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Louise LaMothe

Louise LaMothe's years of experience in settling cases has been helpful as a Central District magistrate.



Louise LaMothe

Magistrate Judge
U.S. District Court, Central District (Santa Barbara)

Career Highlights: Appointed part-time U.S. Magistrate Judge, Central District, January 10, 2014; mediator and arbitrator, 1993-2015; of counsel, Bird, Marella, Boxer & Wolpert, P.C., Los Angeles, 1996-1999; senior litigation principal, Riordan & McKinzie, APLC, Los Angeles, 1992-1996; partner, Irell & Manella LLP, Los Angeles, 1978-1992; associate, Irell & Manella LLP, 1974-1978; assistant professor, associate professor, Legal Aid Clinic faculty director, University of Kansas Law School, 1971-1974

Law School: Stanford Law School, 1971

tenant in a highly emotional case. "She didn't lose patience. She'd say let's set up another telephone conference. If it's not resolved we'll have an in-person hearing. She didn't lose track of it, push it to the side or get frustrated by it," Brelje said.

"For all of the civil rights cases we have we try to get her assigned," said Tom Shapiro, of the Santa Barbara city attorney's office. LaMothe had been a hearing officer for the city and is quite knowledgeable on civil rights litigation, he said. "She's a little bit unique in that she likes to have a pre-mediation telephone conference before we sit down. It's quite helpful, especially if you have another experienced attorney on the other side."

Her federal work has priority, LaMothe said, and she avoids conflicts with her private work by letting prospective clients know she will not mediate cases pending in federal court. The calendar on her web site shows the days blocked off when she is on the magistrate's bench or in her chambers in the Bankruptcy Court building on Santa Barbara's lively State Street. Her chambers are the former law library and the nearest District Court is 100 miles away in Los Angeles.

Although she's been a neutral for more than 20 years and spent 25 years as a civil litigator, LaMothe had no experience in criminal law, another task of magistrate judges. "I can see in retrospect I was just like a deer in the headlights for a while," LaMothe said. She's been on a steep learning curve regarding the jargon and codes. As

By Laurinda Keys

SANTA BARBARA - Louise LaMothe is a rarity, a judge who turns in monthly time sheets accounting for her work hours. She is one of fewer than 40 part-time U.S. magistrate judges.

LaMothe has just completed a year juggling her new federal job with her long experience in private practice as a mediator and arbitrator. Since working to achieve settlements is one of the tasks of magistrate judges, attorneys appearing before her have been pleased to find their cases in such seasoned hands.

LaMothe was able to bring to settlement, without any money changing hands, a case the two sides had been unable to resolve for a year, said George Michael Brelje, Jr. "She's very hands-on. She tries to look at all the angles, not just the monetary angles but the emotional and personal details to see if she can reach a resolution, for instance through an apology or thinking outside the box."

Brelje was defending a psychiatric center that was trying to evict a

Questions and Comments

NEWS RULINGS VERDICTS

Monday, July 13, 2015

Litigation

Bellwether BP trial kicks off

A subsidiary of the energy giant BP saddled its franchises with inferior gas at inflated prices and a computer software system that often failed, costing them sales, a lawyer for four gas station owners told a Superior Court jury Friday.

California Supreme Court

State high court to consider whether county can keep legal billing records secret

The state Supreme Court decided last week to consider whether private law firms working for Los Angeles County should have the right to keep their billing records secret.

Criminal

Criminal Law 2.0

2014 saw a record number of exonerations. While there are many factors leading to false convictions, here are a few simple reforms to the jury system that may help. By **Alex Kozinski**

Litigation

Gas station chain launches antitrust class action against oil giants

Suit alleges major oil companies and refineries rigged the California gas market in 2012 and are engaged in the same manipulation this year to keep prices high.

Administrative/Regulatory

State Bar watcher urges legislators to intervene in agency operations

Legislators shouldn't approve the State Bar's annual dues bill until the "rogue agency" addresses some of the criticisms raised by the State Auditor in its recent report, according to a longtime bar expert and gadfly.

Corporate

Glassdoor Inc. announces new general counsel

Mill Valley-based online job recruiter Glassdoor Inc. named Bradley K. Serwin general counsel Monday to oversee legal matters amid its global expansion.

Universal nabs Warner Bros. general counsel

With 18 years of handling legal matters at Warner Bros. Entertainment Inc. under her belt, Clarissa C. Weirick on Monday starts a newly created position as general counsel at Universal Filmed Entertainment Group in Los Angeles.

Law Practice

a result, "I require more of the lawyers than perhaps a judge would who had been sitting for a long time," she said. "I will say, for example, 'I need to have a motion in writing. I need to have you cite the cases to me. I need you to do this five days ahead.' I want to make sure that I've had the opportunity really to evaluate the law."

Attorneys were respectful and helpful as she learned the ropes, LaMothe said, and she was able to fix mistakes pointed out to her.

"I wouldn't say she was going in the wrong direction. I would just impart information to her that a new judge would need to know," said Assistant U.S. Attorney Sharon McCaslin. "I never found her resentful or taking umbrage at someone helping her out." McCaslin added she finds LaMothe "very smart and well prepared and she expects attorneys to be well prepared. She's efficient and she expects you to be on time." Noting the formality of federal versus state court, McCaslin said, "I don't think we're all pals but I think she is very approachable. We've had conferences in her chambers. But I don't think she's trying to be everybody's friend. She's even-keeled."

LaMothe finds the criminal caseload fascinating. It ranges from infractions such as lighting a campfire in the wrong place in the national forest, wandering into the nesting grounds of the snowy plover, stealing from the exchange at a naval base, to driving while intoxicated on federal lands.

A great many of LaMothe's cases are dispositions on guilty pleas with defendants representing themselves. It gets complicated when they put themselves on the stand to testify. "They don't know they should ask themselves a question and then answer it, and that makes it very difficult for the assistant U.S. attorney, who has to try to interpose an objection," La Mothe said. "So sometimes they'll just stand up and I can see that it's objectionable testimony, but on the other hand, I struggle somewhat, because I really believe that what's important for the litigant is to have the sense that they've been heard, even if you decide against them."

"I've found her to be good at explaining the procedures to defendants. She wants to make sure that the process is fair and understood by everyone in front of her," said John Hanusz, a deputy federal public defender. "If you make an argument she wants to know the basis and she wants to know the authorities. She's always heard me out, whether or not she agreed with me. She's pretty gracious and she plays it very straight. I would be honest and candid about the strengths and weaknesses of your argument, I certainly wouldn't play games with her."

As an arbitrator, LaMothe is used to making decisions, but doesn't find it easy to revoke probation and put someone into custody. Sentencing "weighs on me a lot," she said. "When you're dealing with someone's freedom, that's a big deal." Taking personal responsibility has a high value in her life, and LaMothe said that plays a part in forming her sentencing decisions.

Off the bench, La Mothe loves to cook, garden, travel and read. These pursuits have suffered since she's been juggling her two jobs, though she did get to make a recent trip to Africa and she read five books, including Nelson Mandela's autobiography. Her husband, David Kaplan, is retired as a professor of economics at Santa Monica College, and their son, Danny, works for ClearCare, a San Francisco start-up that provides software for home care agencies.

Here are some of Judge LaMothe's recent cases and the attorneys involved:

Brittney Cotledge v. City of Santa Barbara, CV12-08623 (C.D. Cal., filed Oct. 9, 2012)-civil rights

For the plaintiff: Thomas Beck, Los Alamitos

For the defendant: Tom Shapiro, Santa Barbara city attorney

Leonard Osborne v. Sanctuary House of Santa Barbara, CV13-05589 (C.D. Cal., filed Aug. 2, 2013)-civil rights

For the plaintiff: David P. Elder, Joel Marrero, Judith Vasan, Housing Rights Center, Inc., Los Angeles

For the defendant: George Michael Brelje, Jr, Grokenberger & Smith, Santa Barbara

USA v. Antonio Barreto, CR13-00273 (C.D. Cal., filed Jan. 16, 2013)-marijuana possession

For the prosecution: Sharon McCaslin, Office of U.S. Attorney, Los Angeles

On the Move

A weekly roundup of lateral attorney moves, law firm office openings and partner promotions from around California.

Intellectual Property

Patent lawsuits scale new heights in Texas

Patent holders and licensing entities are flocking in record numbers to the Eastern District of Texas, according to data gathered over the first six months of this year.

Some courts conflate copyright terms

The import of a copyright registration has been elevated to a level exceeding its intended function, and cases demonstrate how that can doom an otherwise valid infringement claim. By **Stephen M. Doniger and Scott Alan Burroughs**

Environmental

Coal's high court victory a Pyrrhic one?

Last month, the U.S. Supreme Court ruled against the EPA in a case about carbon dioxide emissions. But was it really a victory for the coal industry? By **Kevin Poloncarz**

International

Proposed EU data regulations will impact California

Lawmakers in Europe are finalizing a new European Union law known as the EU Data Protection Regulation. By **William R.M. Long and Catherine Valerio Barrad**

Entertainment & Sports

Studios keep tight grip on talent pay

When it comes to contingent compensation deals, studios sometimes make it difficult for talent to get their money. By **Neville L. Johnson and Douglas L. Johnson**

Judicial Profile

Louise LaMothe

Magistrate Judge U.S. District Court, Central District (Santa Barbara)

Law Practice

Firms aim to track clients on websites

It's fair to say the leaders of most firms didn't spend their law school days dreaming about the subtleties of website management, but some firms are beginning to see the value of analyzing their web traffic for business development.

For the defense: Lisa Labarre, Federal Public Defenders Office, Los Angeles

USA v. Mendoza, CR14-00424 (C.D. Cal., filed May 29, 2011)-DUI and without a license

For the prosecution: Sharon McCaslin, Office of U.S. Attorney, Los Angeles

For the defense: Asal Akhondzadeh, Federal Public Defenders Office, Los Angeles

USA v. Kyle Kolish, CR14-00370 (C.D. Cal., filed March 28, 2014)-DUI

For the prosecution: Sharon McCaslin, Office of U.S. Attorney, Los Angeles

For the defense: Lisa LaBarre, Marisol Orihuela, Federal Public Defenders Office, Los Angeles

laurinda_keys@dailyjournal.com

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Ms. Naughton specializes in white collar defense, government investigations, and complex business litigation. She is a former Assistant US Attorney and Counsel to the US House Iran/Contra Committee and Judiciary Committee.

We are pleased to have handled this transaction.