

The Joint LACBA/ ABTL Judicial Profile Project  
**Honorable Louis Meisinger**  
**Judicial Profile**

**BACKGROUND**

The Honorable Louis Meisinger grew up in New York. He received his bachelor's degree and Juris Doctorate from the University of California, Los Angeles. Before and during law school, Judge Meisinger was employed in a variety of non-legal jobs. He worked as a bookkeeper, a stock clerk, and a Spanish language translator.

Likely many other attorneys, Judge Meisinger decided to study law without knowing much about the practice of law, "except from television." Before entering law school, Judge Meisinger never met a lawyer, but it seemed like something he was suited for.

Before his appointment to the bench in February 2008, Judge Meisinger was a trial lawyer representing institutional clients, particularly in the entertainment and media fields. He also served as general counsel of the Walt Disney Company.

While on the bench, Judge Meisinger has served on various Superior Court committees, such as the Alternative Dispute Resolution Committee and the Executive Search Committee. Judge Meisinger is presently an active member of the Community Outreach Committee, allowing him to act as a liaison with the community.

Currently, Judge Meisinger is exclusively a settlement judge for the Los Angeles Superior Court. He has been a settlement judge for almost four years and does not sit in a trial court anymore.

**COURTROOM TIPS**

*Best Practices For Attorneys*

Judge Meisinger comes from a commercial background with large firm experience. He strongly prefers to see work and behavior that conforms to the high standards he observed while practicing law.

He expects civility and promptness. It surprises him when lawyers treat time as a "kind of guideline" as opposed to being prompt and on time. He appreciates punctuality and likes to receive mediation briefs as scheduled.

Judge Meisinger expects the parties that attend settlement conferences to come with an open mind. "If you think the other side is going to listen to you and all of a sudden cave in," then the settlement conference will not likely be very productive. Above all else, Judge Meisinger expects the parties to be civil.

### *Best Practices For Mediation Briefs*

Judge Meisinger generally does not put a page limitation on parties with complicated cases. But brevity is appreciated and should be applied. A party's brief should contain (1) all the pertinent facts, (2) legal standard, (3) any unusual legal issues, and (4) an honest position in the settlement demand.

## **BUDGET CUTS AND THEIR IMPACT ON THE COURTS**

In some respects, the current Superior Court budget cuts have not yet affected Judge Meisinger's court. As a non-trial judge he does not require the need for a day to day clerk or judicial assistant, which have been significantly reduced by the budget cuts. Judge Meisinger's court only utilizes one calendaring assistant that services him and two other settlement judges.

Judge Meisinger, however, believes that not having a full time person staffing his court has security concerns. In addition, Judge Meisinger believes that his work load will increase as a result of the Los Angeles Superior Court's closing of its Alternative Dispute Resolution Program.

## **Settlement Conferences**

Most of Judge Meisinger's work comprises of conducting mandatory settlement conferences which are ordered by the trial court judges. Judge Meisinger's court does not "freelance" so an attorney must go through the Superior Court system in order to have a settlement conference with him. This consists of filling out and submitting an intake form through the settlement department and an order from the trial judge.

Once Judge Meisinger receives the intake form, he reviews it to inspect if there is something about the case that requires special treatment. Certain cases for example require more than a one day settlement conference or pre-meetings with certain parties or carriers. Most cases, however, do not require this type of special treatment.

After filling out and submitting the intake form, the parties will receive a notice of the settlement conference which will include a briefing schedule where the briefs are normally due five court days before the settlement conference. If a case requires special treatment, then a modified briefing schedule will be given.

Judge Meisinger requires that briefs be exchanged by the parties so that each side knows within reason what the other side is contending. If there is anything confidential that the parties do not want to share with the other side, Judge Meisinger's rules call for the briefing party to bracket the confidential information in the judge's copy of the brief, and to edit the confidential information out of the brief you give to the other side. This allows for Judge Meisinger to know what is confidential and not to breach that party's confidence.

At the beginning of a settlement conference, Judge Meisinger does not expect the parties to necessarily share with him all of their honest private thinking. Judge Meisinger sees settlement conferences as a multifaceted negotiation. The parties are negotiating with each other through the settlement officer. In addition, the parties are negotiating with the settlement officer because the parties do not want to expose their bottom line. Because of this dynamic, Judge Meisinger tells the parties that he does not want to hear their bottom lines. Doing this eliminates the problem created when a party gives their bottom line prematurely, before the settlement process is completed, and then does not want to move from their pre-established bottom line because they will look “foolish” in front of the settlement officer by renegeing.

In addition, Judge Meisinger does not apply a uniform process in conducting his settlement conferences. He considers every settlement to be different. Some settlement conferences call for more diplomacy and others require him to be “more hardnosed.” He believes that a successful settlement officer has to be credible on the merits and has to establish a relationship with the parties individually.

Judge Meisinger tries to be diplomatic, evaluative, and up front with the parties. He regularly tells parties in front of him that he will likely express points of view about the law, the facts, the legal arguments, and the parties, not because he ultimately has a say in the outcome, but in order to facilitate a successful settlement. A settlement conference where only offers and demands are exchanged does not do the job. After many years of conducting settlements, both privately and now as a judge, Judge Meisinger recalls less than five settlements where all the parties really needed was someone to act as a conduit. For the most part, especially in sophisticated business cases, a settlement officer needs to weigh in on the merits.

Judge Meisinger also believes that having a strong complex business litigation background allows him to structure deals that are not simply “X” pays “Y” an amount of money. Instead, he looks to garner agreement from both sides by using non-monetary deals, especially when dealing with business disputes. In fact, he believes that some of the hardest cases to settle are ones where both parties want money from the other. To settle these types of cases, Judge Meisinger looks to non-monetary solutions. This is especially effective when there are many moving parts in play, because different parts might be valued differentially by the parties. For example, getting a right of first refusal on a piece of adjacent property might be extraordinarily valuable to one party and not cost the other party anything. Finding this type of common ground allows the parties to each think they are getting the better deal.

If Judge Meisinger is able to get the parties to come to an agreement during a mediation or settlement conference, he asks the parties to sign a binding agreement under the California Code of Civil Procedure Section 664.6. This allows the parties to have a remedy if there is a breach in the settlement’s performance. There are some complicated commercial deals however that may require contingent agreements. For example, tax implications or structural issues may require further analysis. If Judge Meisinger identifies these issues, or if the parties raise these issues, then Judge Meisinger does not push the parties to end the session with a binding agreement. Instead, Judge Meisinger suggests that the parties make their settlement contingent and the parties leave without a binding agreement. Typically settlements are not this complicated, and the parties can finalize the settlement before concluding their session.

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