license to carry a concealed weapon. A 9th Circuit panel reversed her opinion, saying that San Diego's higher threshold violates the Second Amendment. The U.S. Attorney General intervened and appealed the decision to the full 9th Circuit, which just heard oral arguments a few months ago.

She believes the advantage of being on the bench is having a strong sense of what jurors look at and knowing the



Alexander Drecun / Special to the Daily Journal

Irma E. Gonzalez

JAMS
San Diego**Areas of specialty:** Business disputes, intellectual property, civil rights

risks of going to trial. She describes her style as evaluative.

"I tell the parties, 'Look, this is the way I see your case,'" she said. "Sometimes I give them percentages. I've asked the parties, 'How do you think you will get this evidence in?' If I were trying the case, I wouldn't allow you to ask these questions."

Kimberly D. Howatt, a partner with Gordon Rees Scully Mansukhani, LLP said as a mediator, Gonzalez is very effective.

"Her discussions with mediation participants are frank and practical, while still professional and personable," Howatt said. "She brings to the ADR forum her very valuable insight and experience as a federal judge, which is an important tool with both clients and counsel alike."

Gonzalez just settled a civil rights case regarding a San Diego County police officer stopping a young, disabled man and then using excessive force.

"We had a mediation and the family was extremely upset about how the officer handled the arrest," she said.

The case could not be settled at that time, but she kept talking to the lawyers on both sides for several months. Another mediation session followed, but the case still could not be settled. But after one more mediation session over the phone, there was a breakthrough and it was finally resolved.

"It takes a lot of patience, tenacity, and I think it took my observation that this case shouldn't go to trial," she said. "It was best for both sides. I didn't judge either side. I just wanted this case to settle. Because it would have been an emotional trial for both sides. I think it was a good outcome."

Gonzalez said she really enjoys

neutral analysis — evaluating the evidence and explaining it to both sides. She would like to focus on mediation in the future. The areas she prefers are health care, securities and IP — both patent and trademark — as well as business disputes, which she also has a track record of resolving.

Maria C. Roberts, an attorney with Sweeney, Greene & Roberts LLP in San Diego, has worked with Gonzalez throughout her legal career and more recently as a mediator. She calls Gonzalez "the consummate professional."

"She is gracious, but strong and adept at bringing the parties together," Roberts said. "Her greatest strength is her preparation, no matter how complex the matter may be. She is knowledgeable of the facts and the law, including the subtleties of the law. She is also conversant in the procedural history of the case and understands the pressure points that bear on what it takes to bring about compromise and resolution."

Here are some attorneys who have used Gonzalez's services at JAMS: Ricky R. Sanchez, Office of San Diego County Counsel; Richard Wolfe, Attorney General's Office; Maria Roberts, Sweeney, Greene & Roberts, LLP; Eric D. Chan and Daron L. Toooh, Hooper, Lundy & Bookman P.C.; John H. Donboli, Del Mar Law Group, LLP; Kimberly D. Howatt, Gordon Rees Scully Mansukhani, LLP.