

## “A smile on his face and in his heart”

Maybe the reason this is such a fitting epitaph for Judge Stephen E. O’Neil is that he wrote it himself.

It was a bittersweet irony. The day before his sudden, untimely death last July, Judge O’Neil had submitted his profile to the Los Angeles County Bar Association’s “Know Your Judge” project. For “overall advice,” he wrote: “Be prepared. Be on time. Have a smile on your face and in your heart. Be professional. Civility is a must.”

No one who appeared before Judge O’Neil or worked with him will be surprised by his advice. What he asked of lawyers in his courtroom and preached to everyone who would listen was no more than he demanded of himself. It showed in everything he did.



**Judge Stephen E. O’Neil  
1944-2001**

And he did a lot. Being in the courtroom was his first love, and he was a model trial judge. No matter who describes him, the adjectives are a judicial desiderata — thoughtful, prepared, intelligent, patient, firm, compassionate, witty, even-handed, fearless. As trial lawyer Brian Lysaght recently described him, “As far as I could see, he was a man without an agenda.”

But courtroom work was only part of what he did. In addition to countless committee memberships, a knack for judicial administration yielded tours of duty as the supervising judge of the Torrance court — where he was credited with rescuing the court from its reputation as an “old boys’ network” — and, in his last assignment, as the supervising judge of the Criminal Courts.

He had a knack for teaching, too. He taught judges, and, as the dean of the B.E. Witkin Judicial College, helped judges teach other judges. He taught lawyers at countless CLE programs. He taught law students at Loyola.

Running through all of this — what everyone remembers — was Judge O’Neil’s easy smile and warm humor. He was always that way. Twenty years ago, he did a stint as in-house counsel at Lloyds Bank California, during a brief hiatus from the U.S. Attorney’s office. The bank’s then general counsel, Brian McDonald, remembers him well — “a gentleman, a total professional, and one of the nicest, most sincere guys you’d ever want to meet.” According to McDonald, “He could find a way to tell you to go jump in a lake and make you feel good about it.”

Judge Paul Boland, calling him “a truly extraordinary jurist,” sums up his career this way: “He was an exemplary trial judge, a tireless judicial administrator, an inspirational judicial educator and a supportive colleague, who made an enduring contribution to the administration of justice.” Or, as Loyola Law Professor Laurie Levenson put it, “Judge O’Neil represented all that was good in the justice system.”

— Robin Meadow

## Tips on Litigating For and Against ‘Celebrities’

It is nearly impossible to be a litigator in Los Angeles — the entertainment capital of the world — without getting involved in a case representing or litigating against a “celebrity,” that is, a television, motion picture, or rock ‘n roll star. And the conventional wisdom is that *celebrities usually win*. But that is not always true and preparation in such a case becomes even more essential. The following are tips to use whether litigating for or against a celebrity.

- *Use Internet and Other Media Resources To Obtain Important Data About the Celebrity.*

More than the usual party, celebrities have massive amounts of information about them in magazines, newspaper articles, and websites. Don’t count on a Nexis search to provide all the useful information. Most celebrities have their own websites, their fans have websites about them, and, if they are musicians, their record company has a website for them. Often, the celebrities themselves post reports or participate in chat rooms on the websites with their fans.



**Allen B. Grodsky**

These websites often provide a wealth of information, including identification of witnesses and sources of documents, and, sometimes, even useful admissions by the celebrity.

- *Conduct A Focus Group To Find Out Juror’s Pre-Existing Beliefs About The Celebrity and Incorporate Those Beliefs Into Your Theme.*

We all know that jurors have preconceived notions that impact their decisions. But with a celebrity, jurors *think they actually know the celebrity and have formed detailed opinions about him or her*.

In a celebrity case, conduct a focus group early in the case to determine jurors’ knowledge and pre-existing beliefs about the celebrity. With unlimited funds, have a jury research company conduct the focus group. Or if money is an issue, hold a dinner for your office staff and their spouses and ask open-ended questions to determine their pre-existing beliefs about the celebrity.

Take what you learn and build your theme around it. If you are suing a rock star who your focus group believes has a drug problem and a history of trashing hotel rooms, consider building a theme such as: this is a man for whom the rule of law doesn’t apply. On the other hand, if you are suing a celebrity who your focus group believes is trustworthy, honest, and someone to admire, you have learned that you have your work cut out for you, and, perhaps it is time to consider settlement.

- *Videotape The Celebrity.*

Celebrities are busy people and are notoriously unwilling to take the time necessary to prepare for deposition. If you are litigating against a celebrity, depose him or her as soon as you can and *videotape* it. Television and movie actors may be used to performing in front of a camera; but they are also used to getting several “takes” of a shot. Ask critical questions right off the bat and put the celebrity on the spot.

On the other hand, if you are representing the celebrity, start to prepare for the deposition immediately. Videotape the celebri-

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