

VERDICTS & SETTLEMENTS

FRIDAY, MAY 17, 2024

Exceptional Experience

Mediator Carmen Alberio's nearly 40 years in probate law set her apart, attorneys say.

By Shane Nelson

Special to the Daily Journal

ADR Services, Inc. neutral Carmen A. Alberio insists probate law is anything but boring.

"The thing with probate that's interesting is all kinds of issues come up," Alberio said. "You just learn about a lot of different things. ... Plus, the human drama - the fights between family members - it's fascinating stuff."

Alberio worked for nearly 37 years as a probate attorney for the Los Angeles County Superior Court, where she was also assigned as a judge pro tem and handled probate court calendars from time to time. Alberio retired in 2021 but said that decision didn't work out the way she expected.

"I was getting bored being retired," she recalled. "People kept calling me and asking me questions about probate, and I thought, 'You know what? Maybe I should go back to work.' I think retirement is overrated. Maybe for some people it's great, but I don't think it's for everybody."

Alberio joined the ADR Services, Inc. roster of private neutrals in the spring of 2023 and has focused since on resolving disputes as a mediator and providing consulting services to attorneys about probate and trust and estate matters.

"Doing mediation is another chapter in my life where I can help people in a different way," Alberio explained. "It's very rewarding when you actually help people come to a resolution."

Although Alberio routinely conducts mediations on her own, she occasionally partners up with fellow ADR Services, Inc. neutral and retired Judge Craig D. Karlan to



Justin L. Stewart / Special to the Daily Journal

resolve disputes. Alberio worked previously with Karlan for approximately 10 years at the Los Angeles County Superior Court in Santa Monica.

"What we do as the co-mediators - we get the briefs, each of us reads the briefs, and then we talk on the phone," Alberio said. "We brainstorm. We look at what's really being asked, what the problems are. Basically, we just go over everything."

Alberio said the duo then conducts the entire mediation together. "We're always in the room to-

gether," she explained. "It's like we're joined at the hip. Sometimes he'll talk; sometimes I'll talk. We do it together. ... One benefit of having two people is you can brainstorm. Sometimes you see something the other person didn't."

Alberio noted that when she conducts mediations on her own, she also likes to receive briefs from counsel ahead of time and tries to speak on the phone beforehand with attorneys.

"I like to have pre-mediation calls because there are things the attorney can relay to me that aren't in

Carmen A. Alberio

ADR Services, Inc.
Los Angeles

Areas of Specialty:

Probate
Estates and Trusts

the brief,” Alberio explained. “And I try to find out from the attorneys if the party was forced to come to mediation or agreed to come to mediation. ... That gives me an idea of where maybe there can be some flexibility, and hopefully, we can come to some kind of a meeting of the minds between the parties.”

Alberio noted that she typically avoids joint sessions because probate and estate matters often feature a fair bit of hostility between the parties. She does like to start out, however, by introducing herself and noting that the process is aimed at resolution, not deciding who is right or wrong. Alberio said she then moves pretty quickly toward focusing on listening to the parties.

“I ask them to tell me their side of it, to tell me what their concerns are, tell me what they think about the case,” she said. “One of the benefits of mediation is that - either by Zoom or in person - you’re in a non-threatening environment. And you can just tell me what you think and what your side of the case is. I always let the parties do that first.”

Napa probate attorney Matthew R. Mraule used Alberio recently to settle an emotional trust and estate dispute, and he said the ADR Services, Inc. mediator was terrific

with the parties.

“She definitely handled my client well - listened to her feelings, spoke in a familiar tone,” Mraule said. “She was probably the most effective mediator I’ve had over Zoom because she was very engaged.”

Alberio will eventually move into the merits of the case, discussing strengths and weaknesses for both sides, but she said it’s critical to first understand the bigger picture.

“One of the things I try to figure out is ‘What’s driving people?’” Alberio explained. “You need to find out what it is that’s driving them to see how you can get past that. ... Sometimes it’s money. But sometimes people get into litigation because they’re so distraught or they’re so mad.”

Torrance probate attorney Beti T. Bergman used Alberio and Judge Karlan recently to mediate a conservatorship dispute, and she said the ADR Services, Inc. duo demonstrated a particularly effective “bedside manner” with some difficult personalities involved in the matter.

“You have to see through what everybody is claiming and see what really is fueling people’s anger or need to litigate,” Bergman said. “Some people may be running on emotion, but their claims may not be that viable. To be a good media-

tor, you really have to cut through that stuff and see what’s at the bottom of everybody’s reasons for litigating and know how to deal with counsel. So, it’s a lot of finessing personalities, and I just thought they did a really good job with that.”

El Segundo attorney Lilia E. Duchrow used Alberio earlier this year to resolve a probate dispute, and she said the mediator demonstrated tremendous expertise with the law.

“Based on her level of experience with the court system and probate, trust and estates - I think she’s incredibly knowledgeable,” Duchrow said. “I highly recommend her.”

Duchrow added that Alberio was excellent with her bilingual client during the mediation.

“There was one point, where my client started speaking in Spanish, and right away Carmen responded in Spanish,” Duchrow recalled. “I also speak Spanish, so there was no translation that was needed. ... And I thought it was fantastic. She did not miss a beat and responded immediately in Spanish.”

Alberio also said that while she will make use of mediator’s proposals, she is not a big fan and sees them as a last-resort option. And Mraule added that the ADR Services, Inc. neutral stayed late af-

ter the mediation with the parties to get an agreement signed before everybody left.

“That’s something some mediators won’t do,” Mraule said. “And I think we all left that mediation feeling like we’d done something good for my client and something good for the family in resolving the dispute.”

Mraule was quick to note that while he felt Alberio was terrific with his client, the ADR Services, Inc. neutral certainly knew the law.

“Do not mistake her familiar tone and her level of compassion with any kind of unfamiliarity with the law and procedure,” Mraule explained. “She brings both those to the table. She can understand clients on a personal level and listens to their nonlegal arguments and takes them for what they’re worth. ... But she is the most familiar [neutral] with probate procedure and the law and that area I’ve ever known.”

Here are some attorneys who have used Alberio’s services: Lilia E. Duchrow, Law Office of Lilia E. Duchrow; Matthew R. Mraule, GVM Law LLP; Beti T. Bergman, Peninsula Law; Jeffrey Forer, Hinojosa & Forer LLP; Sajan Kashyap, Law Office of Sajan Kashyap

shane_nelson@dailyjournal.com