

VOX POP

Influentials

CENTRAL VALLEY'S VOICE OF THE PEOPLE - INNOVATIVE, INSPIRATIONAL, INSIDE MAGAZINE

Vol. 4 Issue 4 July/August 2009

www.voxpopinfluentials.com

US \$3.50

**EXCLUSIVE
INTERVIEW:
HOWARD
BROADMAN**
Creative or
Controversial?

Harvey Mackay
Tells Us How to
Handle Getting Fired

Some Good News
For Overweight
People Suffering
From Type II Diabetes

Who's the Longest
Ruling Dictator?



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CONTENTS

JULY/AUGUST 2009

From The Publisher's Desk

[2] Dog Days of Summer - How are you managing?

Wealth & Finance

[6] Harvey Mackay's poignant article addresses a subject matter that's on a lot of minds lately — losing your job or getting fired. Harvey explains what to do if this happens to you.

[9] Rich People Who Made It and What They Did With It: So, you think you want to be a dictator? Then you should learn about Omar Bongo, president of Gabon. It's a country in sub-Saharan Africa. Bongo ruled there for almost 42 years. This guy had everything he ever wanted. How'd he do it? Kurt Eichsteadt tells all.

Health & Wellness

[11] 23.6 million people have diabetes. Type II Diabetes accounts for up to 95% of that number. Alana Unger discusses how experts are now amazed that gastric bypass surgery is helping to control diabetes almost immediately following surgery.

[29] The Central Valley is infamous for Meth production. If you want to know how to spot someone who is addicted to this drug, David Humerickhouse tells us that all you have to do is ask them to smile.

Vox Pop Connect

[26] Are you are stuck in a rut? Do you want to get back to a regular workout routine? Our new VPI contributor, Kathy Looper has just the plan for all you lazy bums out there.

Entertainment

[28] Kurt Eichsteadt shares with us again his best and worst DVD recommendations. We're sure you've heard of these titles: *Management*, *Fast and Furious* and *Adventureland*, right?

FEATURE

ON THE COVER



[19] Howard Broadman

Howard Broadman currently works in Visalia as a mediator. People now pay him to render decisions on all kinds of legal matters. Not long ago when he was a Tulare County Superior Court Judge his maverick ways got him into a lot of hot water. Howard is now 59 and a grandfather, but has this changed his ways? Find out inside VPI's exclusive interview where we catch up with the controversial Howard Broadman.

HOWARD BROADMAN: CREATIVE OR CONTROVERSIAL? DECIDE FOR YOURSELF

— Interview by R.J. Latronico



Howard Broadman is currently serving as a private judge. He stepped down from the Tulare County Superior Court bench in 1999 and is now resolving disputes in the privacy of his Willow Plaza office in Visalia. Judge Broadman's wisdom is now available to anyone. He is a private arbitrator and a mediator and he charges by the hour. Is this same Howard Broadman that the national media, including People Magazine and 60 Minutes made big waves about over a decade ago? We'll let you decide as we delve into what Howard Broadman has been up to lately.

R.J. Latronico:

Howard, can you first clarify for our readers the difference between an arbitrator and a mediator?

HOWARD BROADMAN:

Certainly. As an arbitrator I am like a judge. I rule on the matter before me and the clients accept that ruling. As a mediator I help them come to a resolution, which they may or may not choose to follow. In that case, the power lies with them rather than me.

Do local attorneys bring you most of the cases that you hear?

The vast majority of cases are with local attorneys, but some are not. I go to Fresno at least two days a week as well. On occasion I will go as far north as Modesto. Sometimes I'll even travel to Los Angeles, but these are only for special circumstances.

I don't always work with attorneys. Sometimes I have other people come in and say that they want a second opinion on an issue. I had one case like that today. Another example is when two people who have a dispute and they want to see if I can resolve the issue without attorneys at all.

How long have you been doing this?

I've been doing this for about eight years now, since 2001.

What is your hourly rate?

My rates are either \$320 an hour or \$420 an hour, depending upon the nature of the case.

Typically, how long does it take you to mediate the average case?

They range anywhere from two hours to multiple days.

Do you work by yourself or do you have an assistant here?

I basically have a virtual office. If you contact my office, my assistant, who may be in her pajamas at home, will answer "Judge Broadman's Office." She resides

in Three Rivers and I rarely see her. I have no employees here and everyone who works for me works out of the actual office.

What is your workweek like?

I try not to work Fridays now, because I had a heart scare. I flunked my stress test on the treadmill, and I was immediately given a heart catheterization. It turned out that I had a false positive. So, my heart is fine but the scare really woke me up. I have to say that it woke me up much more than being shot at. (Laughter) Maybe it's just the age I'm at, but I am now trying to take Fridays off.

And how old are you now?

I am 59.

When you made the transition from a Superior Court Judge to private practice as an arbitrator and mediator, was your business impacted as a result of your past notoriety?

It was.

To what extent?

I had no business. I started out incredibly slow and I had to develop and teach people that I was going to use my creative skills to their interest. I also had to convince them that I had been fully trained as a mediator and was using mediation techniques rather than judge techniques.

My business started off very slow and then it grew geometrically. Initially, people would say, "Yeah, I will give the guy a try." Then after they hired me they'd say, "Gee you're not like you were on the bench at all."

I'm not the same. I don't have any judicial power now. (Laughter) I have a different kind of power.

You hear a variety of cases from all over, is that right?

Yes. I have dealt with lawyers that have been on national television. I'm not going to name names, but I work with lawyers from major law firms that have national notoriety.

Do you market your services? I noticed that you have a website. (www.judgebroadman.com)

I marketed my services when I first started out. I did some advertising and direct mail. Now it is pretty much by word of mouth. I now have a wait list.



Grandpa Broadman with grandson, Drew.

Is it easier making the decisions that you are making now, simply by working in the private sector?

Well, I'm certainly not subject to any public scrutiny – in terms of using creative methodologies to arrive at solutions to complex problems. If people don't like me, they don't use me. When you are a judge on the bench you represent the State. I now use a model that is outside of the State and sanctions and people can actually say, "We like his brain, we like his work ethic and we like his creativity as an arbitrator." They pay me for a decision and I am not criticized for some of the things that I would be if I were a public figure. As a mediator I use a different skill set, one that is more creative and I love it.

Do you still do any creative sentencing with your cases or is it pretty cut and dry?

Well, I don't handle any criminal cases. I only handle civil cases, but am I creative in my civil cases? Absolutely, yes.

Can you give me an example of a creative solution to a problem?

I can tell you that one of my favorite sayings is: "Look, we can either have fun settling this problem, or we cannot have fun, it's the same price." I call a spade a spade, and people are sometimes outraged that I say what I think. But that is what they pay me for.

They pay me for my opinion. If I think that they are a crook, I tell them that. More importantly, if they want go to trial and I think that the jury will think they are also a crook, I will say that. It may not be real creative, but I don't think most people are ready for that kind of directness.

When you became a mediator, did it require some continuing education?

I am a big proponent of educating people who come from the bench that become mediators. There is a high level of sophistication and education involved in order to become a judge. First you must become a lawyer. The skill set for being a fully competent mediator is an entirely different skill set.

Anyone that thinks that they can easily make the transition from being a judge to being a mediator is missing a big component of mediation because of the different models that are available outside of the traditional judicial model.

So, yes, I did have significant education to become a mediator. I spent a lot of time, effort and money re-educating myself in the mediation world.

Are there others locally that come from the bench that are currently doing mediation?

Yes, there is Judge Kenneth Conn and Judge Jacobus. Then there's a very busy non-judge mediator, Tom Simonian. Linda Luke also does this work.

You said you were from the Midwest. What year did you move to California?

It was in 1975.

Where did you work then?

I worked in San Francisco for a big accounting firm called Ernst & Ernst, CPAs and then later for a smaller accounting company called Slezzer and Echhoff, CPAs.

Were you working in a law capacity?

No, I was doing tax work. That was my background initially.

Where did you go to school?

I am a Michigan State graduate and a University of Wisconsin graduate, both with honors.

Ok, so why the move to California?

Hey, it was the 70s – California Dreamin' or Wisconsin cheese? Back then California was the golden state, but it's not the golden state now.

What convinced you to get into the legal system?

I went to law school and became a lawyer for all the wrong reasons. I did it because my father wasn't proud of me being a salesman. I was lucky because as soon as I got into it I fell in love with it. It has been a love affair ever since.

So, how did you get to Visalia from San Francisco?

I'm a rural kind of guy. I bluffed my way into Hastings Law School recruitment and found out that there was a big firm down here. So I went to work for Hurlbutt, Clevenger, Long & Richmond. They brought me down here and I started working as a lawyer.

Was there a particular type of law that you specialized in?

I expected to do mostly tax and estate planning work, working primarily for Jim Clevenger & Dave Rauber. Then the firm had a void in Family Law, so I got into that area. That and general litigation expanded dramatically. I was a lawyer in Visalia for seven years before I was appointed to be a Municipal Court Judge.

So who appointed you?

Governor Deukmejian appointed me, but I am very grateful for the influence of a number of local Republicans and also to Gary Rudell.



Howard Broadman making a presentation in Seoul Korea at the KDI Institute (2009)

Would you say that those years in Municipal Court were pretty routine?

Well it was a real learning experience for me because initially I was a civil lawyer and then I became a criminal judge with very little civil work in the Municipal Court. Nothing with me is very routine.

Pat O'Hara and I changed the world in Visalia Municipal Court with LaRayne Cleek's help.

All Municipal Court judges were eventually elevated to the Superior Court, right?

I was in Municipal Court in 1986. Two years later, in 1988, I became a Superior Court Judge. I left the bench eleven years later in 1999.

You are now in Visalia and you have a reputation as a controversial judge - a judge that likes to impose creative sentences. Do you interpret the law differently, or was the way that you acted as a judge different than most other judges?

I can't speak about how other judges look at it, but for me the definition of insanity is to continue doing the same thing over and over when you know that it doesn't work. It seemed to me at the time, as a Municipal Court Judge, that I could make a difference. I knew the drunk drivers in town, and I knew the guys that were using drugs. I saw them in my court continually.

When it came time to sentencing these people that you knew (as repeat offenders) did you view their cases differently?

I just looked at it and said, "This is nuts." I've told the story a million times about a guy that I was going to send to prison. I initially gave him probation, but he was still a thief. So, I thought I would try something different.

That's the guy who stole some beer and you made him wear a shirt that said: "My Record + Two Six Packs = Four Years."

Yes, he ultimately got the four years, because he was so stupid.

Would you say that you are an idealist when you were a judge on the bench?

I never thought of myself as idealist when I was a judge. I thought of myself as someone who was practical.

I clearly did different things, but I saw them as practical responses to problems. I didn't see them as idealistic at all. If you've got a problem, let's see if we can't solve it. It was also the defendant's choice to take or not to take what you were offering.

Right. Probation gives you a wide discretion. Of course, the Court of Appeals didn't always agree on how wide that discretion actually was.

Because of your creative sentencing, you became well known to the national media. There is the interview with People Magazine and the segment on 60 Minutes. Both of which are on your website.

Don't forget about the flop on NBC.

Oh yeah, that's right. We will get to that a little later. There is also the incident where you were shot at in your courtroom in broad daylight. Again, a first for Tulare County - dodging a bullet.

An interesting update to that story is that I went to Ray Bodine's (the convicted assailant) parole hearing recently in Salinas.

What was the sentence he ultimately received?

He was given 17 years to life. As I mentioned, I went to his parole hearing, and then I wrote him a letter afterwards. He wrote me back and said that he didn't recognize me at the parole hearing. He said that I had aged. I then wrote him back and said, "No thanks, to you."

Let's back up a little bit. Ray Bodine is the guy that took a shot at you with a 357-magnum revolver while court was in session. He did that because he didn't like the sentence that you imposed on another case you had involving a woman who was convicted of child abuse. That woman was pregnant again, and you offered her the option of having the Norplant birth control device surgically placed in her arm, correct?

Correct.

What was Bodine's issue?

He was a devout Catholic and he was also an anti-abortionist. He believed that he would rally the troops and he didn't.

You ended up physically struggling with Bodine in court, right?

Well, actually he was being restrained and I came over the bench in a fit. I guess I wanted to get even. I started kicking him and I still remember using my heel trying to break his back. He actually sued me over it. My bailiff, Dave Lacy, even told me that he didn't know that I was that strong when he pulled me off of him.

This was not a case where he just decided to do it on impulse, right? It was pre-meditated. I understand he was even target practicing beforehand.

His confession is the most chilling thing you'll ever hear. I still have it. He practiced shooting about two hundred times in a ditch. After all that practice he still missed me by a half an inch, and he was only nineteen feet away.

When he was asked about it he said that the reason he missed must have been because he practiced shooting outside. The light inside the courtroom must have thrown him off. To this day I still don't understand how he missed me.



Howard Broadman with two other judges from Ulan Bantar (2009)

Did he get paroled recently?

No, he did not get parole.

How did getting shot at change your life, or did it?

Well I did start carrying a gun. That was dramatic because I didn't even own one before that. I became quite proficient with a handgun as well.

We now have metal detectors in courtrooms, so no one tries to carry out a personal vendetta on any judges these days. But after your shooting you did continue to issue creative sentences and it came to a point where the California Supreme Court censured you. Why was that?

I have been censured more than once. I think that I am the most disciplined judge in the history of the State of California that has not been removed. I was censured and received nine stinger letters. They call them advisory letters.

What was the impact of those letters on you?

It was a terrible experience. I was investigated for over nine years. On my own trial I was on the witness stand for nine days. It was a life altering experience. I think my trial lasted twenty-eight court days. It was crazy and an out of control process.

What was the end result?

I was censured. More importantly, it personally took a great toll on me.

Did that experience convince you that the system was broken and that things needed changing within the court system?

It convinced me that the Commission on Judicial Performance was out of control. I would have to check the statistics now, but at that time there were fourteen staff lawyers who were making sure that 1700 judicial officers were behaving.

There were a lot of Judge Broadman supporters out there at the time saying they were happy to have you on the bench.

I wasn't doing it for supporters. I was doing it because I thought that I was sworn

to uphold the constitution. I thought that I was doing the right thing. One of my mantras is that I truly believe in the independence of the judiciary. I believe that is one of the fundamental things that distinguish us from other societies.

OK, let's talk about your television debut now. I believe there were two different shows that had an interest in putting you in the limelight. They were called The Law Firm and Real Justice, correct?

Yes. I was on primetime on Thursday nights for about three weeks. I would like to quickly point out that my show then ended up on the Bravo Channel, after the cartoons on Saturday. (Laughter)

The networks approached you to do this, correct?

Right. I was also used to promote the show in the trailer. A friend of mine in Mexico City even saw the promotion down there.

There were several different judges that were part of that show, right?

Yes.

The show was similar to People's Court, right?

It was a reality show and they needed real judges. They would try to make the case very real and I was selected as one of the judges. David Kelly (L.A. Law, Ally Mc Beal, The Practice) produced it. It should have been a big hit.

What do you think happened?

I don't know. The viewing public is very fickle. Maybe it wasn't the right time or right place. Or maybe it was not promoted correctly, I'm not sure.

Prior to and after the show, I was pitched to all of the networks for my own People's Court the Judge Broadman show. Real Justice is what they called it. I made the circuit and did all of the screen tests. It was great fun.

What was interesting was the way they were promoting me. The producers would just make up stuff. I be sitting right there with some big mucky mucks and they were all lying about me. That's Hollywood. (Laughter)

I know it is hard sometimes to tell truth from fiction with these shows. Why do some of them work (with the viewing public) and others do not?

If you watch the judge shows, take a look at them as I do now. Ask yourself how many of the judges are white middle class males. That has something to do with my failure, I think.

Are you enjoying what you are now doing and you're success with it - in terms of repeat business?

Yes. I am very happy. I've actually fallen in love with it, as I mentioned before. I loved being a lawyer, I loved being a judge, and now I love being an arbitrator and a mediator. I am busy these days helping people.

Do you still feel that our system of law is the best in the world?

Well, it is still run by humans. There are always going to be faults when humans are involved.



So Darlene never used the Norplant as birth control and yet it became one of the most controversial decisions that you had ever made, right?

Yes.

Would you make the same decision about Darlene today?

Well I'm not in a position to do that now, but I certainly thought that it was the right decision at that time.

What do you do outside of work these days? Are you still traveling a lot?

I am in a group called Mediators Beyond Borders. I recently traveled to Mongolia, China and Korea and did speeches. I talked to law students about mediation. It was really exciting. I think that our group may have planted a seed in some far away places.

I actually met with two judges in Mongolia after I spoke with the law school. They thought that the idea of mediation was just fascinating.

Are there any other local attorneys or judges that are part of Mediators Beyond Borders?

I think that I am the only person locally. I'm actually a charter member. Ken Cloke in Los Angeles actually started the organization. There is another gentleman in Fresno, Doug Noll. Doug is on the Board of Directors. Mediators Beyond Borders is headquartered in Pittsburgh.

How long do you travel beyond borders?

About three weeks. It's a long way to go so I try to coordinate it with other trips. I recently went to the American Bar Association meeting and then from there I traveled for this project. When I donate my time, it is a way for me to give back.

Do most people realize that there are different and perhaps better ways to settle disputes outside of suing someone in court?

Well, actually, it's becoming more and more well known. That's why there is Mediators Beyond Borders, and that's also why I'm talking to you - to get the word out. I believe that mediation is a far better alternative. Everybody needs to have the ability to go to court, and I don't dispute that. But I do believe that they should at least give mediation a chance with a trained mediator before they undergo the grueling litigation model.

You mentioned about giving back. What are some other ways you give back?

When I save somebody the emotional and economic devastation of the litigation model, I feel that I am really giving back, even though I am being compensated for my work. Frankly, I have helped the courts by taking cases out of the system. This makes our courts more efficient.

On a personal, human being-to-human being level, it is very redeeming to help clients save their souls by not having to go through the process.

Outside of work, what other things are you involved with?

I spend my free time riding my bicycle, playing bridge, and reading. I also have some animals that I enjoy spending time with.

Are you still in contact with local judges and the court system?

Yes. I was just at Commissioner Alldredge's swearing in ceremony as Superior Court Judge. He gave an amazing speech. I still know a lot of people there and I consider many of them good friends.

Do you miss hearing criminal cases?

No, I do not miss any criminal cases. With most criminal cases, the people are decent people who just make stupid mistakes, like drinking too much or using too many drugs. Right now I am working with someone from the Stanford Law School to try to have someone released from prison. I sentenced him to twenty-five years to life.

What's the reasoning behind that?

The law transitioned at the time I sentenced him and he got caught before the law changed. Under the new rule of law that exists now, he probably would not get twenty-five years to life. Because he was right at the cusp of the new law, I had no option at that time to give him another sentence. Now it's clear that judges have discretion in a case. It's called Romero, and this guy has never had a Romero hearing. He should have served a sentence but not twenty-five to life.

We talked about Bodine earlier, but we didn't talk about Darlene. She was the mom that was abusing her children. When she got pregnant again you gave her the option in your sentencing to use Norplant as birth control. This was to be surgically placed in her arm. The State was even going to pay for it, correct?

Well, it is a medical procedure, and she was on Medi-Cal at the time, so yes.

Did she go with that option and have the procedure done?

No, she never had the procedure done. The little known fact is that she changed her mind and went in front of another judge, and the condition was removed. It never occurred.

So that incident was the red flag for everything else that followed?

Well, many people thought that I was a judge who was out of control. So the government came in and started investigating me. As I indicated earlier, that went on for nine years.

When you did step down from the bench, it was voluntary. You were then granted disability, correct?

Yes. I was granted disability retirement. This was in 1999.

HOWARD BROADMAN

I noticed that you haven't been bringing your dog to the office with you lately.

Not so much. The reason the dog didn't come today is because my son-in-law and daughter have moved back home, so the animals stay at home with my grandson.

How many grandchildren do you have and what are their ages?

I have two grandkids. My granddaughter lives in Washington with my son Anthony and his wife Kate. Anthony is a lawyer and is married to a doctor. I also have a grandson. He lives with my daughter (who is a teacher) and her husband (who is an engineer). Drew just turned one and Nica will turn two in October.

How do you like being a grandparent?

I really love being a grandparent. What everyone says about it is true. However, I do wish I lived closer to my granddaughter.

A few years ago we ran into each other at a local NRA fundraiser. I believe that you and a friend were passionately bidding on an African Safari trip. You don't even hunt, do you?

No, but I do drink. (Laughter)

You won that trip, correct?

I did and I took my son.

So you shot a lot of pictures?

No, we shot animals. I shot a Kudo, which was the largest animal we shot. We also shot a warthog. It was a trip that my son Anthony will remember for the rest of his life, as will I. We landed in Senegal, which is right at the horn of Africa and I got deathly ill. I did take all of the precautions that one should take before traveling to a third world country, but it took a while for the antibiotics to kick in. I am almost certain that when you travel there, you will get ill.

Do you have any retirement plans for the future?

I will work until people quit calling me.

When you do retire will you travel more or stay here?

I think that I will travel the United States. I just got back from Washington, D.C. during the 4th of July. Even though I had been there before, I realized that the United States is a great place to travel. It's so very convenient. I've seen all but two of the states. When I'm older, I think I'll quit the foreign travel and revisit some of the places within the United States.

Is there a Howard Broadman philosophy that you would like to impart in closing?

I guess I would have to go back to the Abraham Lincoln second inauguration and say, "With malice toward none and charity toward all." ■

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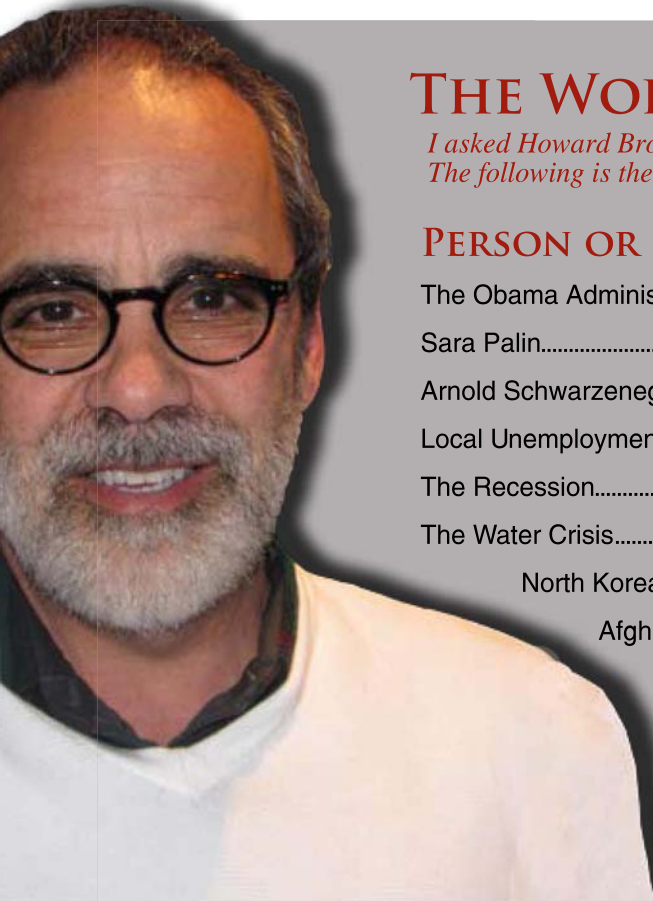
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THE WORLD ACCORDING TO HOWARD

I asked Howard Broadman to give me his opinion as it relates to the status quo of our world. The following is the result of that inquiry. I call them Broadmanisms:

PERSON OR EVENT

HOWARD SAYS:

- The Obama Administration.....Hope springs eternal.
- Sara Palin.....A babe, not a President.
- Arnold Schwarzenegger.....Who?
- Local Unemployment.....It is touching us all, and it hurts.
- The Recession.....It will get much worse and will define a generation.
- The Water Crisis.....Be glad you don't live in Texas.
- North Korea.....As soon as Kim dies I am going there.
- Afghanistan.....Bucket list - a short walk through Hindu Kush.
- The Middle East.....I gave up on that when I was 12, Clinton couldn't fix it... nobody can.
- China.....Teach your kids Chinese, Rome ruled the world, England ruled the world, the USA ruled the world, China is next!