

VERDICTS & SETTLEMENTS

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Personable and Persistent

*JAMS neutral Robert Hight developed people skills at his family's restaurant.***By Malcolm MacLachlan**
Daily Journal Staff Writer

SACRAMENTO — Robert C. Hight used to run a state agency where he had to deal with angry crowds and people who owned dangerous wild animals.

Now with JAMS in Sacramento, Hight is best-known to those in the legal community as the former presiding judge in Sacramento County Superior Court.

But he spent the bulk of his career in a very different set of trenches. Hight worked for the State Lands Commission for 28 years, starting as staff counsel, rising to chief counsel and eventually becoming the agency's director.

During that time, he helped greatly expand the public lands held by the state, sometimes negotiating land swaps with companies or estates that owned large debts.

One of the efforts he's most proud of preserved the Headwaters Forest Reserve, nearly 7,500 acres of largely old growth forest in Humboldt County, now jointly managed by the state and federal government. He visited with a delegation of public officials after the deal was completed in 1999.

"The trees are so large there is almost no sunlight," Hight said. "The ferns are six feet tall. It's like you've gone back a thousand years."

By that time, Hight had been appointed the director of the Department of Fish & Game by then-Gov. Gray Davis. The agency was coming off of what at the time was considered a fairly rocky period.

Two years earlier, the agency poisoned Lake Davis, a 4,000-acre lake in Plumas County, in order to kill off invasive northern pike before the dangerous predators got loose in the Sacramento River system. The plan upset locals, but appeared to have worked.

"At least you won't have to deal with the pike at Lake Davis," the governor told Hight when he named him director.

"Two weeks after I took the job, they found pike again," Hight said.

Soon after that, Hight found himself speaking to a volatile audience of hundreds at a public meeting in Portola. Hight said people told him



Malcolm MacLachlan/ Daily Journal

he was crazy to show his face, but he felt it was an important step toward building trust with the community. After two more rounds of poisoning, state water officials finally allowed Lake Davis to fully refill in December 2016.

Fish & Game officials also attempted during Hight's time to reach out to the owners of exotic animals — in particular, chimpanzees kept in unsafe conditions. In 2005, two years after Hight left to become a judge, two chimps escaped and attacked the older couple who had been keeping them. A 62-year-old man lost a foot, a testicle, and much of his face.

The agency had the property on its radar, but didn't have the power to order the couple to give up the animals.

"This is their pet, this is their baby," Hight said. "But it's a chimp and it's dangerous."

Davis appointed Hight to the bench in 2003. Richard J. Collier, a partner with Cooper White & Cooper LLP in San Francisco, cited Hight's years sitting on probate court in helping him short-circuit the emotional reactions that can derail a settlement.

"He was able to zoom in on a key issue in dispute, very early on in the process, and focus the parties," Collier said of a recent mediation.

Hight was named assistant presiding judge of the Sacramento County Superior Court in 2012, and presiding judge in 2014. Settling cases became "the majority of what I did"

over his last four years on the bench.

In one case, Hight suggested an employer settle a wrongful termination case by rehiring the employee. It was something neither side was originally seeking, but he said it worked out.

Among Hight's talents is quickly spotting cases where the parties are "too far apart" or "have unrealistic expectations," said William A. Muñoz, a defense attorney and shareholder with Murphy Pearson Bradley & Feeney PC in Sacramento. Muñoz said he's used Hight twice, and was most impressed by the negotiation Hight halted after half a day.

"He doesn't keep you there so he can line his pockets," Muñoz said. "He'll cut it off as soon as he thinks it's not going to settle."

Hight said he urges attorneys to be honest, keep it simple and be open to creative solutions.

"If you've got a wart, the other side is going to know about it," Hight said. "Mediation is kind of a free pass in the sense that anything that is said in mediation can't be used in trial in the event you can't settle."

Phillip R. Kaplan said Hight is a good combination of personable and persistent — traits that came into play when he settled a case that had been in litigation for three years and was just two weeks from trial.

"He's good with a complex fact set," said Kaplan, a partner with Manatt, Phelps & Phillips LLP in Costa Mesa.

Robert T. Hight
JAMS
Sacramento**Area of specialty:** Business, employment, environmental, family law/ probate, government, professional liability

Getting along with people is a skill Hight learned early on growing up in Alturas, a town of 2,800 in Modoc County, near the Nevada and Oregon borders. His family owned a restaurant and lived on the floor above it. Located a block from the courts, Hight's Café was a de facto community center for many people in the town, especially lawyers.

"In the restaurant, I got exposed to all kinds of people," Hight said. "You learn to try to find the best in people."

These days, he said, he's more content gardening and reading Jack Reacher novels. He said "the joy of my life" is the days when he has time to pick up his two 6-year-old granddaughters at school. The girls are cousins, born six days apart.

But Hight hasn't pulled back from complex cases, said Ronald B. Schwartz, a solo legal malpractice attorney in Newport Beach. Schwartz drew Hight last year on his second mediation at JAMS — an intricate matter involving predatory lending, multiple parties, "strong personalities," and assets in foreign countries.

"He's just one of those effective, low-key people," Schwartz said. "[He knows] we only make deals with our opponents. We don't have any business with our friends. He comes from that school of, 'He just gets along with everybody.' You can't teach that overnight."

Here are some attorneys who have used Hight's services: Frank A. Cialone, Shartsis Friese LLP; William L. Coggeshall, Archer Norris PLC; Richard J. Collier, Cooper White & Cooper LLP; R. Brian Dixon, Littler Mendelson PC; Hank G. Greenblatt, Dreyer Babich Buccola Wood Campora LLP; Scott E. Jenny, Jenny & Jenny LLP; Phillip R. Kaplan, Manatt, Phelps & Phillips LLP; Daniel V. Kohls, Hansen Kohls Sommer & Jacob LLP; William A. Muñoz, Murphy Pearson Bradley & Feeney; Ronald B. Schwartz, Law Office of Ronald B. Schwartz; Jill P. Telfer, Law Offices of Jill P. Telfer; Thomas J. Umberg, Umberg Zipser LLP.