

# VERDICTS & SETTLEMENTS

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## The Constant Gardener

*Neutral Amy Hogue cultivates resolution by remaining impartial, attorneys say.*

By Shane Nelson

Special to the Daily Journal

For retired judge Amy D. Hogue, there's no better place to finish the day than in her vegetable garden.

"Gardening is wonderful therapy for days that are filled with conflict," Hogue said with a chuckle. "The plants don't talk back, and they're very grateful for all the nurturing."

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After retiring from the Los Angeles County Superior Court bench in July 2022, Hogue joined Signature Resolution's roster of neutrals in September of that year. She's since been tackling a diverse collection of intellectual property, commercial, employment, personal injury and real estate disputes as a mediator and arbitrator.

"I definitely flunked retirement because I'm working hard," Hogue said, with another chuckle. "I'm just not cut out for retirement. I really enjoy working, and I particularly enjoy the intellectual challenge of complex matters."

A 1979 Duke University School of Law graduate, Hogue spent more than 23 years as a litigator - often representing clients in intellectual property and employment cases - before her appointment to the bench in 2002. During her more than two decades as a judge, Hogue handled appellate, civil and writs and receivers assignments. She also presided over a complex litigation court for seven years.

The retired judge said gardening has, meanwhile, been "something I absolutely have always done." Noting that her raised vegetable beds are filled this summer with beets, squash, eggplant, cucumbers, and



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tomatoes - and cover much of the front yard at her Santa Monica home - Hogue said she often works in her garden after a long day of mediation or arbitration.

"A mediator is on all day long," she said. "It's intense, so it's good to do something after that's more relaxing."

As an arbitrator, Hogue said she operates much like she did as a judge in her complex courtroom.

"I always give tentative rulings on motions and awards before arguments, so the lawyers can see where I'm coming from," she explained. "And my role is to help the lawyers do the best job they can when it comes to trial. So, I am immediately available if there's a discovery problem or a scheduling problem."

Before mediations, Hogue likes to receive briefs from all the parties and to speak on the phone with attorneys. The retired judge also encourages attorneys to exchange briefs beforehand, "so they can see in the opposing counsel's own words what the arguments are and what the facts are."

Hogue was quick to add that while she successfully conducts many mediations these days over Zoom, she'd really prefer to do them in person.

"I like staying home with my slippers on, too, but the truth is the mediator can do her best job if she's in person with the critical decision makers," Hogue explained. "The parties should do whatever they can to give the mediator every

### Amy D. Hogue

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possible tool she can have, and when we're in the room together, I'm able to see and observe so much more extensively than on Zoom. ... The rapport and the interpersonal contact of an in-person mediation gives the mediator an advantage."

The retired judge described active listening as the most important skill in mediation.

"By that I mean not just listening but repeating back what one has heard, so that whoever is doing the talking knows I'm following completely and I'm getting it," Hogue said. "I'm often asking probing questions about aspects of the case and the legal issues I think are troublesome and appealing to both sides to make a business decision based on that."

Los Angeles litigator Robert S. Addison, Jr. appeared before Hogue when she was on the bench and used her recently to resolve a business dispute. Addison described the neutral as an excellent communicator.

"She has a terrific demeanor - very

professional, friendly - and I would frankly use her for almost any case," Addison said. "She cuts to the core of the dispute and focuses on the important key points. There's not a lot of wasted time in a mediation with her. She's very communicative and gives you her honest opinion of the case - whether it's good or bad for you. ... She'll give you a very objective view."

Los Angeles litigator Lucia E. Coyoca has used Hogue to resolve two different intellectual property disputes, and she said the retired judge demonstrated a terrific understanding of the challenging interpersonal dynamics in the cases.

"She is very good at handling more challenging personalities, and some of the impediments that can arise from that kind of situation," Coyoca said. "Judge Hogue is very adept at being able to listen and hear and understand what's really going on. And she doesn't try to superimpose her view of the facts and her view

of how the law would be applied to the facts as being, 'OK, this is the only way you should consider it.' ... You can have that issue sometimes when you use a retired judge, but Judge Hogue is not like that. She's the opposite of that."

Los Angeles defense attorney Matthew A. Hoffman appeared several times before Hogue while she was on the bench and has since used her to settle a number of what he described as emotionally fraught disputes involving sexual abuse allegations.

"I think she has the perfect temperament for a mediator," Hoffman said. "She's really able to push both sides without taking sides, which is a very important quality for an effective neutral."

Hoffman also said Hogue is very emotionally intelligent.

"She's able to understand the issues facing each side," Hoffman explained. "And sometimes it's not just about money. So, she's able to tap into the underlying needs of

the parties to help broker a deal."

Hogue said she's really been enjoying her opportunities to help litigants resolve their disputes.

"You hear a lot of gratitude from the parties when you settle a case, and that's nice," she said. "When you're on the bench, nobody says, 'Thank you, your honor, for ruling against me.' The adage is that every time you make a decision, you make one temporary friend and one permanent enemy. So, I think in mediations, because the settlement is a win-win, it's really a good way to spend your day."

*Here are some attorneys who have used Hogue's services:* Matthew A. Hoffman, Gibson Dunn & Crutcher LLP; Robert B. Owens, Owens & Gach Ray; Robert S. Addison, Jr., Buchalter APC; Lucia E. Coyoca, Mitchell Silberberg & Knupp LLP; Joycelyn E. Crucillo, Fashion Nova

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