

Lisa Gamoian's first judicial stop is the entry level

By John
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- Lisa Gamoian is transitioning from the fast lane of high-profile prosecutor and high-profile politician to the slow lane of life as a rookie judge. Most of her days are spent refereeing landlord-tenant disputes.
- Gamoian is following the same path as all new judges. James Ardaiz, who rose from municipal court judge to president justice of the Fresno-based state appellate court, says that's the way it should be. Most lawyers, he says, don't really pay attention to what judges do and need the seasoning in a lesser court before taking on high-profile cases.
- "I think its going well," Lisa Gamoian says. "I wish I could tell you seamlessly, but that isn't the case. It's just like life. Life is a learning experience, and this is no exception."

It's mid-morning and all is quiet in Department 404 of the B.F. Sisk Courthouse. A few people seated in the gallery chat quietly. The bailiff and court clerk sit silently. In an adjacent room, attorney Steven R. Hrdlicka is in negotiations with alleged rental scofflaws. Newly elected Fresno County Superior Court Judge Lisa Gamoian is back in her chambers, familiarizing herself with the day's cases.

This is life in the judicial slow lane, a pace at times so languid that it feels like a country road in a backwater county. It is also the first stop in Gamoian's judicial career, a courtroom where disputes between landlords and their tenants are settled.

Much of the legal work is done behind the scenes. There's Hrdlicka, negotiating. And Gamoian, reading over court documents. The news media rarely, if ever, pays attention to proceedings in this courtroom. When Gamoian is on the bench, the cases are over in minutes — sometimes seconds. Many times, that means the judicial equivalent of a rubber stamp as Gamoian finalizes agreements that often determine a date when a tenant must be out of a house or apartment, or sets a repayment schedule for the unpaid rent. Sometimes, Gamoian is checking the math to make sure it's correct. Other days, she might be weighing judgment on juvenile traffic offenders or overseeing hearings on civil injunctions, which can be emotional because most of the time both parties know each other and one is trying get a court order to keep the other away.

It's a world apart from Gamoian's long tenure in the fast-paced Fresno County District Attorney's Office. Before leaving for the Fresno County Superior Court bench at the end of December, Gamoian was the No. 3 person in the DA's office. She often prosecuted the biggest cases, many involving brutal murderers facing the death penalty or violent sex offenders looking at long prison terms. Such trials often featured packed courtrooms, high tension and grieving relatives. Among the high-profile cases Gamoian prosecuted was mass murderer Marcus Wesson, who received the death penalty for orchestrating the 2004 killing of nine of his children in Fresno.

Her new profile is 180 degrees opposite of November, when she won the most hard-fought judicial election (spending-wise) in Fresno County history.

But don't tell Gamoian it's slow. Or boring. Or unimportant.

"It's been exhilarating, actually," Gamoian says.

It's the kind of law Gamoian hasn't practiced since she was fresh out of law school and starting out as a junior

attorney. Back then, she did “a little bit of everything” in civil law, and now she is reacquainting herself with similar cases.

“I think its going well,” she says. “I wish I could tell you seamlessly, but that isn’t the case. It’s just like life. Life is a learning experience, and this is no exception.”

The step down from hard-charging prosecutor to a judge hearing low-level civil cases isn’t easy, current and former judges say.

In circumstances similar to Gamoian’s, former 5th District Court of Appeal Presiding Justice James Ardaiz was a high-profile prosecutor handling death-penalty cases when he decided to seek a judgeship.

Both Gamoian and Ardaiz had to win hard-fought elections to earn their spot on the bench. In Gamoian’s case, she was elected after a heated contest last fall against Rachel Hill in which more than \$1 million was spent. For months, Gamoian found herself with a higher profile than when she handled the toughest homicide prosecutions. Her face was everywhere, not just in the news media, but also on television and radio commercials and in campaign mail pieces as she battled Hill.

Ardaiz spent around \$80,000 on his race — a good amount of money when he ran in 1980. That was before court consolidation, and Ardaiz’s victory spoils was a municipal court judge position — the bottom rung of the judicial ladder at that time.

“I was going from arguing whether someone should get 20 years in prison or the death penalty to whether a person should get two weekends in jail or one,” Ardaiz says.

It is similar for Gamoian. New judges all start out slow. More than a decade ago, Hrdlicka says, the court’s judges decided that the first stop for new judges should be in landlord/tenant disputes, which is officially known as unlawful detainer.

Prominent judges such as Edward Sarkisian, Donald Black and current presiding Judge Jonathan Conklin got their start hearing the same types of cases as Gamoian. So did Brad Hill, Ardaiz’s successor as 5th District Court of Appeal presiding justice.

Gamoian’s assignment was decided before her election victory. If Hill had won, she would have been given the same duty _

“That decision was based on the needs of the court at the time of the election,” Conklin says.

A different kind of law

The legal world of landlord-tenant disputes seems to flow in fits and starts, and is much different than the criminal law Gamoian practiced for so many years — the past 24 at the Fresno County District Attorney’s Office. After a long stretch of dead silence on a recent day, word came from Gamoian’s clerk that Hrdlicka was ready to go, and in a sudden burst of activity, Gamoian charged through a host of cases.

Usually, the focus is a person who has fallen hopelessly behind on rent and faces eviction. Hrdlicka, a go-to guy for property owners, spends much of his time talking with the tenants, negotiating deals for them to willingly leave a property and set up a repayment schedule for the back rent. Gamoian just makes sure the renter understands the agreement and that it is all in order. In other cases, defendants failed to show up or failed to live up to a prior court agreement. Those are cases that last seconds, and Hrdlicka and Gamoian whip through them at warp speed, with Gamoian only pausing a few times to ask a question.

“It’s not the plum position,” Hrdlicka says of Gamoian’s judgeship. Still, he adds, it is the best place to learn the ways of the court and, sometimes through trial and error, adjust to being a judge: “The fact is nobody’s going to get the

death penalty out of that department.”

Until Gamoian is promoted — which is unknown and based on retirements or other changes that open up at higher-level departments — she’ll see plenty of Hrdlicka. He handles about 120 landlord-tenant disputes each month, always representing the owner or property manager. He’s also served as a judge pro-tem in the department and, as he admits, isn’t shy about offering an opinion.

So it might not have been a total surprise when he told Gamoian she’d made a “rookie mistake by a new judge” on a case that caused confusion for him and opposing legal counsel. Before offering up his opinion, Hrdlicka did ask Gamoian’s permission to do so. “By all means,” she replied.

Gamoian appears willing to learn and has been prepared each day, Hrdlicka says: “She’s off to a good start. She’s told me that she enjoys coming in to work.”

Gamoian says her first stop on the bench is “just like handling any other (court) calendar. It goes fast until there is a contested hearing, then it slows down.”

Ardaiz, who has helped train new judges (not Gamoian), says it’s a big jump from lawyer to judge. Most lawyers, he says, don’t really pay attention to what judges do: “All the paperwork. The magic words the judge says. You’re not paying attention to that. You’re paying attention to your business. There’s also a recognition as a new judge the decisions are much more difficult when you’re the one who has to make them instead of being the one asking for them. Learning how to make a decision as a judge is a process and most people haven’t thought it through. It sounds rudimentary and it really isn’t. You make decisions rapidly, and not always right.”

The most exciting part of Gamoian’s recent day of hearing landlord-tenant disputes came in the afternoon, when she presided over a one-hour trial that pitted a tenant being evicted from a trailer park near Highway 99 and Olive Avenue against the park’s manager.

Not surprisingly, Hrdlicka represented the trailer park. On the other side was Fresno attorney Joseph West. It came down to the trailer park manager’s word against that of the tenant.

Both tenant and park manager testified. They were the only witnesses. Gamoian had to keep both in check, coaxing a coherent answer out of the trailer park manager and telling the tenant, “Stop. Stop. When there’s an objection, you have to stop (talking).”

Gamoian ruled in favor of the trailer park owner.

It may not be on a par with prosecuting the likes of Marcus Wesson, but Gamoian says the law’s the law in every case: “The bottom line is it’s important to the litigants. That’s why they get my full attention.”

And it will stay that way no matter her assignment.

“Wherever I can best serve, that’s where I’m willing to go. I’ve always been a team player. In the meantime, I truly am enjoying the assignment.”

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