

VERDICTS & SETTLEMENTS

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Bold Success

Family law guru Hank Goldberg says he might be California's most experienced settlement broker.

By Justin Kloczko
Daily Journal Staff Writer

LOS ANGELES — At first glance, there might be an issue a party in a family law dispute feels adamant about. For example, one parent might want the other to have visits with their children monitored indefinitely.

And then a talk in person reveals the issue isn't a big concern after all.

"Many times parties will write something in their mediation brief that doesn't turn out to be true," said Hank M. Goldberg, a neutral with Signature Resolution, inside the company's downtown office at the U.S. Bank Tower.

Goldberg has been with the mediation company for over a year now, but he has been settling cases for much longer. As a superior court judge who headed Los Angeles County's settlement court, Goldberg conducted thousands of settlement conferences for family law matters. He was the sole judge mediating family law at Stanley Mosk Courthouse.

According to Goldberg, there are two kinds of mediators: facilitators and evaluators. Evaluators focus on the merits of the case, whereas facilitators serve more as

the lubricant to progress the resolution process. Goldberg feels he is both.

"I think it is important for people to hear what are my realistic expectations," said Goldberg.

Family law attorney Crystal M. Boultinghouse said Goldberg has mediated 24 cases for her and resolved all save for one — a difficult move-away dispute.

"He can take someone from Venus and someone from Mars and bring them to planet Earth," said Boultinghouse of Santa Monica's Fernandez & Karney.

In one matter, Boultinghouse's client filed domestic violence papers but not for divorce. A few days after the parties went to mediation, the woman filed a petition for divorce. The opposing attorney came up from San Diego to mediate the case. But Goldberg was able to settle the entire case, which included two children and the division of property and debt, said Boultinghouse.

"With him, parties are ready to settle in a way they weren't when they walked through the door," said Boultinghouse.

"There might be no one else in California that has the amount of experience that I do



Nicole Tyau / Daily Journal photo

settling cases," said Goldberg.

That's a bold declaration, but according to Goldberg, his settlement rate was around 85% as a judge, and 95% over the past 15 months at Signature.

He does mostly mediations but also serves as a judge pro tem and as a discovery referee for divorce, domestic violence or parenting disputes.

Almost immediately, he'll do a hard sell to parties on the downsides of going to trial: uncertainty, higher costs.

"In terms of expense, you can actually save an enormous amount of money through the mediation process. And here you get undivided attention with someone who has a wealth of experience helping you out," said Goldberg.

Attorneys have more control, and parties can agree to a host of options that cannot be ordered by a court, according to Goldberg.

Hank M. Goldberg

Signature Resolution
(Los Angeles)

Areas of specialty:
family law

"A judge cannot order someone to pay adult children's college expenses, but we can achieve that in mediation," said Goldberg. "I love the system, but I have seen how it devastates people financially and emotionally and their kids. If we can avoid that, there is such an enormous advantage."

He'll ask for what he calls the "20,000-foot view" of the case. After a lot of venting by the parties about matters that are usually not legally relevant, he tries to parse what they really want.

Goldberg will then move

into a joint session because he wants everyone to know they are getting the same information.

“In my opinion, there are very few or no rules in mediation, so you do the thing that works. But rarely does that makes sense. Rarely is that the rational or informed decision,” he said.

He has clients who came to him without even filing a case yet. Recently, parties in one matter started talking about reconciliation, to everyone’s surprise.

“Surprising things happen,” said Goldberg.

Debbie E. Ravden of Klopert & Ravden LLP said Goldberg finds out-of-the-box solutions to problems that “attorneys who have been on a case for years haven’t thought of.”

Los Angeles attorney Terry Levich Ross said the family law bar is lucky to have Goldberg as family law is not an

area where judges tend to stay because of the difficult nature of cases.

“Some judges take sides and they become enamored with family law lawyers and lose their objectivity. He would never do that,” said Ross, of Ross & Lane LLP.

If Goldberg had been asked during school his least likely career path in the law, he would have said family law.

“They made it appear that this area of law was focused on these very ancient and obscure rules of property law. And later on, when I really got into it, I saw that family law has much more to do with people and their motives and needs and their desires than these sometimes difficult and abstract rules of law,” said Goldberg.

He’s published a book on it called “Keys to the Kingdom: California Family Law Findings, Orders, and Practice Pointers.” The book, which

began with him circulating Xerox copies to colleagues on the bench almost a decade ago, is modeled after jury instructions and gives clues on quickly winning or defeating a case. It tells attorneys almost verbatim what to say on an issue.

“You can pick it up and read an order into the record, or a set of findings into the record,” said Goldberg.

Out of law school, he worked in the since-dissolved business firm Pettit & Martin. But he wanted more experience in the courtroom and became a district attorney. It was there that he got involved with the O.J. Simpson case, handling a lot of forensic testing.

“It was kind of being on point at Vietnam,” Goldberg said of his role in the trial.

For about six weeks he was on television while the country sat glued to the trial.

Recently, there has been a renewed interest in the matter,

but he hasn’t seen any of the new shows about it. “Mostly because it was such a painful and difficult experience,” said Goldberg. But he wrote a book about it, which was his way of finally washing his hands of it all, called “The Prosecution Responds.”

Although he ended up somewhere he didn’t expect, Goldberg said he is happy in the family law zone.

“You get to really help people and the kids,” he said. “That’s what really attracts me to it.”

Here are some of the attorneys who have used Goldberg’s services: Noelle Halaby, Glendale; Ronald F. Brot, Brot, Gross Fishbein LLP; Crystal M. Boultinghouse, Fernandez & Karney; Terry Levich Ross, Ross & Lane; Debra E. Ravden, Klopert & Ravden LLP.

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