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## **Judicial Profile**



### **HON. RICHARD A. ADLER**

Judge

Los Angeles County Superior Court

**PROFILE** Ludwig van Beethoven's "Second Piano Concerto" reminds Judge Richard A. Adler of his sometimes prickly relationship with the central administration of Los Angeles Superior Court.

"The orchestra doesn't play the same melody as the piano until the last movement," Adler said.

The judge had spent years trying to get the court's leadership to enhance the courtroom computer systems.

And then, he discovered Beethoven.

Three years ago, at a Los Angeles Music Center concert featuring the maestro's 18th century concerto, Adler had an epiphany. The more he listened to the music, he said, the more he realized it reflected his struggle with the court and his need to become a team player.

"The piano, in the end, has to go along with the orchestra," he said.

Clearly, technology in the Superior Court is not advancing quickly enough for Adler. But he is grateful, he said, for the support he has received from the Northwest District.

Adler, 56, is assigned to Van Nuys, where he manages a caseload of 240 to 290 cases a year. He was elected to Los Angeles Municipal Court in 1980 and Superior Court four years later.

Adler's biggest success with automation in the courts has been the co-creation of computer-generated jury instructions, which he spent a couple of years developing with the help of two paid court interns.

"Rather than have someone go and pull instructions off the shelf," Adler said, "we can just push a few buttons and print them out."

The most important feature, he said, is that the program allows judges and attorneys to change jury instructions on a computer, something that required hours of manual labor before the program existed. The program is owned by West Publishing.

Adler's passion for technology-enhanced courtrooms is passed on to civil attorneys who appear before him in his Van Nuys courtroom. He has a reputation for being adamant that attorneys follow his rules of court, which include a requirement that briefs be filed electronically.

Some attorneys like it. Some don't.

"What most impresses me about Judge Adler is that he has a great interest in incorporating computers and electronic technology into the court system," Christine Byrd, a civil defense litigator with Irell & Manella in Los Angeles, said. "He actually requires parties to e-mail their motion papers to his law clerk.

"In pretrial preparation, certain items have to be in electronic format - on disk."

Byrd doesn't mind the extra work, she said, because "it shows where the court system should be going."

Stephen Garcia, a plaintiffs' attorney at Wilkes & McHugh in Los Angeles who specializes in elder abuse, said the extra work required to place documents on computer disks and e-mail copies of motions to Adler's clerk is worth the effort because Adler knows what he's doing.

"The first time I appeared in his court, I went because he'd been through all of my associates and I thought, 'Oh my gosh, this is going to be a difficult time,'" Garcia said. "At the end of seven months of pretrial motions, I realized that he is extremely efficient and knowledgeable about the law, to the benefit of my client."

Garcia filed 50,000 pages of documents in his case and, although he didn't always agree

with Adler, he said the judge boiled the case down to its salient issues.

"He puts you through the paces," Garcia said, "but if you want a judge who is going to spend time on a complex case and indulge you in discussion of complex issues, he's the man."

Other attorneys grumble that Adler requires an extraordinary amount of work from attorneys, which is unduly time-consuming.

"Defense attorneys working on billable hours probably love it," a civil litigator, speaking on condition of anonymity, said. "But for plaintiffs' attorneys, working on a contingency-fee basis, it's not cost-effective."

Adler balked at the notion that electronic filings are burdensome.

"E-mailing a brief requires 30 seconds of button-clicking," he said, "and it's voluntary.

"Technology comes in to help you do the work that's already assigned."

The civil litigator also said that Adler spends too much time criticizing attorneys, which is inefficient.

"Editorials on the competency of an attorney is a waste of time," the attorney said. "A motion that should take 10 minutes to argue takes 11/2 hours of court time because the judge is busy berating attorneys."

The lawyer, who spent a year in law and motions on a case in Adler's courtroom, said that, even when an attorney is winning, Adler can be condescending.

"He'll say, 'I think the plaintiff is correct, although they didn't put the right argument in the papers and I had to figure it out myself,'" the attorney said.

"On the positive side," the attorney added, "he's good on the law."

Adler denies that he berates lawyers who appear before him.

"I give attorneys individual attention to understand what their problem is," Adler said. "I explain my rulings and try to give them some guidance - case law - so that, when they come back, they'll do it right. Otherwise, they'll come back and do it wrong all over again in my court and other courts."

Adler does not issue tentative rulings, he said. Rather, he announces his rulings in open court at the time of oral arguments.

"I make very detailed and reasoned tentative rulings," Adler said. "They read more like a case than a ruling and are typically three to four pages long. I don't distribute them to the attorneys unless I think it will help them prepare for the next time."

Another civil litigator, however, said that Adler becomes annoyed with counsel for not seeing things his way.

"He sometimes gets a little bit too emotional, and this can be unnerving to counsel, especially if it's going to their trial strategy," the litigator, speaking on condition of anonymity, said. "If you argue with him, he may get kind of peeved."

However, the lawyer said, Adler never yells at counsel. Furthermore, the attorney said, Adler leans hard on parties to settle but will spend whatever time is necessary to try to resolve a dispute.

"Be prepared to do your best when it comes time for settlement discussion," the attorney said. "If he feels you're being unreasonable, he gets upset with you."

Adler sees it differently.

"The truth is," he said, "I enjoy the argument, and I'll change my mind when I'm confronted with a good argument.

"If they feel pressure toward settlement, it's only that I'm pressuring them to be prepared to go to trial."

Bart Ring, a plaintiffs' attorney in Woodland Hills, said Adler is willing to reconsider his rulings.

"You will get a fair shake in front of him," Ring said. "His ego will not get in the way of doing what's right, even if that means reversing himself.

"He will genuinely reconsider his opinions."

Adler learned to think on his feet in the trenches.

Before he joined the bench, he spent eight years as a deputy district attorney in Los Angeles prosecuting felonies throughout the county.

"I did run-of-the-mill criminal trials," Adler said. "Nothing newspaper-worthy."

He began his career as house counsel for Glendale Federal Savings in 1972 after

graduating from Loyola Law School.

He has a bachelor's degree in history from UCLA.

"Even to this day, I like reading about history - anything about the past," Adler said.

Born and raised in Los Angeles, Adler is an only child. His father was a general building contractor on the Westside, and his mother was a homemaker.

Adler lives on the Westside. He's been married for 31 years and has a son, 24, and a daughter, 23. In his spare time, he trains for marathons.

Adler said he enjoys being a civil trial judge.

"Civil matters are quite different than criminal matters, which are a lot more emotional. There is far less emotion here, and it's more businesslike because basically that's what we're talking about - how much a case is worth - although it could easily turn emotional.

"It's dollars and cents - instead of aggregate or mitigating factors. It's a mental challenge every day."

Meanwhile, Adler likes to listen to Beethoven, James Taylor or "Westside Story" or other movie soundtracks when he's working late in chambers.

Naturally, he downloads all his music through MP3 players from his home computer.

"I listen to music to calm me down," Adler said.

**- TAMARA SCOTT**

*This profile originally appeared in the Los Angeles Daily Journal on July 22, 2002.*

*(Note: A previous profile of Judge Richard A. Adler, written by Peter Belsito, appeared in the Daily Journal on August 25, 1987.)*