

# Patient Tenacity

*Neutral Lorna Alksne is direct and knows the law well, attorneys say.*

By Shane Nelson

Special to the Daily Journal

After more than two decades on the bench, and two years running California's second largest court during an unprecedented global health crisis, Lorna A. Alksne decided it was time for a change.

"Everybody took a second look at what life is all about during COVID," Alksne said. "And I decided, 'I want to be a private neutral. What am I waiting for?'"

A 1992 University of San Diego School of Law graduate, Alksne handled everything from juvenile cases to probate, family law, civil matters and criminal trials over her more than 20 years on the San Diego County Superior Court. Alksne also was presiding judge from 2020 to 2022, a role that she said informs how she now approaches disputes as a private neutral.

"Just being able to manage a lot of things at once is something you learn as the presiding judge," Alksne said. "And coming up with solutions for problems is something I really like to do. I did it as a judge, and now I think I do it well in mediation - coming up with a solution, solving problems and being creative."

Alksne joined the JAMS roster in May 2022 as a mediator and arbitrator, handling employment matters, personal injury, family law and commercial contract disputes. She noted that attorneys working with her in an arbitration setting shouldn't expect long status hearings.

"If they've told me everything in their brief, and they don't have anything else, they don't need to repeat everything," she said of work-up hearings that lead to the actual arbitration hearing. "I don't



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want to waste anyone's time or money and have super long hearings for no purpose. ... When I have status hearings, sometimes they're only five minutes long. I'm brief that way."

Alksne said she also likes to receive briefs before a mediation and prefers to speak over the phone with attorneys beforehand - in part to ask the lawyers about what's not in their brief.

"Sometimes there's an issue - it's not always even a legal issue - it could be an emotional issue, an apology that's needed, or a certain asset needs to go to one party or the other in a divorce or there's some hurt feeling," Alksne

explained. "There's typically something else in every mediation that helps it settle. And I like to know what that is. Sometimes the lawyers don't put it in their briefs, but I'd like to know."

She insisted it's important to begin a mediation by listening and trying to hear what it is the litigants have to say. But when the timing is appropriate, Alksne said she won't hesitate to share her opinions about a case with all the parties.

"Sometimes clients have higher expectations for what a case is," she explained. "And I will talk with them about why it may be better to settle today than it is to go to court, and I try to get people in the mode

## Hon. Lorna A. Alksne (Ret.)

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of seeing the strengths and weaknesses of their case and to let them know juries can do anything.”

San Diego litigator Craig A. Schloss used Alksne late last year to resolve a complicated and emotional dispute involving Marvin Law and employment claims, and said her candor about the case helped produce a settlement.

“I think both sides really trusted her,” Schloss said. “She wasn’t obnoxiously pushy, but she was also very direct about what the parties should expect and what the probable outcome of the case would be. ... And I think she convinced both sides that they needed to really think carefully about what the risks were in the case and to really not be overconfident with their legal positions.”

San Diego family law attorney Julie R. Barnes tried cases before Alksne when she was on the bench and has since used the JAMS neutral to resolve two disputes.

Barnes said Alksne operated just like she did on the bench in those recent matters and agreed that a no-nonsense approach during negotiations was an especially helpful settlement tool.

“She was very patient in listening to what the clients’ concerns were,” Barnes said. “But she was also very direct and very well versed in the law, so she was able to articulate to clients what their exposure will be if they go to court and what the potential outcomes might be. ... She’s also very tenacious, which is really helpful when you have a client that may be harder to get to where they need to go to resolve their case. She just does a very good job of getting clients to where they need to go.”

San Diego civil litigator Marisa Janine-Page used Alksne recently to resolve a complicated family law and civil dispute that involved five parties, 15 lawyers and three lawsuits.

“I don’t believe there’s any other mediator that could have achieved a settlement in this case,” Janine-Page said. “In 25 years, I have never seen somebody like Judge Alksne who could just go in and manage the day the way she did. She reads people, she reads situations, she is creative, she’s thoughtful, she’s unique, she’s patient and she is extraordinarily prepared on the law.”

Janine-Page noted that the dispute involved feuding siblings, and Alksne recognized early that those disputants behaved differently without their lawyers.

“So she said, ‘We’re putting the siblings in a room by themselves and letting them talk,’” Janine-Page recalled. “And that was really critical to us ultimately getting to a resolution because you took the attorneys out of the equation and let the siblings work out some things. That resulted in a settlement that otherwise would not have happened.”

Alksne said, meanwhile, that she always loved trying to settle cases as a judge, and she’s found that working as a private neutral with families and individuals to resolve their disputes is gratifying.

“You’ve been able to help them help themselves by resolving the dispute in a way where they have some say in the matter, but also to help them have some finality,” Alksne explained. “I see the stress on people at the start of one of these cases. ... And then to see the relief on their face and the gratitude when they’ve finally come to resolution is something I really, really enjoy.”

*Here are some attorneys who have used Alksne’s services:* Craig A. Schloss, Cozen O’Connor; Julie R. Barnes, Jones Barnes PC; Marisa Janine-Page, Caldarelli Hejmanowski Page & Leer LLP; Jeff P. Michalowski, Quarles & Brady LLP; Casey C. Shaw, Gordon Rees Scully Mansukhani LLP.

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