

VERDICTS & SETTLEMENTS

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Strength in Numbers

Bruce Clemens, who worked on NASA's Apollo missions, uses math skills to settle divorces.

By Shane Nelson

Special to the Daily Journal

Mediator Bruce A. Clemens worked in the late 1960s on NASA's Apollo missions, helping put the first man on the moon.

"I guess you could actually say I'm a rocket scientist," Clemens said with a chuckle. "Numbers are my friends."

Clemens finished a mathematics undergraduate degree at Michigan State University in 1967 before heading to Stanford University to complete a graduate degree in computer science.

"Mathematics, computer science — all that work came very easy to me. I was very good at it," Clemens said. "But it's very isolated, lonely work — even though there's groups with you. ... And I really like people. I really like the interaction."

Clemens said that desire to spend more time interacting with people was a major motivator in his decision to obtain a degree from UCLA School of Law in 1974. Civil litigation appealed to Clemens, and after passing the bar, he joined Loeb & Loeb LLP, figuring he'd ultimately focus on that area of practice.

"But I started working on family law cases, and a light bulb went on, and I fell in love with every part of the practice," Clemens recalled. "If I was up at 3:00 in the morning worrying about the case, so was my client. When I was representing large corporations in civil litigation, it was business. I might have been up at 3:00 in the morning worrying, but to the client it was just business."

Clemens spent 45 years as a family law attorney, often hand-



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ling complex divorces where his expertise with numbers proved especially useful in appraising assets while navigating accounting and tax-related entanglements.

"I loved the people," Clemens said of his more than four decades in family law. "And I loved that no matter who was getting divorced, to them it was everything in the world. It was all their financial present and future. It was their children, it was their essence, and I fell in love with it. ... But you're talking to the most surprised person in the world that I became a family law attorney."

In 2019, Clemens retired from his career as a litigator and joined Alternative Resolution Centers'

panel of neutrals. While he was an attorney, Clemens said he settled just about all of his cases and recognized long ago the harm litigation often causes. Clemens said he started focusing solely on mediating divorce matters two years ago, in part, because he wanted to give back.

"I felt that every time I can do a mediation and help people avoid the pain and expense and the damage of a major trial," Clemens explained, "it's just like a doctor who says, 'I may be a wonderful surgeon, but I'm feeling better and better every time I can avoid the surgery.'"

In preparation for mediations, Clemens said he likes to receive

Bruce A. Clemens

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briefs from each side, but he really wants to also speak ahead of time with both parties in a divorce and their attorneys over the phone.

“It’s rare that somebody wants \$10,000 and somebody else wants \$15,000,” Clemens said. “They have distrust and anger and a lack of recognition and fear. Name every psychological thing you can think of — it’s there and it isn’t going away. But it can be managed. I need them to buy in on being proactive.”

Clemens said he is still frequently handling divorce cases featuring complex financial components, due to his reputation for past success with those matters. And he also noted that he encourages both parties in a divorce to begin the mediation process within the first 90 days, a move he admits is sometimes unpopular with their attorneys. But Clemens said 95% of divorces end up settling before heading to a contested trial, so why prolong the difficulty?

“You know your case is almost certainly going to settle. The question is after how much delay?” Clemens said. “After how much damage? After how much cost? After how much price that the children pay? ... If you can settle your case in the first 90 days from when it starts, so much of that harm is avoided.”

Clemens doesn’t work with divorce litigants who ultimately refuse to participate in joint sessions together either in person or over Zoom.

“The more they’re communicating with each other — so long as it’s controlled communication that’s respectful and not accusatory — the better their chances of settlement. And as a mediator, I can open that up a little bit,” he explained. “But I have to get buy-in in advance that this is not marriage counseling. This is mediation. This is not a forum to vent your blame of the other in justification of yourself. ... And I’m not the right mediator for two people who want their separate warriors to battle it out and for them to be hidden in the background.”

Torrance family law attorney Sharon A. Bryan used Clemens in a complex divorce matter that recently settled after two days of mediation.

“He’s just a very mild presence during mediation, very, very neutral and very fair to both parties,” Bryan said. “Like a good psychologist would do, he lets the parties sort of arrive at their own decision by feeding them information in a very

neutral fashion. He lets them absorb it and process it and come to their own conclusions.”

Describing Clemens as highly intelligent, Bryan said the former divorce attorney was “an outstanding presence in the family law field as a practitioner for many years,” and she said all that experience is tremendously valuable in his current role.

“There’s no substitute for having been in the trenches yourself,” Bryan said. “Bruce can absorb a great deal of information at the same time, and he knows the law and he knows exactly how the law applies to the facts of the case,” she said.

Los Angeles family law litigator Stacy D. Phillips used Clemens to settle a recent divorce, and she described him as tough.

“He knows the law, he reads everything, he’s incredibly smart and knowledgeable and he brings that to bear,” Phillips said. “And he’s certainly not afraid to speak up. He’s no pushover.”

Woodland Hills family law attorney Peter M. Walzer, who opposed Clemens on cases in the past, used the neutral recently to resolve a complex divorce over Zoom.

“When you have him as an adversary, he’s dogged,” Walzer said. “But Bruce was dogged in getting the mediation accomplished. ... And he’s great with numbers. He’s meticulous, and he has the ability to absorb enormous amounts of data. He also has a very neutral demeanor. He’s not emotional and certainly isn’t going to react one way or the other. He keeps an even keel.”

Walzer said he and his opposing counsel initially brought on other judicial mediators to try and help settle the difficult divorce before enlisting Clemens, but those retired judges “probably took us farther apart.”

“We wanted somebody who could not be charmed,” Walzer said of Clemens. “People butter up the judges, and Bruce is not a guy you can butter.” ■

Here are some attorneys who have used Clemens’ services: Stacy D. Phillips, Blank Rome LLP; Peter M. Walzer; Walzer Melcher LLP; Sharon A. Bryan, Moore, Bryan, Schroff & Inoue LLP; Alex Grager, Feinberg, Mindel, Brandt & Kline LLP; Mary Catherine M. Bohen, Law Offices of Mary Catherine M. Bohen