

Judicial Profile



HON. DAVID A. ZISKROUT

Commissioner
Los Angeles County Superior Court

PROFILE In the often delusional world peopled by those who land in the county's mental health court, it's not unusual for someone to claim to be Elvis Presley, a CIA agent or Jesus Christ.

Still, for Commissioner David A. Ziskrout, after 16 years of presiding over conservatorships in the one-story brick building, surrounded by barbed wire and tucked away in the industrial outskirts, one case stands out.

The man, who had been arrested for acting bizarrely, claimed he didn't belong in the mental health court. He'd just had too much to drink. He owned a car dealership in Arizona and had a Lear jet waiting for him at the airport.

"Well, this is fantasyland," Ziskrout said during an interview. "We have people coming in here claiming to be God, the president of the United States. This type of delusional talking is part of our everyday occurrence."

But the public defender checked the man's story. It was true.

"He did have a Lear jet at the airport and own a car agency," Ziskrout said. "He just went on a toot here and got himself messed up, but he didn't belong in a conservatorship."

It was a good object lesson for Ziskrout in not getting too jaded in an assignment he's been in since 1978.

In fact, Ziskrout, 59, has been at the job so long his full head of hair has grown nearly white. Conservatees, returning year after year for status hearings, often greet him as a long, lost relative.

"I guess I represent sort of a family figure or at least someone who's recognizable in their life," says Ziskrout, referred to familiarly as "Z" by many lawyers. "A lot of them see different doctors in different facilities or have lost contact with their families or have no families. I'm a familiar face that they see at least a couple of times a year, and for a lot of them, it's a very friendly reunion."

Ziskrout's Department 95A, along with the Los Angeles Superior Court's Department 95 where mental competency hearings are heard by Judge Harold E. Shabo is the only court in the county, and one of a few in the nation, devoted exclusively to mental health issues. It's not uncommon for Ziskrout to handle more than 80 cases in a day.

His chambers, where he does much of his work, reflect his longevity there.

Eight empty bottles of vin rose from the nearby San Antonio Winery line a dusty shelf, marking the going-away parties of past employees. A pipe rack holds a dozen pipes donated by various friends and colleagues.

Rocks occupy another shelf, along with some driftwood, faded Polaroids and an assortment of drawings by conservatees. A wall poster of the Northern California Redwoods reveals Ziskrout's love both of nature and his own woodworking passion.

There's even a full-sized, old-fashioned wooden telephone booth in one corner like the kind Superman used for quick clothes changes donated by a friend who once worked at the phone company.

A brimming electric coffee pot and box of pastries add to the homey hodgepodge, offering a welcome treat to lawyers and court staff, who wander in helping themselves throughout the day.

The judges hired Ziskrout as a commissioner in July 1970. The former private practitioner spent the two previous years as a juvenile court referee and continued to work in juvenile court until transferring to his current assignment.

Although he ran for a judgeship in 1984 winning the primary and losing in a run-off by about a half of 1 percentage point as a Democrat in a Republican administration, he has not pushed for an appointment. He recalls submitting his application after losing the election but hasn't heard anything since.

In any case, Ziskrout says, being a commissioner ensures him of staying in an assignment he prefers because, like juvenile court, it offers an opportunity to make a difference in a person's life.

"He's the best person for that court I can imagine," said Rudolph Pearl, an attorney on the mental health panel and former deputy public defender. "It's the only court I know where when he is finished with what he has to do, he asks, 'Do you have any questions of me?' He's such a nice man. People love him. They don't want him to leave."

Added Marc Berrenson, a panel attorney and former prosecutor, who has appeared before Ziskrout for more than 16 years: "It's easy to get hardened toward the conservatees. It's easy to have the attitude that, 'This person doesn't know what I'm saying when I say it, so who cares?' But he still comes across as caring to conservatees, who come in once a year to see him and write letters that are posted all over his chambers."

"He never appears hurried, yet he moves a huge calendar extremely efficiently," said panel attorney Stephen E. Webber.

And despite the workload, lawyers say, Ziskrout manages to let everyone be heard. He shows infinite patience with conservatees. Many ramble, yell, scream and are generally abusive. Often their claims are so absurd, it's hard not to laugh.

When that occurs, Ziskrout will call a recess and leave the bench, sometimes with his hand over his mouth, but he never will show disrespect to the parties.

Lawyers say he is equally respectful of families and friends of conservatees, even those suspected of trying to shirk responsibility for a relative or petitioning

for a conservatorship to pilfer a person's life savings.

When the estate of an ailing 99-year-old woman was contested by her 34-year-old boyfriend, Ziskrout let the boyfriend make his case, despite evidence he had abused and stolen from the woman, said Webber, who represented the woman's nephew.

"He allowed the man to have his day in court before making a decision," Webber said. "No matter how outrageous [the boyfriend's] claims, [Ziskrout's] demeanor never changed. I'm sure the man left feeling he got a fair hearing."

Ziskrout eventually ruled in the nephew's favor, and Webber later recovered \$100,000 of about \$500,000 the boyfriend had taken.

Before enactment of the Lanterman-Petris-Short Act of 1968 that overhauled the mental health system, a disgruntled or greedy relative or guardian could commit a person indefinitely with the authorization of one doctor. Since LPS, all cases are filed through the public guardian's office. People determined to be mentally ill are entitled to hearings, jury trials and periodic status conferences to protect their rights and assets.

Not everyone landing in Department 95A ends up in a conservatorship. In fact, Ziskrout said, in the majority of cases that are tried before juries, regardless of the person's ability to provide for him or herself, the jurors will cut the person free.

Often, the decision is to their detriment. Ziskrout recalled one case, in which the person was found the next morning huddled outside the courthouse.

"Obviously, he didn't have anyplace to go," Ziskrout said. "But people get a little mixed up in terms of allowing their emotions or prejudices to dictate what will be the outcome of the case, as opposed to following the law and listening to the evidence."

That is one of the conflicts in this specialized field, in which medical providers are often at cross purposes with the law. The frequent argument the defense makes to jurors is not to impose their standard of living on the defendant. If someone can find what he or she wants to eat in a garbage can and is comfortable living on the street, that's the person's right.

But, Ziskrout points out, some people come to court with severe burns or lacerated feet because they don't know enough to wear shoes or stay out of the summer sun. And problems can't be resolved by giving some people money, because many of them will give it away.

"So it's a difficult balance between those two disciplines: trying to give credence to a person's right and trying to do what this court is supposed to do, afford some protection to this person," Ziskrout said.

In rare cases, Ziskrout will hold bedside hearings for people too ill or disabled to come to court. He used to do it more frequently but found many people took advantage of the practice who merely wanted to avoid coming to court.

One memorable bedside hearing involved a 42-pound anorexic woman who had been stricken with cardiac arrest. She finally managed to reach 60 pounds and

came to court to plead her case before a jury. They found her capable of caring for herself.

“I remember her closing remark to [her lawyer] after the jury disclosed the verdict,” Ziskrout said. “She said, ‘Richard, I’m so happy. I’m going to cook you a big meal.’”

The woman later landed back in the hospital as a voluntary patient. One way to avoid a conservatorship is if a person accepts treatment.

Through the years, Ziskrout has grown attached to the people coming before him, many of whom are without family or friends.

“I’ve had the benefit of having a loving family, uncles, good friends,” Ziskrout said. “It’s hard to imagine experiencing life without anyone. So I guess those people who come in here, who have had that type of life I get a little sentimental about. Not only do they have the misfortune of having a mental disability, they have no one around who really gives them any type of comfort or support.”

Ziskrout, who is divorced, counts two adult sons and numerous relatives among his extended family.

A Los Angeles native, Ziskrout earned bachelor’s and law degrees from the University of California at Los Angeles in 1957 and 1961, respectively. He paid his way through school doing construction work and carpentry for his uncles, whom he credits with influencing his career and life choices.

He began his eight years of private practice with one uncle, Abraham Gorenfeld, now a Los Angeles Superior Court commissioner in Torrance. Another uncle, now 77, visits Ziskrout’s Glendale hillside home every Saturday, where they work on various carpentry projects, including a recently completed gazebo and flagstone path.

“I’m constantly building something, doing something,” says Ziskrout, who describes his lifestyle and ambitions as modest and informal.

Sitting amid the paraphernalia in his chambers, Ziskrout says, “You know what’s nice about this type of job? It gives you the opportunity without getting a big head about who you are and what you do to once in a while make a difference in somebody’s life.

“And that’s a real good feeling, to feel that because you were there and you took a little more interest and you really tried to think about the situation, that somebody is going to benefit.”

- SUSAN McRAE

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