

Digging Deeply

Rosalyn Chapman's extensive experience helps unravel disputes when settlements can seem out of reach.

By **Meghann M. Cuniff** / Daily Journal Staff Writer

LOS ANGELES — After 17 years as a U.S. magistrate judge, Rosalyn M. Chapman was ready to travel the world when she retired in 2012. Then she agreed to fill in on the federal bench and remembered what she was missing.

"I really sort of missed having a regular kind of caseload," Chapman said. Now Chapman is well into what could be described as a second career: She's the only American on the seven-judge United Nations Appeal Tribunal, and she's been using that global experience to enhance her work as a mediator and arbitrator for JAMS for the past two years.

"I love the intellectual stimulation of dealing with cases and dealing with people," said Chapman, who was appointed to the tribunal in May 2012. "I don't think I'm cut out for retirement."

That's good news for attorneys looking for a neutral with a breadth of experience and a knack for finding solutions to the toughest of disputes, those who've worked with her said.

Intellectual property litigator Carlo F. Van den Bosch, a partner with Sheppard, Mullin, Richter & Hampton LLP in Costa Mesa, described a "very successful proceeding" in which Chapman brokered a settlement he hadn't thought possible.

"I think she must have worked some magic behind the scenes so to speak. I can't fully explain how she did it; I just know she got it done," Van den Bosch said.

But he knows her background had something to do with it.

"I don't believe in luck or coincidence, per se, but I do believe in experience," Van den Bosch said.

Chapman's experience dates back more than 40 years. A 1967 graduate of UC Berkeley School of Law, she served 18 years as an administrative law judge in the state Office of Administrative Hearings before Central District judges selected her as a U.S. magistrate in 1995.

She enjoys intellectual property, breach of contract and entertainment-related cases, but her background means she isn't restricted.

"You know a little about a lot of things" after serving on the federal bench, she said.

Chapman's time with the UN has ensured her breadth of knowledge continues to expand. Confirmed in 2012 — she watched the vote live from her computer while in her pajamas — Chapman convenes as part of a three-judge panel three times a year for two weeks at a time in New York City, Geneva and Nairobi.

She finished a year-long term as president of the tribunal in July.

The issues are common: labor disputes involving contracts and pensions, disputes over discipline and

terminations, challenges of performance evaluations.

The backdrops, however, are not. The cases heard by the UN Appeals Tribunal involve uniquely worldly issues and people, from UN employees trekking across Africa to a longtime teacher with United Nations Relief and Works Agency for Palestine Refugees in the Near East who was terminated amid allegations he sexually abused a student.

The system consists of two tiers. The Appeal Tribunal on which Chapman serves hears appeals of judgments rendered by the UN Dispute Tribunal and the UNRWA Dispute Tribunal.

"We're the final step," she said.

It's her first opportunity to work with judges from civil law backgrounds instead of common law, and their discussions prompted her to think more about other possible opportunities.

"It really got my juice flowing about civil law again," Chapman said.

She describes her mediation style as a blend of facilitative and evaluative. She works to build rapport through conversation and her demeanor.

"You try to talk to them the way you talk to any human being," Chapman said.

She dislikes telephonic conferences because she relies on methods such as eye contact to keep things going.

"It's very difficult to resolve things without looking someone in the eyes," she said.

Darrell M. Padgette, co-founder of KP Law in Los Angeles, noted Chapman's diligent follow-through, which he credits with resolving two cases after mediations.

"She resolved both of them very shortly after the mediation," Padgette said. "The follow-up is, at least in my mind, one of her strengths."

Kimberly A. Chase, a Costa Mesa-based associate with Haynes and Boone LLP, said Chapman worked doggedly during a mediation in a trademark case that involved complex terms and moving pieces.

"It wasn't your typical mediation where you're fighting over money all day; it was a little more complex," Chase said. "She was tireless and just worked really hard to get us to a point where we could both walk away."

Aaron Mills Scott, a partner with Fox Rothschild LLP in Minnesota, recalls a mediation for a trademark infringement case that both sides believed to be a routine step before a contentious trial.

"Let's just check this box because we're required to do so," Scott recalled thinking. But Chapman "just sort of refused to accept that."

"She really grabbed the parties' attention, and we walked out with a term sheet that day, which was unexpected and I think quite an achievement for the mediator," Scott said.



Meghann Cuniff / Daily Journal

Rosalyn M. Chapman

Affiliation: JAMS

Location: Los Angeles

Areas of specialty: Intellectual property, commercial disputes, employment, consumer issues

Joshua J. Bennett, a partner with Carter Scholer Arnett Hamada & Mockler PLLC in Texas, said he typically tries to use Chapman when he needs a neutral for a case in California.

"She tends to have a little more weight than your typical mediator," Bennett said. "She adds value because she can say, 'Look, I've sat on the bench where your judge sits, and I know your judge.'"

But she isn't pushy, Bennett said, "She just kind of gives you the information she needs to give you so you can make a good decision."

Scott described her this way: "She knows how to identify those aspects of your case that you need to evaluate most closely, that offer you the most unpredictability. And that's what makes people move."

Chapman said she sees her work as a neutral as "a continuation of my public service." She has no plans to slow down: she recently was appointed discovery master in a civil case that likely will involve travel to Turkey.

But she's found time for more leisurely activities, including joining the Audubon Society and going birdwatching. She has a dog and enjoys reading and spending time with her son and daughter-in-law, who are both attorneys.

Here are some attorneys who have used Chapman's services: Salil Bali, Stradling Yocca Carlson & Rauth PC; Carlo F. Van den Bosch, Sheppard, Mullin, Richter & Hampton LLP; Aaron Mills Scott, Fox Rothschild LLP; Joshua J. Bennett, Carter Scholer Arnett Hamada & Mockler, PLLC; Mark S. Puzella, Fish & Richardson PC.