

VERDICTS & SETTLEMENTS

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Reading Tea Leaves

Neutral Abraham Khan understands where people are at and where they should end up.

By Shane Nelson
Special to the Daily Journal

Before Abraham Khan began his more than three-decade service on the Los Angeles County superior and municipal courts, he worked three years as a deputy public defender and three as a prosecutor.

“I tried a lot of cases in the public defender’s office,” Khan said. “But I started to think, ‘Do you really want to do defense work? Maybe you should give the other side a try?’”

Khan said he took a fair bit of grief from some of his public defender colleagues after he made the decision, including some who called him a “traitor” and others who said he was “going to the enemy.” Khan acknowledged there were some cases he wasn’t excited about trying as a prosecutor, but he said he never bought into the philosophy of some in the DA’s office who believed winning was more important than doing the right thing.

“I believed doing the right thing was doing the right thing,” Khan said. “Sometimes, it meant dismissing cases and working out dispositions, not because you were afraid to go to trial, but because it appeared to be the right thing at the time.”

Khan joined Signature Resolution just over a year ago, and said he still tries to consider any

dispute he mediates from the vantage point of attorneys on both sides.

“I try to put myself in the position of the plaintiff and think about how I would present this case to a jury,” Khan said. “And I do the same on the other side. How would I defend this case? Are there parts of the case I think are going to be problematic? Are there other parts I think are really going to win the day? Is there an element of sympathy that defense needs to consider?”

Before his retirement in March 2020, Khan spent six years as a full-time settlement judge for the superior court, concluding more than 1,000 cases. Over the past year, he’s worked on mediations involving business and commercial contract disputes, employment, real estate, entertainment, civil rights and personal injury.

Sherman Oaks employment plaintiffs’ attorney Adam J. Reisner, who appeared before Khan when he was a settlement judge and has since worked with him to resolve a few discrimination disputes, described him as an excellent mediator. And Reisner was quick to mention the frequently challenging circumstances under which Khan resolved many of his cases from the mandatory settlement conference bench.

“A lot of times the defendants are recalcitrant and don’t want



Nicole Tyau / Daily Journal photo

to go, and what happens is the court typically orders you down to a [mandatory settlement conference]. So one side is typically kicking and screaming about having to go down — not the greatest beginning for an opportunity to settle a case,” Reisner explained. “But Judge Khan got my cases settled when it was in those situations, and he got a lot of them settled.”

Reisner said one of Khan’s best attributes as a neutral is he’s never judgmental or critical of people.

“He’s there to offer guidance, to show people where the risks are in a way that’s positive and proactive to get both sides to reassess and come to resolution,” Reisner explained. “Probably his greatest skill is reading the tea leaves, understanding at the end of all this where people are at and where they should

Abraham Khan

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Areas of Specialty: business and commercial contracts, employment, real estate, entertainment, landlord-tenant disputes

be at and then moving both sides to that number.”

To understand those tea leaves, Khan said he likes to receive briefs from attorneys before the day of mediation. He encourages both parties to share them with the other side, noting that if a case is early in the litigation process, there may be a great deal the other side doesn’t know.

Khan said he also prefers attorneys prepare their clients for mediation, saying things

generally go smoother when lawyers try to manage expectations not only for those they represent but for themselves.

“These are litigators, these are trial attorneys, and sometimes they’re coming in as gladiators,” Khan explained. “And I tell them, ‘Leave your swords and shields outside because I want the part of you that is willing to engage in attempts at compromise.’”

Khan has conducted just about all of his mediations as a Signature neutral over Zoom, a platform he said he’s far more comfortable with now. While he hasn’t handled any arbitrations, he said that’s a challenge he’s up for tackling.

Employment litigator Tracey A. Kennedy, who also appeared before Khan during his time on the bench and has since

worked with him on a few mediations, said she wouldn’t hesitate to work with him as an arbitrator.

“He’s got this patience about him, which is really necessary in the cases I have,” Kennedy said. “Many times they’re highly charged, highly emotional matters. So it’s really good to have someone who can listen, be calm, be rational, bring people back to earth. That’s what he’s very good at.”

Entertainment attorney Allan B. Gelbard worked recently with Khan to settle a contract dispute featuring fraud allegations, and he said that matter resolved relatively soon after Khan offered a mediator’s proposal.

“When I talk about settlements, I consider it kind of like a game of pingpong, where

everybody is batting the ball back and forth,” Gelbard said. “And rather than spending the next 6 hours getting to where it’s going to go, an experienced neutral like Judge Khan will know where it’s going to go and can figure out from the parties’ positions and reading the briefs where things should land. And it saves everybody a lot of time and a lot of money in attorneys’ fees getting to that point quickly.”

Khan’s Los Angeles roots run deep. He grew up in a South Central neighborhood, and he attended Loyola University as an undergraduate and Southwestern University School of Law. Khan was quick to note that the chance to lighten caseloads for some of his former LA Superior Court colleagues has been especially gratifying.

“Because of the pandemic, judges are now having to deal with these huge caseloads, and something has to happen to resolve these cases.” Khan said, noting that even before COVID-19 only about 5% of cases assigned to judges ever made it to trial. “Mediation is the alternative, and I’m sure the courts are well aware they need to refer these cases in hopes they can resolve because that’s the only way they’re going to control their calendars.”

Here are some attorneys who have used Khan’s services: Tracey A. Kennedy, Sheppard Mullin; Adam J. Reisner, Reisner & King LLP; Allan B. Gelbard, The Law Offices of Allan B. Gelbard; Mike Arias, Arias Sanguinetti Wang & Torrijos LLP; Michael J. Bidart, Shernoff Bidart Echeverria LLP. ■