

VERDICTS & SETTLEMENTS

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Mastering the Human Dynamic

Retired judge Harry Powazek helps family law, probate litigants move beyond emotion.

By Shane Nelson

Special to the Daily Journal

Retired judge Harry L. Powazek spends much of his time mediating either family law or probate disputes.

"It's the same type of human dynamic," Powazek said. "It's basically the same thing - death of a marriage, death of a relative."

A 1980 Western State University College of Law graduate, Powazek started his legal career as appointed counsel for indigent criminal defendants, but he soon moved into family law, where he spent 13 years running his own practice.

"I got into family law because no one wanted to do family law," Powazek recalled. "And I was good at it."

Powazek took the bench in 1995 as a San Diego County Superior Court commissioner, where he handled a family law calendar, and then in 2007, Gov. Arnold Schwarzenegger appointed him as a superior court judge. Powazek handled some criminal, civil and drug court work as a judge - and roughly two years in probate - but he spent the bulk of his time on the bench tackling family law until his retirement in January 2024.

"I liked the interaction with people," Powazek said. "Making a difference regarding kids and property and just getting them out of the system - I found it very rewarding."

Powazek joined Signature Resolution's panel of neutrals in San Diego shortly after retiring from the bench last year, and he's since been working to resolve family law,



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probate, trusts and estates disputes as a mediator and private judge.

"I'm pretty strict on following the law and the rules of evidence," Powazek said of private judging. "You put on your case, I look at the evidence and I make a call on it."

Most of the time he's called on as a private judge in a matter because the parties haven't been successful at mediation.

"There's some impediment," Powazek explained, "sometimes the attorneys themselves. But usually there's some impediment. They've gone through a number of mediations before, and they would just like a trial."

Noting that roughly 75% of his caseload is mediation with the other 25% being private judging work, Powazek said emotion is usually the biggest hurdle he encounters.

"There's something that is preventing a rational decision," he explained.

Before mediations, Powazek likes to receive briefs from the parties and to schedule a video conference with counsel. He feels his way through each case, noting they're all a little different.

"It's not based on the issues themselves. It's based on the attorneys, the personality of the parties, and in family law, where they are in the

Harry L. Powazek

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midst of this case,” Powazek explained. “Sometimes one person has moved on.

Sometimes another person has not. ... And then I have to learn how to approach the parties. Some people need a gentle hand. Some people need something more firm. There’s no one way to deal with it.”

Early in the mediation, Powazek spends time with attorneys and their clients, trying to build rapport and trust. He typically shifts gears, however, as the process unfolds.

“When it gets late in the day, and I have people who are making decisions based on emotion, I have to get a little firmer, saying, ‘You’re going to be spending a lot of money on attorney fees. Your position is not the greatest, and, you know, I have 30 years in this area,’” he explained. “And I’m telling you pretty much where the case is going to go, so you may want to take the emotion out of it and look at it on a more practical basis.”

San Diego family law attorney Christine D. DeLapp used Powazek recently as a private judge in what

she described as a highly contested custody dispute.

“As a neutral, he’s actually quite a pleasure to be around. He’s very personable with the parties,” DeLapp said.

“No matter how crazy somebody’s being, he’s going to try and say, ‘Look, I’m hearing you. I’m understanding you. I get your position.’ He wasn’t always like that on the bench. He was crankier. I mean, he probably had a bigger caseload, so he had to get through it. But now that he has the time, he’s very pleasant.”

DeLapp said Powazek’s extensive expertise sets him apart.

“He’s one of the most experienced family law judges you’re going to get,” she said. “He applies all of the facts, he listens, he uses notes and makes detailed rulings.”

DeLapp added that she and her client appreciated those details.

“That really helped the parties understand where he’s coming from and why, which is a huge help,” she explained. “If some judge just denies your motion and doesn’t really explain why, usually people are super upset. But Judge Powazek takes

the time and tells each party, ‘This is why I’m doing it.’ And then it gives them ... a better understanding of why we arrived where we did.”

San Diego trusts and estates attorney Caron A. Calabrese used Powazek recently to settle a complex dispute involving 16 beneficiaries.

“I believe we were there for 11 hours,” Calabrese said. “He really had to juggle all the different parties and the different interests, which I do think was a pretty challenging day.”

Like DeLapp, Calabrese said Powazek operated with a likable personality.

“That’s really important when you’re representing clients who might not be all that legal savvy,” she explained. “In probate, you’re dealing with beneficiaries who might be intimidated. He really had a sense of humor that put the clients at ease and allowed them to open up and believe in the process.”

San Diego family law attorney Clarice E. Barrelet has used Powazek as a mediator to resolve three cases, and she appreciates his approach with clients.

“He’s so empathetic,” Barrelet said. “And he gives the impression - especially to people who have not been through any type of court process before - that he’s listening, that he’s not scary.”

Powazek said, meanwhile, that he’s been enjoying his new focus as a private neutral, noting that in his mediations it’s been great to work with people who want to be there.

“The courtroom people - they weren’t happy, and I’m not sure they really wanted to be there,” he recalled. “Now with the mediation, they shake my hands or give me hugs when we reach a stipulation. That wasn’t going to happen when I was on the bench.”

Here are some attorneys who have used Powazek’s services: Clarice E. Barrelet, SoCal Family Law Group PC; Caron A. Calabrese, Woodward Law PLC; Christine D. DeLapp, Law Offices of David C. Beavans; Wayne D. Dersch, Dersch Family Law; Erica Bloom, Erica Bloom Law.

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