LITIGATION

Marathon Man

U.S. Magistrate Judge Jay Gandhi finishes what he starts, even if it takes until the wee hours.

By Henry Meier
Daily Journal Staff Writer

Like many in the legal profession, U.S. Magistrate Judge Jay C. Gandhi is no stranger to late nights.

In fact, Gandhi is notorious for engaging in marathon settlement discussions that can occasionally go into the wee hours of the morning, according to attorneys who have appeared before him and colleagues who work alongside him.

Gandhi freely admits he's not shy about keeping attorneys past what might be considered a normal bedtime.

"I take my settlement conferences as a full comprehensive mediation," he said. "We'll be here until it's settled — I think the latest I've gone is 2 a.m. — so come prepared to spend the day."

The judge's penchant for late nights is apparently not a new phenomenon.

U.S. District Court Judge Kenneth M. Hoyt of the Southern District of Texas, whom Gandhi clerked for after graduating from USC's Gould School of Law in 1997, said he remembers one especially late night he dubbed the "midnight march," when a young Gandhi showed up at his doorstep to deliver a paper just hours before Hoyt was scheduled to present it at a conference.

"I had a paper to submit on removal and remand," Hoyt said. "I had done poor work on it, so I turned it over to Jay and his co-clerk and they just ran with it.

"I got a call at midnight the night before I was leaving [to present the paper] and it was Jay saying 'We're dropping it off at your door!' I have not seen that kind of commitment from many of my clerks. It's not like Jay was asked to do that, but he took it upon himself to finish it."

His experience clerking for Hoyt was eye-opening for Gandhi. Aside from putting in late hours, Gandhi said he got a taste of what it was like to be in the middle of an argument as opposed to advocating for one side or the other.

'The average IQ goes up in most rooms he walks into.'

— Donald L. Morrow

"You get the black — I don't want to call it the black box — but you get to see how judges make decisions and what matters to them and what doesn't matter," he said. "And the things people think matter usually don't because, you know, you're a neutral and trying to get the right result."

Clerking in Houston was also a cultural eye opener for Gandhi, a California native who hadn't really experienced the South before.

"I went [to Texas] and didn't really have any friends or family there, so the whole culture was — there was a culture shock," he said, laughing. "Texas is a bit different than California. But it was a lot of fun."

"He was fresh out of USC in California," Hoyt said. "Jay probably came to me with as much reservation as I might have had

Jay C. Gandhi
U.S. Magistrate Judge
Central District of
California (Los Angeles)

Career Highlights:
Appointed U.S. magistrate judge for the Central District of California, 2010; partner, Paul Hastings LLP, 2006-2010; associate, Paul Hastings LLP, 1998-2006; law clerk, U.S. District Court Judge Kenneth M. Hoyt, Southern District of Texas, 1997-98.

Law School: USC Gould School of Law, 1997

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about him."

Not usually one to hire clerks out of California law schools, Hoyt made the exception in Gandhi's case because he said he has always "tried to make sure my clerk composition reflects the diversity" of the country. Hoyt said he felt Gandhi, as an Indian-American, helped bring something to the table that other candidates might not.

"I wasn't just looking for smart people — I can always find smart people — but for people who will bring a unique perspective with them," Hoyt said.

Gandhi, the second person in the nation of Indian-American descent to become a federal bench officer, said he was born and raised in Hacienda Heights to a business-oriented family.

"My dad was heavily involved in the stock market," he said. "And that's where I kind of got my interest from. … I would read the

business pages as a kid."

His interest in business extended past his childhood when he traveled "over the hill" to California State University, Fullerton, where he majored in business, but also philosophy — "quite a combo," according to the judge.

While Gandhi "didn't think [he] was going to get that far talking about Descartes," he said his philosophy major ended up being a fantastic base for his legal studies after he decided to pass up business school for law school.

After graduating from Fullerton in 1994, he immediately enrolled in law school at USC where he wrote for the school's honor journal and did work for now-UC Irvine School of Law Dean Erwin Chemerinsky — at the time a professor at USC.

After law school and his stint clerking for Hoyt in Texas, Gandhi returned to the Southland where he took an associate po-

sition in Paul Hastings LLP's Orange County office in 1998. He worked on business litigation and securities matters, eventually becoming an equity partner at the firm from 2006 through his selection to the bench in 2010.

Colleagues from his time at Paul Hastings said Gandhi had a natural ability for legal writing and helped litigate some of the more complex securities cases the office handled.

"Jay was a very good lawyer, especially in securities cases at the firm," said Donald L. Morrow, a partner in Paul Hastings' Orange County office. "The average IQ goes up in most rooms he walks into."

William F. Sullivan, chair of the firm's litigation department, said Gandhi's style as an attorney was aligned with how a good bench officer should operate.

"He had a strong analytical side when working through and breaking down tough issues with opposing counsel," Sullivan said. "He has a nice demeanor — very amicable and gets along well with people."

While Gandhi still does mostly preliminary case work and settlement conferences, he's also been called upon to preside over several trials. Recently he found himself in the midst of a long-running battle between former Los Angeles County District Attorney Steve Cooley and the former leaders of the county's deputy district attorneys union.

Lawyers on both sides of the case said Gandhi was well prepared for the trial and worked hard to ensure that it ran smoothly.

"One thing he did that was very effective and maximized time in front of the jury was to have [counsel] meet every night to hash out any concerns or disagreements about any exhibits for the next day," said Brian D. Hershman of Jones Day, who represented Cooley in the trial.

"He definitely let you try your case," Hershman added. "He's very responsive to attorneys and gave you leeway to present your case in a way that best represented your client."

Bradley C. Gage of Goldberg and Gage, PLC who represented one of the former union leaders, also gave Gandhi high marks.

"As the losing attorney, it would be easy to try and find something negative to say, but I can't," Gage said. "He's one of the most patient and fairest judges I've been in front of. He bends over backwards to give everyone a fair trial."

Here are some of Judge Gandhi's recent cases and the lawyers involved:

• *One Unnamed Deputy v. County of Los Angeles,* 09cv7931 — First Amendment

For the plaintiff: Bradley C. Gage, Woodland Hills

For the defendant: Brian D. Hershman, Jones Day

• *Buchanan v. County of Los Angeles,* 11cv6135 — civil rights

For the plaintiff: Greg W. Garrotto, Los Angeles

For the defendant: Edwin A. Lewis, Los Angeles county counsel's office

• *Hamilton v. Costco,* 10cv6133 — employment discrimination

For the plaintiff: Joseph M. Lovretovich, Woodland Hills

For the defendant: Rocio Herrera, Seyfarth Shaw

• *Gyrodata Incoporation v. Atlantic Inertial Systems, Inc.,* 08cv7897 — complex business dispute

For the plaintiff: Chad S. Hummel, Manatt, Phelps & Phillips LLP, and Thomas Fulkerson, Fulkerson Lotz LLP

For the defendant: Sidney Christopher Winter, Dykema Gossett LLP

• *SEC v. Pang,* 09cv2901 — securities fraud

For the plaintiff: David J. Van Havermaat, SEC

For the receiver: Nick S. Pujji, DLA Piper

For the defendant: Manny A. Abascal, Latham & Watkins LLP