

VERDICTS & SETTLEMENTS

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Creating Rapport

Retired Judge Benny Osorio honed the art of persuasion when he was kidnapped 3 years ago.

By Blaise Scemama
Daily Journal Staff Writer

LOS ANGELES — When Judge Benny Osorio was kidnapped while vacationing in Colombia in 2016, he conducted the most intense settlement conference of his life — for his life.

After a nearly successful attempt to escape, Osorio said he used humor and reason to gain leverage over his captors in negotiating his release.

“I would joke with them. They would bring me food, and I would say, ‘What kind of kidnappers are you? I’m supposed leave here skinny, not fat,’” Osorio said with a chuckle. “All those things helped create the rapport I was trying to have with them. I thought that if they were going to kill me, at least they would feel really bad about it.”

When he was released, Osorio said, the FBI told him he had pulled off a reverse Stockholm syndrome on his captors, who after being arrested asked the agents to tell Osorio they were sorry.

Despite suffering from severe physical attacks, Osorio returned to work as a Los Angeles County Superior Court judge only two weeks after being released. Two years later, he retired and joined

Signature Resolution as a mediator.

Osorio said if he learned anything from the ordeal that could be of use during mediation, it’s the art of “keeping your cool, patience, and knowing when to say something and knowing when to keep quiet.”

After trying more than 70 jury trials as a prosecutor in the hardcore gang unit of the Los Angeles County district attorney’s office and conducting countless settlement conferences as a judge, Osorio said his new source of adrenaline is getting parties to settle cases.

“Getting into mediation, it brings that same adrenaline back. I want to settle the case,” Osorio said.

One of the biggest mistakes an attorney can make in mediation is not providing the briefs ahead of time, Osorio said.

“I get briefs the day before, the same day. If you want the mediator to be prepared, the earlier you can get the briefs to that person the better,” said Osorio, who also suggests parties exchange briefs.

“I think if the other side knows your argument and knows your facts, it puts everyone on the same level,” he said. “Especially if it is a



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factually complex case, where both sides are submitting briefs. ... It’s never going to be explained as well as it is on paper, as it is detailed on paper.”

“If there’s something so confidential that you don’t want the other side to know, then tell the mediator in person because we will keep it confidential, or submit a smaller brief that has these issues that you don’t want the other side to know,” he added.

Osorio likes to conclude negotiation discussions in the time allotted and is weary of parties prematurely suggesting a second session, he said.

“My goal is to get it done in one day because if you can get the signature that day, there is less of a chance of it blowing up later,” he said. “A lot of times, attorneys will say, ‘I’m leaving,’ but they’re not necessarily leaving. They’re saying that but they’re not leaving, and once I see that, I know that I have a chance.”

Benny C. Osorio

Signature Resolution
Los Angeles

Areas of specialty:
business/commercial contract, civil rights, employment/class action, entertainment, government entities

Although many attorneys don’t require their neutral to be a retired judge, the fact that he has 10 years of bench experience can be helpful to clients, Osorio said. Spanish-speaking clients seem to feel extra assurance when they learn he speaks Spanish, he said.

“If there is a Spanish-speaking client, I think it helps to see somebody who is not only a judge but also speaking in their same language. I think they feel more at ease,” he said.

Osorio was born in Barranquilla, Colombia and immigrated to New York with his family when he was a child. In college, he briefly declared himself a pre-med student but after his first year of organic chemistry, changed his mind.

Ash A. Ashour of Ashour Yehoshua APC said Osorio helped settle in one day a complex personal injury case involving four insurance companies and six individual claimants. Osorio's ability to speak Spanish helps him relate to claimants, Ashour said. "That really helps in situations when you have claimants who don't necessarily trust attorneys who don't speak their language, or seem like they live in a completely different world. He is able to connect with those people in a totally different way," Ashour said.

After graduating from

Georgetown University Law Center in 1991, Osorio ran his own practice for a few years in Beverly Hills. In the mid-1990s, he became a prosecutor. He was appointed to the superior court by Gov. Arnold Schwarzenegger in 2008.

Osorio had not considered becoming a judge until he received the deputy district attorney of the year award from the Association of Deputy District Attorneys of Los Angeles County, he said. He felt he had some name recognition after receiving the award and had a better chance of being appointed.

"It was a great ride at the superior court — great people, great colleagues," Osorio said. "I miss it, but I don't miss the 9 to 5. I enjoy this new gig and schedule."

Personal injury attorney Reba Aghchay, a Los Angeles

sole practitioner who used Osorio's mediation services in a simple collection case, said the parties anticipated only needing a half-day of negotiations, but after they almost walked away from the deal, Osorio stepped in to hold things together.

"Judge Osorio came prepared, knowing 'simple' cases are often hardest to settle," Aghchay said. "Parties almost walked off the mediation a couple of times, but Judge Osorio was brilliant in moving the parties into a neutral position. The case settled eight hours into the mediation. Judge Osorio knew the facts of the case through the briefs. He was also personable, very likable, trustworthy and very effective in maneuvering around each party's position and keeping engagement while not 'pushing' a settlement."

Civil litigator Roy D. Goldstein of Skebba, Isaac & Buechler, who used Osorio in a premise liability case, also said he was well-prepared and good at interacting with clients. Goldstein said he expected Osorio to be a good mediator based on his experience with him while he was still on the bench.

"He is very knowledgeable and has a good way with people," Goldstein said.

Here are some attorneys who have used Osorio's services: Spencer R. Lucas, Panish Shea & Boyle LLP; Patrick M. Desmond, Woodruff, Spradlin & Smart APC; Roy D. Goldstein, Skebba, Isaac & Buechler; Arsen Sarapinian, The Dolan Law Firm, PC; Ash A. Ashour, Ashour Yehoshua APC.

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