

## **ABTL Judicial Profile**

### **Judge Helen I. Bendix**

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#### **Background**

Judge Bendix graduated from Cornell University as a College Scholar and Phi Beta Kappa in her junior year. She obtained her Juris Doctorate from Yale Law School in 1976. After clerking for Judge Shirley M. Hufstedler for the Ninth Circuit Court of Appeals, Judge Bendix went into private practice. She worked as an Associate at Wilmer, Cutler & Pickering in Washington D.C. before teaching International Law and Japanese Law at UCLA Law School. Thereafter, she moved back to Washington D.C. as an associate and then partner in Leva, Haws, Symington, Martin & Oppenheimer. From there she moved to Los Angeles where she was Of Counsel at Gibson, Dunn & Crutcher and then a Partner at Heller, Ehrman, White & McAullife. Judge Bendix then spent 1996-1997 as Senior Vice President and General Counsel for the television station KCET before being appointed to the Los Angeles Municipal Court in 1997 by Governor Pete Wilson. Judge Bendix stayed at the Municipal Court hearing criminal cases until 2000 when she was elevated to the Superior Court of California County of Los Angeles. Since her elevation to Superior Court Judge, Judge Bendix has presided over a multi-jurisdiction courtroom in the Stanley Mosk Courthouse.

As a member of the California Bar, Judge Bendix has always been very active in bar associations and other professional activities. She is involved with the American Law Institute, the Chancery Club, the Municipal Court for the Los Angeles Judicial District, the California Judges' Association, the Municipal Court Judges' Association and the European Union Center of California. She also serves on the Bench-Bar Committee for the Superior Court and was the Chair of the Los Angeles Superior Court, ADR Committee for several years. She is currently a member of the Civil and Small Claims Advisory Committee for Judicial Council, and has served on other Judicial Council Committee in the past. Judge Bendix has taught courses at American University Law School, UCLA Law School, LASC Continuing Judicial Education, the Civil Law Institute, and Pepperdine University School of Law in such subjects as Japanese Law, Civil Procedure, Remedies, Privacy Law and Provision Remedies, Privacy Law, and Mediation.

Judge Bendix is highly recognized for her superior work and has received a multitude of awards including, the Peacemaker of the Year Award in 2002 from the Southern California Mediation Association and the Emil Gumpert Judicial ADR Award from Dispute Resolution Services. She has also authored numerous articles on expert witnesses, Japanese Law, ADR and other topics and co-authored the inaugural volume of Moore's Federal Practice Treaties on Evidence and Supreme Court Jurisdiction. Judge Bendix resides in Los Angeles with her husband, Judge John Kronstadt and has three children. She spent the summer of 2009 as a pro temp to the division of the California Court of Appeal.

#### **Questions and Answers**

##### **Ex Parte Applications**

- Do you require a reservation with the Court the day before an ex parte?

No. Judge Bendix only requires that you give notice to opposing counsel as per court rules.

- Do you hear ex partes every day of the week?

Yes.

- What general advice to you have for attorneys regarding ex parte applications?

Lawyers should file concise papers that say up front why they need immediate assistance from the Court. The application should say at the outset what the issue is and what the principal cases are. Be prepared, give proper notice to opposing counsel, and realize that the judge already has a full calendar each morning in addition to your *ex parte* motion.

- What problems do you most often encounter with ex parte applications?

Judge Bendix does not see many problems with ex partes, but would like ex parte applications to highlight that proper notice to opposing counsel has been given.

## Pretrial

- Do you have any law and motion pet peeves?

Judge Bendix subscribes to the philosophy that if the judge is expected to be well prepared, which she is, the lawyers should be at least as well prepared. Judge Bendix also expects common courtesy in her court and dislikes when lawyers interrupt her or opposing counsel, or when they make ad hominem remarks about opposing counsel or his or her client.

- What are your thoughts on the use of CCP 170.6 to disqualify a judge for prejudice?

Judge Bendix does not feel one way or another about Section 170.6. She believes it is your right and she understands why people file them.

- Do you generally issue tentative rulings?

With very few exceptions, Judge Bendix issues written tentative rulings that include her reasoning and analysis.

- What is your willingness to engage in alternate procedures for motion practice?

Judge Bendix often times handles motion practice like a complex court would. She likes to streamline the motion practice and have each side work with the other towards scheduling of key positive motions. For example she asks counsel to consider a CCP 598 trial on legal issue rather than a motion for summary judgment if the dispute is over

legal issues and facts are not dispute. She also favors phased ADR in more complicated cases to encourage people to not wait until the last minute to talk about settlement.

- If parties have a proposal for an alternate procedure for law and motion, how do you like the proposal presented to you?

She generally prefers to have these types of proposals presented to her at case management conferences and suggests that proposals be included in an attachment to the Case Management Conference Statement.

- In what situations are you likely or unlikely to grant a trial continuance?

Judge Bendix likes to put in a lot of time up front during her case management conferences to talk about a mutually convenient trial date and tries to accommodate both parties in setting a trial date. She makes every effort to be available for trial; it is very rare that one has to trail for trial in her court. Because there is so much effort put in at the outset, she feels that continuances are not requested as often. However, if there are emergency circumstances such as illness or unanticipated discovery problems, she is generally receptive to a continuance request.

- What are your views on the use of demurrsers?

If you have a demurrer, go file it. However, Judge Bendix thinks it happens far too often that a plaintiff knows they are going to amend a complaint before the hearing but doesn't tell anyone until right before. Because she provides detailed tentative rulings, she appreciates it when the plaintiff sends a notice of intent to amend so that she doesn't mark up a demurrer unnecessarily.

- What are your thoughts on the use of written discovery? How often do you find yourself awarding sanctions in connection with motions to compel? What advice would you give to attorneys who are involved in discovery disputes?

Judge Bendix feels that by the time lawyers are making motions to compel, they need help. The attorneys most often have tried to work it out beforehand and can't. Therefore, she views these as serious motions. She is usually able to work it out with the attorneys. Regarding sanctions, if someone isn't "substantially justified" in making or opposing the discovery motion, she is required by statute to impose reasonable sanctions.

- What advice do you have for attorneys who plan to seek summary judgment?

Reserve a date on her calendar as early as possible.

- What general advice do you have for attorneys regarding written briefs?

The introduction should "sing." The first paragraph should concisely summarize the key issues and explain why the court should decide in your favor. The rest of the brief should just drive home the points summarized in the introduction paragraph. She does not feel that string cites are necessary and she also discourages attorneys from spending too much

space and time on standards for summary judgment or demurrer. She feels that you only need to mention enough to preserve the issue for the appeal.

- What general advice do you have for attorneys regarding oral argument?

Make sure to know your case and have read the authorities you are citing. Judge Bendix will read the cases you cite, so make sure you can converse about them. Make sure you do not interrupt each other or her and always act courteously.

## Trial

- What are your views on the use of motions in limine? Do you place limits on the number of motions in limine that a party can bring?

Judge Bendix does not usually limit the number of motions in limine, and generally rules on them at the final status conference per LASC 7.9(h). In a complex case, she will have the parties discuss whether they can agree to a fixed number of motions in limine and to avoid filing duplicative motions if there are several parties on one side.

- How much leeway do you give attorneys in conducting voir dire? Do all questions have to relate directly to the case?

Judge Bendix gives attorneys a lot of leeway while conducting voir dire. She does not interfere with the process, she just discusses time limits with attorneys. She uses a questionnaire to cover the boilerplate voir dire questions to free up the attorneys' time to ask questions targeted to their particular areas of concern.

- Do you require the use of trial briefs?

No, but in a court trial a lot of parties tend to give them to her. She finds them very helpful.

- What are your views on the use of juror questionnaires?

Judge Bendix thinks that juror questionnaires are efficient in longer cases.

- Do you limit the number of hours for trial? How do you determine how much time should be allocated for a trial?

No. However, Judge Bendix always gets estimates from the lawyers before trial for the benefit of the jury, so that they can identify any hardships in serving.

- Which days are reserved for trial during the week?

Everyday.

- Do you allow speaking objections during trial?

Typically, they are not necessary and the jury hates the colloquy. She substantially tries cases at the final status conference, e.g. she rules on motions in limine at the final status conference, so both parties know the rules going in and rarely need speaking objections.

- Do you allow sidebar approaches for objections?

Judge Bendix allows sidebar approaches but generally only when she doesn't understand the objection. Again, usually the issues have been previously worked out in the final status conference.

- What are your views on the use of technology in the courtroom?

Judge Bendix has no problem with attorneys using technology in her court, but she wants them to test the technology the day before to ensure that it works properly.

- Do you permit the playing of video portions of deposition for impeachment purposes?

Yes.

- Do you have any general advice for attorneys regarding opening statements or closing statements?

Judge Bendix gives the attorneys leeway in opening and closing. She asks the lawyers for a reasonable time limit for opening statement in order to give the jury a reasonable time estimate, but there is no time limit on closing.

- Do you allow the use of demonstratives in opening statements?

Judge Bendix allows the use of demonstratives in opening statements as long as you show them to opposing counsel 24 hours in advance, so that any objections can be heard during the morning calendar.

- Do you have any general advice for attorneys regarding examination of witnesses?

Preparation, preparation, preparation. Judge Bendix feels that if an attorney is well-prepared and polite, that is all you need. You should know the record and not be a slave to your outline. Never be rude to a witness or opposing counsel and always address the witness as "Mr." or "Mrs.," not by his/her first name. Do not roll your eyes or sigh when an opposing witness is testifying.

#### Judge Bendix's Final Thoughts For Attorneys

1. Be prepared
2. Be courteous to opposing counsel, the judge and staff
3. Respect the time of the jury
4. Be receptive to active case management and do not be afraid to make suggestions to the court regarding: scheduling motion practice, ADR and other aspects of case management.