

## Metropolitan News-Enterprise

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EDITORIAL

**Mark Ameli**

Los Angeles Superior Court Office No. 28

*There are two highly qualified contenders among the eight who are seeking this office, two quite near the top, one bordering on unqualified, and three who are, in our view, unfit for judgeships. We discuss the aspirants in descending order.*

### At the Top

**MARK K. AMELI** might well win the race for the wrong reason: heavy spending. Large-scale fundraising is taking place for him, primarily in the Iranian American community. He would be the first Iranian American on the Los Angeles Superior Court.

With spending which, according to boasts, might reach a half million dollars, Ameli's name would be on a slew of "slates" (those deceptive mailers that seem to contain endorsements of candidates which are, in truth, paid ads).

But that, alas, is how judicial candidates get elected these days. It is not competence in law that puts them across.

If Ameli does win, even if it's for the wrong reason, he will, we believe, be the right choice. He strikes us as intelligent, mature, sincere, articulate, succinct, and dedicated to the law.

In Iran, his father headed the justice system (in a post that was equivalent to our nation's chief justice and attorney general, combined) and his grandfather was a judge. Ameli came to the U.S. at the age of 18, gained his higher education here (including a master's degree in economics from USC), and was admitted to practice in 1980.

Although he has been a full-time litigator in the past and still maintains a practice, Ameli has been, for the past 15 years, primarily a mediator and arbitrator—and one with a niche: "cross-cultural mediation," particularly, but not exclusively, among persons of Middle Eastern cultures. This entails an understanding of differing cultural attitudes, biases, and perceptions. Even body language, he finds, carries varying messages among persons of different cultures.

In this county, one of the most culturally and ethnically diverse spots on the planet, Ameli would be a judge with unique insights and skills that would be of value not only in his own courtroom, but in lectures to fellow jurists, if not in a cultural diversity benchbook, and in informal conversations.

He's balanced. We believe that as a judge, he would be patient, yet decisive; that he would be dignified, yet not austere; and forthright, within bounds of diplomacy.

Our endorsement goes to Ameli.

**RANDY HAMMOCK** would be our second choice. Should he be in a run-off with anyone other than Ameli, we endorse him in advance.

Running for the second time in four years, he now has an advantage he lacked before: experience on the Los Angeles Superior Court bench.

He's an as-needed referee, and as it happens, he's been needed of late. He serves, on a daily basis, in covering for Los Angeles Superior Court Judge Emily Stevens, who's on a leave of absence and might or might not return to the bench before her term expires in January. Hammock is seeking the seat which Stevens will be vacating.

The referee is not merely a type-A personality, but a type-triple-A personality. He may come across as too strong for the likes of some.

However, he is exceedingly bright and analytical. If granted a judgeship by voters, he would be devoted to his job—indeed, possessed of boundless enthusiasm in carrying out his duties.

No one would accuse him of being lethargic, timid, or unsure of himself.

We would readily opt for this able dynamo over any of his competitors listed below.

### **Ready for a Judgeship**

**ELIZABETH MORENO** would bring to the bench experience as an adjudicator. Since 2002, she has presided over more than 200 arbitrations and administrative hearings (acting as a hearing officer for the cities of Long Beach and Santa Monica, and other entities). She has, in addition, handled more than 300 mediations.

Moreno has civil trial experience in various sorts of cases, including complex litigation, and, under a volunteer program, prosecuted criminal cases for the Los Angeles City Attorney's Office.

To her credit, she has been active in organized bar activities, serving on various committees, lecturing on elimination of bias, and authoring articles for bar journals.

Her demeanor is exemplary. The attorney is articulate and straightforward.

Her website shows that she is endorsed by no sitting judges, one retired judge, and 30 attorneys, in addition to persons in various walks of life.

**EDWARD J. NISON**, a deputy district attorney, ran unsuccessfully for a judgeship in 2004 and 2006. He has a generally favorable reputation within his office.

Although he is hard-working, he has a temper—which once resulted in his being found in contempt of court. But that particular incident took place several years back, and should perhaps be removed from the equation.

Twenty-four judges of the Los Angeles Superior Court have endorsed Nison. They think he's ready to join their ranks.

Twenty-four is also the number of years he has served in the District Attorney's Office, handling during that time more than 100 homicide prosecutions.

It might be that he has what it takes.

### **Barely Qualified**

**CHRIS GARCIA**, a Los Angeles deputy city attorney, is no shining light within his office.

We have already decried his attempt to mislead voters with his proposed ballot designation of "federal criminal prosecutor"—which the Office of Registrar-Recorder disallowed.

Beyond that, the candidate has a propensity for saying what's expedient to say, rather than what is truthful. For example, comparing himself to Hammock, he represents:

"My judicial experience is approximately equal to his."

He declares that Hammock has been sitting daily, but only "since January." Actually, it's been since Oct. 13, 2009—and he previously sat on a daily basis from June 2008 to March 2009.

As to his own service as a volunteer Superior Court judge pro tem since 2000, Garcia says:

"Early on, I sat as much as 10 times [a year]—almost once a month. Then it started diminishing. I try to do at least four a year."

Hammock had served with frequency as a municipal court judge pro tem from 1998 until unification in 2000, and as a Superior Court judge pro tem from that point until his appointment as a referee in 2007. Garcia, seeking to justify his statement that his judicial experience matches Hammock's, persists:

"I don't believe that judicial experience is merely a function of time on the bench, while that certainly is a facet. I believe that the other facet to that is the breadth of the experience that you bring to the bench, as a bench officer—not only legal experience, but what I call judicial temperament."

Judicial temperament is a quality, not "judicial *experience*."

Refusing to back down, he asserts:

"I believe I have similar judicial experience—that is, by sitting as a temporary judge. And again, I don't believe it's a matter of how many days you spend on the bench, it's a matter of the type of litigants that you deal with, the types of cases that you deal with."

Pro tems generally handle only cases, such as traffic and small claims cases, formerly heard in municipal courts. Juvenile dependency matters, heard by Hammock, are often complex, and have far-reaching significance.

Someone who will voice an absurd proposition and cling to it, using sly argumentation to rationalize it, is not someone with an aptitude for judicial service.

Garcia's discussion of a case he decided in West Los Angeles around 2001 is illuminating.

He tells of a case where he had made up his mind to rule against a litigant, but she was so agitated that he didn't want to rule from the bench. He recounts:

“[I]n order to move things along, I told her, ‘Well, I have all of the evidence, just a little bit of research that I need to do, and you’ll get the verdict [judgment] in the mail.’ ”

Why didn't he just tell her he was going to take the case under submission, without sticking in a lie that he was going to do some legal research? Garcia responds:

“Actually, what I told her was that I was going to take it under submission, and I don't think I told her I was going to do any research....No, I do believe I just told her I was taking it under submission.”

### **Bottom of the Barrel**

**C. EDWARD MACK**, pathetically, is running for the fourth time. As a deputy public defender, he is seen as adequate in his performance. Adequate, nothing more. He is no live wire.

What concerns us is the duplicity he has demonstrated in his campaigns. He repeatedly claims to have had five years of “civil experience,” in addition to his years as a deputy PD. For example, he made the claim two years ago on the League of Women Voters website: “My experience covers 5 years in Civil related matters, 13 years in Criminal matters, and over 100 Jury trials.”

Mack was licensed to practice law on July 5, 1989; he became a deputy public defender in September 1990, a job he has held continuously since then. Simple arithmetic shows that whatever civil experience he had as a lawyer covered less than 15 months.

Nonetheless, two years ago, he got on the offensive, lambasting the MetNews for its disclosure of his campaign falsehood, insisting that his experience before being admitted to practice was relevant, and protesting in a 1,713-word press release (posted on the League of Women Voters website):

“The Met-News is saying that the civil experience as a law clerk doesn't count as civil experience, even though I was responsible for reviewing and evaluating cases for entry of civil default judgments and ex parte orders for the presiding Municipal Court Judges....Why in the world is this misleading, and why can't this be considered as civil experience?”

The answer is that in the contexts in which he has made his claim, he was clearly attempting to communicate that he had spent five years as a *lawyer* in civil practice.

In his “Personal Data Questionnaire” submitted to the Los Angeles County Bar Assn. in connection with the 2004 race, Mack responded to a question asking for information relating to “each legal job you have held after being licensed to practice.” It said *after* being admitted to practice, which would preclude reference to any activity prior to July 5, 1989. He wrote:

“12/85-09/90: Los Angeles Municipal Court [¶] Research attorney and supervisor of Court Defaults.”

The fact Mack seeks to skirt—that he has scant experience in civil law—surely does not disqualify him from consideration for election. On the other hand, the fact that he is a liar who will publicly deride those who point to his lie does, decidedly, demonstrate his unfitness for public office.

**KENDALL C. REED**, a mediator/arbitrator, says he anticipates the Los Angeles County Bar Assn. will give him its rock-bottom rating of “not qualified.” We are certain his expectation will be fulfilled. Reed is lacking courtroom experience and sound judgment.

**KIM SMITH** is assistant city attorney for Hawthorne. He formerly served as a Los Angeles County deputy district attorney, and before that, as a deputy sheriff in this county.

His reputation is unfavorable. Smith is said to be both disputatious and loquacious, and lacking in a good grasp of the law. Whether he could be fair to the defense in criminal cases is seen as doubtful.

His candidacy is the handiwork of political consultant Fred Huebscher, who four years ago was architect of the “Bagel Lady’s” political triumph. He took a woman who ran a bakery for a living, but had a law license, and put her up against a seasoned judge who had the foreign-sounding name of Dzintra Janavs. The challenger had the electable moniker of Lynn Diane Olson.

The Los Angeles County Bar Assn. rated the jurist “exceptionally well qualified” and branded Olson “not qualified.”

Right at the end of the campaign, Olson—who had signed an election form declaring she would not raise more than a \$1,000—poured about \$125,000 into the campaign, taking Janavs, whose fundraising had been light, by surprise.

This same Huebscher now wants to turn the strident Smith into a judge, supposing he can pull off this feat not on the basis of the candidate’s merit, but his appellation.

It happens that Smith generally goes by the name “Kim Edward Smith,” but shortening it to “Kim Smith” is bound to pick up some votes from those who prefer to cast ballots for women since “Kim” is more apt than not to be the name of a female.

Huebscher, who is not a lawyer, apparently has no qualms about engaging in efforts to bring onto the bench lawyers who are unsuitable for judicial duties. To him, it’s a gleeful game.

It’s a game Huebscher won in 2006. We are hopeful that he—and the candidate who is the instrumentality of his mischief—will be dealt a decided loss in 2010.

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