

Brass Tacks

Richard Terzian, a public entity mediation specialist, gets down to business.

By **L.J. Williamson**
Daily Journal Staff Writer

GLENDALE — Coming into his new career as a neutral with decades of experience in litigation involving cities and public entities, Richard R. Terzian is focusing his practice on such hot-button issues as police excessive force, denial of First Amendment rights, employment discrimination or harassment, land use, and school matters.

In addition to his mediation work, Terzian is a hearing officer for the Los Angeles County Civil Service Commission and for the Los Angeles Police Department Board of Rights, which oversees police discipline issues.

As a defense attorney representing municipalities, Terzian “was a lion in the courtroom — just an amazing litigator,” said Brian Hamblet, partner at Burke, Williams & Sorensen LLP.

Hamblet represented one of the parties in the only mediation Terzian has held since bringing his specialized focus to ADR Services, Inc. in late 2015. Mark Hensley of Hensley Law Group, who represented the opposing side, did not return phone calls seeking comment.

But in mediation, Hamblet said, “he was very gentle with my clients. He eased them into the position where they needed to be in order to get a good settlement.”

While some mediators prefer to focus their attention on the attorneys, Terzian said he likes to begin a mediation by hearing directly from the parties. That’s because it gets all of the attendant emotions out of the way early, making it easier to get down to business, he said.

“I want to hear all the complaints and why they’re unhappy — how this evil corporation or how this bad city did all these bad things — firing them from the job, or from flooding

his house, or from causing an accident that resulted in two broken arms and so forth,” Terzian said. “Just get it out of their system and hear it ... basically, I try to defuse the emotions.”

Often, litigants are grateful to be listened to, Terzian said, because they haven’t had the opportunity to tell their story in one coherent piece to somebody besides their lawyer.

Once the parties have gotten the grievances off their chest, Terzian shifts the conversation toward what can be accomplished, explaining, “I can’t take away the pain. So let’s see if we can translate that into money.”

If it’s a contract case, there aren’t as many emotions, but there can be large sums of money. There, Terzian said he takes a more intellectual approach, giving clients a sense of the odds of winning versus losing, and steering them toward seeing that they may be better off paying a mediated sum and knowing their total exposure versus taking a chance on being hit for a lot more.

Terzian tries to avoid predicting outcomes, “because you never know what a jury is going to do,” he said, not only for the outcome, but what the amount of damages is going to be. But he does share with parties his expertise at poking holes in their cases.

As a partner at Burke, Williams & Sorensen LLP for more than three decades, Terzian was a contract attorney for the cities of Azusa, Calabasas, Malibu, Rolling Hills Estates and South Pasadena and special counsel for the Torrance Unified School District.

His job was to present the city’s side of the issue, but as a mediator, he has had to transition to seeing matters from both sides.

He’s done that admirably, Hamblet said.

Given Terzian’s decades of defend-



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Areas of specialty:

Employment, civil rights claims, local government related claims, school district operations

ing municipalities, Hamblet said, “you would think he would be biased toward the defense, but I found that not to be the case. He’s very even-handed in his approach. He understands municipal law and public entities very well, and is very measured in his approach.”

Terzian’s tactic of getting the emotions out of the way early doesn’t just work for mediation, but also suits his no-nonsense personality.

“He’s a ‘let’s get down to business’ kind of guy,” Hamblet said. “He has a sharp analytical mind, and he is not warm and fuzzy. He sees the pitfalls in your case and has no trouble conveying to you what it is.”

“But he never comes across as flip-pant,” the attorney added. “I would say he’s more of a litigator’s mediator — very sharp and very professional, not soft at all.”

That said, the brass tacks approach worked in his mediation because all of the parties came away from it really liking Terzian, Hamblet said.

When preparing for a mediation, Terzian said if there is already a lawsuit pending, he likes to receive a copy of the complaint and a copy of a summary judgment motion if there is one.

Barring that, he simply asks for a five-to-10-page brief on what the case is about — the plaintiff’s and defendant’s claims and the applicable law.

Becoming a mediator has required Terzian to make a change in mindset, but he said the change is a good one.

“All you do is try to coax people

into reaching a settlement where they can resolve a matter in a way that’s mutually satisfactory,” he said. “That’s a nice change from battling, which is what you do in practice.”

The shift has taken a little getting used to, he said. “You have to stop thinking as an advocate and think more as a person trying to reach a fair result for both sides, as opposed to ‘we’re going to win this’ or ‘we’re going to get as much as we can’ or ‘we’re going give up as little as we can,’ depending on what side you’re on.”

Terzian said his goal is to come up with a fair result where everybody can walk away semi-happy. Aside from his season tickets to USC football, Terzian won’t admit to any hobbies. His focus is on work and staying busy, even after retiring from his law firm.

“That’s one of the reasons I’m still working,” he said. “I retired after many years of practice, but this is something I like to do.”

Here are some attorneys who have used Terzian’s mediation services: Brian Hamblet, Burke, Williams & Sorensen LLP; Mark Hensley, Hensley Law Group