

# VERDICTS & SETTLEMENTS

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## One Case At a Time

Raymond F. Zvetina traded the hectic pace of an independent calendar judge for the more reflective life as a JAMS neutral.



SUSAN McRAE/Daily Journal

**By Susan McRae**  
Daily Journal Staff Writer

After three decades of appearing before judges as a litigator, Raymond F. Zvetina thought he'd try his hand at being the decider himself.

After a dozen years as a San Diego County Superior Court judge, Zvetina said, he reached burnout — especially after spending the last four years presiding over an independent calendar. That meant carrying 500 to 600 cases. Four days a week were devoted to trials. On Fridays, he heard 20 or so motions.

"There were many good things about it," said Zvetina, 77. "But I like more time to reflect on things, to be able to stand back and focus on a matter without having too many distractions. All these things revolving in the air at one time, it wasn't as intellectually satisfying as I would have liked."

In 2002, Zvetina retired from the bench and joined JAMS as an arbitrator and mediator, which he says suits him just fine.

"ADR to me is like dying and going to judges' heaven," he said. "Here, you can

focus on one case at a time. You can really get into the matter, uninterrupted by other distractions, really focus and reflect and, I think, do a more thorough job. I find that very satisfying."

Another thing he likes is being able to interact with lawyers in a more relaxed atmosphere, especially in mediations, where mediators and lawyers collaborate to bring about a settlement. But arbitrations have a more relaxed tone, too, he said.

"You are not on an elevated platform — none of this, 'All rise,' bowing and scraping," Zvetina said. "There is a certain informality that prevails. You're still 'Your Honor,' and you're not going to be buddy-buddy, calling lawyers by first names. But there's a certain relaxed quality that's different from a bench trial."

Lawyers who have appeared before Zvetina say they appreciate the time and attention he gives to their cases, whether as a neutral or on the bench. They say he takes careful and thorough notes, and does independent research. He is smart, practical and user-friendly. He also has a sense of humor, they say, but takes his job seriously.

Harry A. Olivar Jr., a partner at Quinn Emanuel Urquhart Oliver & Hedges, appeared before Zvetina over a three-year period in discovery matters in three cases involving the Peregrine Systems Inc. accounting scandal. Quinn Emanuel represented John J. Moores, a former director for the software giant. Moores was never charged with a crime, but he and others were targets of dozens of shareholders' lawsuits.

"He really had a hands-on approach," Olivar said. "He was open-minded. He would listen. He read all the papers, was well-prepared and did a significant amount of independent research."

Olivar recalled Zvetina took voluminous and thorough notes, sprinkled with colorful metaphors. At one point, he said, Zvetina compared the plaintiffs' case to a mosaic because it seemed like a lot of colored tiles. Another time, he said, Zvetina likened the case to a haystack with a needle in it somewhere.

"He has a sense of humor, but he took the work seriously," Olivar said. "He was very diligent."

San Diego plaintiffs' lawyer Virginia

# Neutral Left Hectic Life of the Bench Behind

C. Nelson has appeared before Zvetina in arbitration, discovery matters and in a trial when he was on the bench. She said he brings the same attention and care to whatever he is doing.

“He’s first-class, highly intelligent, careful, thorough, takes copious notes and has an appropriate demeanor,” Nelson said. “As a lawyer, you can feel confident that he considers every possible issue in coming to a decision.”

**K**enneth E. Lange a litigator at Kimball Tirey & St. John in San Diego called Zvetina a “lawyers’ judge” in the sense that he will work with lawyers to reach a resolution.

“He’s very well prepared,” said Lange, who has had four mediations with Zvetina. “I’ve seen him outline a case on a chalkboard. He does his own research. He reads everything people submit and is prepared to discuss it. He’s demanding but also knows what he is talking about.”

The son of a lawyer and law professor, Zvetina said one would assume it was a natural progression for him to go into law. But, he confided, the thing that drew him to the profession was acting. He did quite a bit of acting in college and some summer stock in his native Chicago. He had friends who went to New York to become actors.

“But I had to look at myself,” he said. “I’m rather small in stature, but unlike Alan Ladd I didn’t have leading-man looks. I only had the lead in one play, ‘Playboy of the Western World,’ but mostly it was character parts. I got to thinking there are a zillion people out there who are going to be character actors. I could probably take the privations of going to New York and having to work odd jobs. What I really didn’t think I could take were the constant rejections.”

He did the next best thing. He received a law degree from Harvard in 1957 and, after four years in the U.S. Navy, became a federal prosecutor in Chicago.

“As a litigator, you’re using your wits to tell a narrative, a story,” Zvetina said.



**Raymond F. Zvetina**

**Age:** 57

**Affiliation:** JAMS

**Location:** San Diego, Orange County, Los Angeles

**Areas of Specialty:** complex civil litigation, professional

malpractice, trade secrets, employment, class actions, elder abuse, securities fraud

**Rate:** \$450 an hour;

“You are on a stage so to speak. You are many times the focus of attention.”

Zvetina pulled out a copy of a Saturday Evening Post article from his days as a prosecutor, when he tried a 2½-month-long bank robbery case. On it, the opposing lawyer, famed criminal defense attorney Percy Foreman, wrote, “To Raymond Z. for whom I predict a brilliant career in the law. Nos moritori salutomas.” (We who are about to die salute you).

Another memento from the case was a photo of the FBI chief. It read, “To Raymond Zvetina. Best wishes from J. Edgar Hoover.”

**A**fter four years as a prosecutor, Zvetina entered private practice with his father, specializing in civil cases. He moved to San Diego in 1968, where he had been stationed in the Navy. There, he rejoined the U.S. attorney’s office as chief of the civil division. Three years later, he returned to private practice. In 1977, he became a partner at Haskins, Nugent, Newnham, Kane & Zvetina, specializing in commercial litigation and white-collar criminal defense. Gov. George Deukmejian appointed him to the bench in 1989.

Zvetina and his wife, artist Jeanne Zvetina, have four children. Their son, Ray Zvetina, is a blues musician in San Diego. Their daughter owns a bistro near Berkeley. Another son works in customer relations and another son is what Zvetina describes as a recovering mortgage broker.

Although Zvetina works mainly in San Diego, he travels for cases to Orange County and Los Angeles.

One of the things he said he enjoys most about his work is experiencing vicariously the lives of all kinds of people in all types of situations. Some of the most touching and memorable cases have involved family relationships. One mediation that stands out pitted the patriarch of a family and his young wife against the man’s adult children from an earlier marriage. After some brainstorming, Zvetina and the lawyers came up with the idea of a “business divorce,” splitting the assets among the various heirs-to-be. By evening, they had signed off on a deal.

As it was late, Zvetina offered to drive the patriarch, who had poor night vision, home. During the ride, the man told Zvetina his wife was a great cook. Her specialty was lasagna. Zvetina told him he loved lasagna. Two days later, the man arrived at Zvetina’s door with two lasagnas. What struck Zvetina most was the man had changed from a worn down, bedraggled person to one brimming with lightheartedness.

“And I’m thinking if this isn’t a graphic illustration of the value of ADR,” Zvetina said. “Now all this stuff is behind him. The lawsuit’s gone. They’re starting to heal the family situation, and look at the effect it’s had on this guy.”

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*Here are some of the lawyers who have used Zvetina’s ADR services:* Kenneth E. Lange, Kimball Tirey & St. John, San Diego; Virginia C. Nelson, San Diego; Harry A. Olivar Jr., Quinn Emanuel Urquhart Oliver & Hedge, Los Angeles; Michael L. Kirby, Kirby Noonan Lance & Hope, San Diego; Timothy G. Blood, Coughlin Stoia Geller Rudman & Robbins, San Diego; James R. Patterson, Harrison Patterson & O’Connor, San Diego; Mark A. Saxon, Gordon & Rees, San Diego; James Scott Scheper, Seltzer Caplan, San Diego; George S. Howard Jr., Jones Day, San Diego; Stephen L. Schreiner, Solomon Ward Seidenwurm & Smith, San Diego