

# Gentlemanly Persuasion

*H. Chester Horn is firm but not overbearing, attorneys say.*

By Shane Nelson

Special to the Daily Journal

Retired judge H. Chester Horn was attracted to the law early.

“I used to sit on my mother’s lap and watch ‘Perry Mason,’” Horn said with a chuckle, estimating that he started watching the iconic TV program at age 4 or 5. “I’ve always known that I wanted to be a lawyer.”

Horn’s father was also an attorney, and later an administrative law judge, but Horn said “Perry Mason” was still helping him make career choices after law school.

“I probably credit that show with my decision to really focus on becoming a litigator when I actually started practicing law,” Horn recalled.

A 1972 UCLA School of Law graduate, Horn went to work for the California Attorney General’s office after he passed the bar, working in the antitrust section. Although he did leave for a roughly five-year stint in private practice, during which he handled civil litigation, Horn later returned to the attorney general’s office and spent 25 years there working on antitrust and charitable trust cases.

Horn was appointed as a Los Angeles County Superior Court judge in 2002 and tackled criminal trials before a 12-year run in the unlimited jurisdiction trial court, where he handled civil litigation from antitrust and probate to personal injury and civil rights.

“I used to spend a lot of time when I was on the court in the last 12 years trying to settle cases,” Horn said. “We got a pretty good percentage of our cases settled. ... And I enjoyed working together with people and trying to get them to resolve their disputes.”



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Horn retired from the bench in July 2023 and joined ADR Services, Inc. a year ago. He’s since handled personal injury, commercial, landlord-tenant and health care disputes as a mediator. Horn also took on one case as an arbitrator in the past year, but that matter settled before reaching the ruling phase.

“Arbitrations, to my way of thinking, are very similar to trials,” Horn said. “I did a lot of complex civil litigation [during] my career on the bench, and I had a lot of experience brokering those kinds of deals in very complex cases. I really view arbitration as pretty much the same process.”

Horn noted that before his mediations he likes to receive briefs from all the parties at least five days

in advance and speak by phone with counsel.

“The idea is to get a sense about what’s going on in the party’s minds when I talk to the lawyers,” Horn explained. “What is your client’s biggest concern? Is there anything unusual about the client I should know in terms of personality or how they work. ... So, I can get a sense of what to expect from the personalities at the hearing.”

On the day of mediation, Horn said he typically begins with the claimant, but his process early on is similar in both rooms.

“I try my very best to get to know the parties themselves and the lawyers and what’s driving each dispute from both sides,” Horn said. “That’s the most important con-

## Hon. H. Chester Horn (Ret.)

ADR Services, Inc.  
Los Angeles

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sideration in my mind. ... You get some of that from the briefs, but not all. It's really the personal contact, especially with the parties, that helps you flesh all that out."

Santa Ana plaintiffs' attorney Eric V. Traut used Horn to settle an auto accident case this year, and said he operated with a friendly demeanor and didn't "come off as a stiff, robed judge."

"He built a good rapport with the client and made the client feel comfortable," Traut said. "Clients are often very concerned and stressed about the process because it's new to them, and he made the client feel comfortable and more at ease throughout the entire mediation."

Los Angeles trial attorney James H. Turken tried a case before Horn when he was on the bench and has since used him to settle a business dispute.

"I think he's very smart, and I think he really has a great demeanor," Turken said. "I think he gets the

parties to respect and trust him, which is very important in a mediator."

Horn did note, however, that he will offer his thoughts about the merits of a case when the timing is right.

"I'm always trying to point out the strengths and weaknesses of the claims from both sides," Horn explained, "what the risks are of going forward with a jury trial and measuring the cost of doing that ... with the possibility of reaching a settlement."

Los Angeles defense attorney Russell M. Rubin also tried cases before Horn while he was on the bench and has since used him to resolve several personal injury matters. Rubin described Horn as a detail-oriented mediator who used his bench experience effectively.

"He's definitely familiar with how cases would be viewed by a jury," Rubin said. "He brings that real-life application to the case, so people can understand where they stand.

... And he just goes about it in a real gentlemanly way. He's not the type to try and beat somebody up. It's more like gentlemanly persuasion."

Turken agreed that Horn's time on the bench sets him apart.

"He understands the law, which you don't always get," Turken said. "He understands the reality and the situation. He's willing to work with the parties, and he does it firmly without being overbearing about it. I just think he's able to convince people as to what is an intelligent decision."

Traut also noted that Horn applied an especially efficient approach to his mediation.

"He was not a time waster," Traut said. "That's something you don't always see from mediators. They will often tell anecdotal stories that don't really relate to the case and some of their own experiences on the bench that don't really relate to the case. ... [Horn] just got the information he needed and

moved back into the other room with the defense and kept the negotiations moving promptly."

Horn said the mediating and arbitrating he's doing these days as a private neutral has been a "wonderful experience" and "the best decision I could have made in terms of continuing my career." It's also legal work he plans on doing for a while.

"I'm probably going to work until I can't drive anymore or do the work anymore," he said, chuckling again. "As long as it continues to be interesting to me, there's no reason why I wouldn't continue doing it."

*Here are some attorneys who have used Horn's services:* James H. Turken, Norton Rose Fulbright US LLP; Russell M. Rubin, Liebman Quigley & Sheppard APLC; Eric V. Traut, Traut Firm; Boyd C. Johnson, Johnson Injury Law APC; Robert A. Rich, Gordon Rees Scully Mansukhani LLP

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