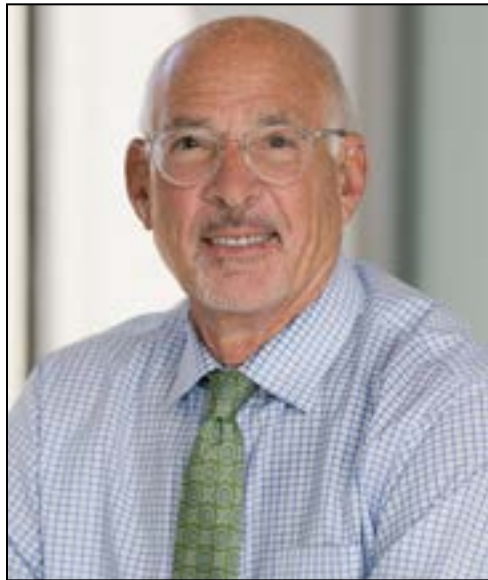


Inside Mass Tort Resolution: Lessons From California's Wildfire Settlements

Where process, technology and human impact meet



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Wildfires have become an unwelcome part of life in California and across the western United States. As fire seasons grow longer and more destructive, the legal aftermath is likewise exploding. Tens of thousands of individuals, businesses and insurers turn to mediation to resolve claims arising from wildfire-related catastrophic losses.

JAMS neutrals Cathy Yanni, Michael G. Ornstil and Viggo Boserup have each played a central role in landmark wildfire settlement programs. Cathy Yanni was the trustee for the Fire Victim Trust, which involved more than \$14.2 billion and 70,000 claimants. She is also one of the special masters for the Maui Wild-

fires Compensation Program, which consists of roughly \$3.75 billion for 25,000 victims. Their work as neutrals in wildfire mass torts takes them to where process, technology and empathy converge on a scale once reserved for multidistrict litigation.

These neutrals provide a candid look at what distinguishes wildfire mass torts from traditional and complex litigation cases, and what lawyers should understand about this unique arena.

Mass Torts: A Different Kind of Mediation

[Mass tort](#) mediation departs from conventional models in both size and structure. "When dealing with tens of thousands of claims, you can't mediate them one by one," Ornstil says.

"You need a grand plan—a structure that allows groups of cases to move together efficiently."

Unlike a standard [mediation](#), where parties come together mid-litigation to debate issues of liability and damages, mass tort mediations are often numbers driven from the start, he adds. "In most typical mediations, we spend hours on the facts and law before discussing numbers. With wildfire cases, it's the opposite. We start with the numbers because volume demands it."

The lawyers who handle these cases often know one another from years of prior wildfire or product liability work. That familiarity, the neutrals say, is valuable. "There's a level of trust in the process and each other that allows these cases to move forward efficiently and predictably," Ornstil says.

Building Claims Systems for Scale

Few processes illustrate that efficiency better than the Fire Victim Trust, which arose from the Pacific Gas & Electric Company's (PG&E) 2022 bankruptcy following several devastating wildfires in Northern California. As trustee, Yanni helped design a claims process that handled claims from 70,000 claimants, who had a total of 250,000 individual claims.

"It was like building a TurboTax program from scratch," she recalls. "At one point, we had 80 programmers and 400 reviewers all working to design and operate the claims process."

In a mass tort process, every claimant must submit the same categories of damages, such as real property, personal property, emotional distress, business loss and income loss. "That uniformity allows us to evaluate claims equitably," Boserup adds. "It's the only way to handle hundreds of claims while making sure each one gets a fair look."

To manage that flow of information, wildfire settlements typically combine front-office neutrals (mediators or special masters who value claims) with back-office claims administrators (who verify liens, insurance payments and compliance). "Our job is to determine value," Boserup says. "The claims processor makes sure every dollar is accounted for."

When designed well, the result is a process that balances consistency with individualized fairness that can deliver thousands of awards in a matter of years instead of decades.

Balancing Empathy and Efficiency

Despite their procedural complexity, wildfire mass tort programs are ultimately about people rebuilding their lives as fast as possible. "People need to rebuild their homes and move on," Yanni says. "They need resolution."

That human element can be difficult to preserve when mediations occur in groups of 20 or more, often without direct claimant participation. "In my individual mediations, I can sit down with the plaintiff and let them feel heard," Ornstil reflects. "In mass torts,

we don't always have that luxury. Sometimes lawyers submit short videos of their clients talking about their loss. It's not a perfect substitute, but it helps put a face to the claim."

Boserup agrees that the emotional toll never fades, even after handling thousands of cases. "Every story is a heartbreak," he says. "You never get used to it. Our goal is to give people back their lives—within the boundaries of the system we're working in."

Creative Problem-Solving in Action

Each wildfire settlement brings unique challenges—and innovations. Boserup points to the appeal process he oversaw for the Fire Victim Trust, which included a team of 25 neutrals to review disputed awards de novo. "That's unusual in claims processes, but it worked well," he says. "It gave claimants another level of review and added confidence in the system."

Ornstil describes his own pragmatic shortcut: the "3 p.m. number." He says: "Instead of spending all day making eight moves toward the middle, I ask each side to give me their number for where they think we'll be by 3 p.m. It's not your highest or lowest—it's realistic."

Technology, too, continues to shape the field. Yanni notes that younger lawyers' comfort with data systems and digital submissions is driving greater efficiency. "They understand how to streamline and design resolution programs that are more tech enabled," she says. "That's the future of this work."

What Lawyers Should Know

For attorneys stepping into these large-scale mediations, preparation and organization are everything. "You need to understand what information the other side needs to evaluate your case," Ornstil advises. "Get experts involved early and present your claims in a consistent, logical format."

Boserup underscores the importance of candor and professionalism. "When lawyers are open about what they don't know or need help with, it changes the dynamic," he says.

"Neutrals can guide them, and the process works better for everyone."

Experience matters, too—not just the neutral's, but the collective experience of the team. "Having people who've been through the process before helps drive a quicker resolution," Yanni explains. "These cases demand collaboration at every level."

The Future of Mass Tort Mediation

Wildfire cases are unlikely to diminish anytime soon, and similar processes are emerging in environmental and toxic tort cases across the country. From PFAS contamination to ethylene oxide exposure, the same principles apply: Collective harm requires collective resolution, the neutrals agree.

They also never forget that there are real stories of tragedy and loss behind every claim they evaluate. "I get up every morning and help people," Yanni says. "That's why I do this work."

***Cathy Yanni, Esq.,** is a JAMS neutral recognized nationally for her work designing and leading large-scale settlement programs. She has administered and mediated thousands of wildfire, mass tort and class action cases, and served as trustee of the \$14.2 billion Fire Victim Trust and is a special master of the Maui Fires Individual Settlement Fund.*

***Michael G. Ornstil, Esq.,** is a veteran JAMS neutral and one of California's first full-time attorney mediators. He has played key roles in major wildfire matters, including the Butte Fire, Thomas Fire, and North Bay and Paradise Fire cases, mediating claims involving individuals, governmental entities and more than 100 insurance carriers.*

***Viggo Boserup, Esq.,** is a Certified E-Discovery Specialist and seasoned JAMS neutral who has mediated thousands of wildfire cases, including serving as both mediator and special master for the 2007 San Diego wildfires settlement that resolved 99% of more than 2,000 homeowner claims, and later as appeals officer for the PG&E Fire Victim Trust.*