

JUSTICE NOT DELAYED IN ZOOM \$4.4 MILLION ARBITRATION AWARD

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In the midst of the pandemic, rather than delaying justice, ECJ Partner Geoff Gold adjusted, litigating by Zoom and winning a \$4.4 million award issued on August 13, 2020 by a three-arbitrator panel with the American Arbitration Association (AAA).

Gold said that Zoom arbitration is so new that all parties involved had an extra, very steep hurdle in presenting their cases with no in-person examinations or proceedings and everything handled electronically.

“Arbitrators are super busy trying these cases by Zoom and lawyers are having to adapt and change the way they present cases,” said Gold.

For instance, Gold said, he submitted a 75-page trial brief setting out all of his arguments and referring to more than 200 exhibits, something he would never do if the case was being litigated live. “Lawyers need to be better prepared to keep the case organized and interesting; Zoom arbitrations require lawyers to carefully consider how to get in evidence without giving the arbitrator eye strain or putting the arbitrator to sleep.”

ECJ client Leona Horowitz had claimed that various business partners had, over the years, committed financial elder abuse by withholding millions of dollars invested in real estate. Gold and his client originally won an \$7.5-million decision and more than \$1.5 million in attorney’s fees in a 60-day bench trial in Orange County Superior Court that ended in June 2018. During trial and thereafter, the opposing parties transferred away more than \$20 million in assets in breach of fiduciary duty and then claimed that, after insider creditors were compensated, there were no funds left for Horowitz. At the conclusion of the 12-day Zoom arbitration, Gold won an award against the transferees for the unsatisfied portion of the judgment.

Gold, a Partner in the Firm’s Litigation, Real Estate and Land Use Departments, said he felt he was better prepared than opposing counsel (from three different law firms) to conduct the proceedings by Zoom in April as originally set. When the proceedings were pushed back to June due to the other side’s objections, he insisted they take place online noting that his client was 80 and

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might not live long enough for proceedings to safely take place in person.

“At first, I did not know how we would do it. Opposing counsel tried to delay it,” Gold recalled. “But the arbitrators rejected all efforts to delay and found a way to fairly administer the hearings so that justice could be served.”