

VERDICTS & SETTLEMENTS

FRIDAY, JANUARY 29, 2021

People Reader

After a wide-ranging career, neutral Edward Ferns has a keen ability to connect with people.

By Don DeBenedictis
Special to the Daily Journal

Attorneys who have had mediations or settlement conferences with Edward A. Ferns mention his wide legal knowledge.

After all, as a Los Angeles County Superior Court judge, Ferns spent about 14 years running a direct calendar trial court, hearing civil cases of all sorts. He also spent nearly three years sitting by assignment on the 2nd District Court of Appeal.

But what most impresses attorneys about Ferns as a mediator is his ability to talk and connect to people, whoever they are.

"He is very personable, and he connects with the parties in such a way that suddenly emotions go away and people see reality, which leads to settlement in a very quick way," said Nico Tabibi of the Law Offices of Nico Tabibi. "He's one of the guys, has no dog in this fight."

Defense attorney Cristina Maria Ciminelli of Yukevich Cavanaugh said Ferns can be engaging to both sides. "He does it in such a way that you feel he's acknowledging what your position is and is fairly and objectively presenting it. ... He can put the plaintiff's position to you in a way that doesn't put off your client."

Ferns has a good demeanor

that shows his confidence and poise, added Michael S. Turner of Hill Farrer & Burrill LLP. During a mediation, the retired judge demonstrated "a detailed understanding of the issues and law," and he gave the two sides "a frank analysis of the merits of the parties' positions."

Benjamin Davidson went further. "He has an innate sort of presence and honor about him," the employment law sole practitioner said. "He brings the best out of attorneys and parties because of his sincerity and genuineness."

"Even if a case doesn't settle, I've always felt better for having spent a day in his presence," Davidson said.

According to Ferns himself, his talent is being able to read people and, in a mediation, adjust his approach to match.

"I spend a substantial amount of time getting to know people so that I can try to understand them and where they're coming from," he said.

Ferns recalled two matters that came before him as a settlement judge. One involved a woman who earned \$12 an hour. The other concerned a man who paid \$14,000 a month in rent. "Obviously, you cannot take the same approach or speak to them the same way," he said. "I think that's part of the process as far as getting cases resolved."



Justin L. Stewart / Special to the Daily Journal

At the start of a mediation, Ferns speaks with the plaintiff's counsel alone to ask if there is anything he should know that is not in the briefs or that the client shouldn't hear. He repeats the step with the defense counsel.

Next, he talks to the defendant and attorney together and then talks to the plaintiff and counsel.

Business people typically just want to reach the best deal they can and get the negotiation over with, he said.

Many other litigants just need to talk. "Sometimes it's just a situation that they want to vent and to have somebody hear them."

Edward A. Ferns

Signature Resolution
Los Angeles

Areas of specialty:
employment, business,
real property, professional
negligence, personal injury

In those cases, he asks questions even when he already knows the answers. Occasionally, he gets unexpected disclosures, such as the underlying motivation for the parties' dispute.

A particularly poignant example of that occurred not in a settlement conference but in

a court trial when Ferns was a judge. In a dispute between a businesswoman and her parents and siblings, the woman broke down on the stand. She blurted out, “He’s always treated me the way I am, the adopted one.”

Ferns was born in a small village in Scotland, and he still can slip into a brogue when speaking with relatives. His family immigrated to Los Angeles when he was 8. While in high school and at UCLA, he worked as a waiter at the Santa Anita and Hollywood Park racetracks.

He received his law degree from Southwestern University School of Law in 1974 and became a Los Angeles County deputy district attorney the next year. Over 14 years, he had stints in the career criminal and

consumer protection units, as the adviser to the grand jury and as the head of the special investigations unit.

He was appointed to the Los Angeles Municipal Court in 1989 hearing criminal matters. Later, he accepted a civil assignment to improve his chances to be elevated. Though he had little civil experience at the time, he joked to himself, “Well, if I’m going to screw something up, it’s only up to \$25,000 here,” he said.

Gov. Pete Wilson named Ferns to the superior court in 1993, returning him to criminal cases. After a time hearing emotionally draining long cause and death penalty cases, he sought a civil assignment in 1997.

When the court started a special settlement conference program in early 2011, a col-

league urged Ferns to sign on. He did, and he liked it. “There’s a different dynamic entirely from handling cases where people are being adverse to each other constantly.”

He liked it so much that when he got a request to come sit by assignment on the appellate court — where he had already served a pair of threemonth stints — he turned it down, lest he lose his spot in settlements.

Ferns did return to the Court of Appeal in July 2012, where, minus a couple of gaps, he stayed till December 2014. All told, he spent 33 months as a temporary appellate justice.

In late 2019, after 30 years on the bench, he retired. He joined Signature Resolutions so that he could continue mediating disputes.

“That’s why I liked doing settlement conferences,” he said. “You get an opportunity to resolve cases talking to people person to person.”

Here are some attorneys who have used Ferns’ services: Debra Ellwood Meppen, Gordon Rees Scully Mansukhani LLP; Benjamin Davidson, Law Office of Benjamin Davidson APC; Cristina Maria Ciminelli, Yukevich Cavanaugh; David R. Denis, Law Office of David R Denis PC; William Zev Abramson, Abramson Labor Group; Nico Tabibi, Law Office of Nico N. Tabibi APC; Michael S. Turner, Hill Farrer & Burrill LLP; Douglas Dexter, Farella Braun & Martel LLP; Eliot Rushovich, Rise Law Firm; Susan Rim, Los Angeles city attorney’s office.