



To set a case with  
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## Employment Mediation

### What makes you uniquely qualified to handle employment disputes?

Twenty-three years of experience mediating (18 years mediating exclusively for the Ninth Circuit Court of Appeals) and extensive mediation and negotiations training (from Harvard to Pepperdine) serve me well in settling employment disputes. I also work hard to connect genuinely with the parties, so when we discuss their interests or the merits of the case, for example, they can hear what I am saying and trust my assessments as we work through the process. Counsel frequently comment post mediation that my EQ was instrumental in getting the parties beyond impasse to settlement.

### Are there particular types of employment cases you enjoy mediating?

I am fortunate to have the opportunity to work on a variety of employment matters, and I enjoy the different challenges each case presents. I have noticed that I am routinely retained to work on cases where the parties—on either side—are deeply entrenched in their opinions and could benefit from a neutral assessment on the merits. I find those types of employment cases interesting and challenging.

### How to do you lay the groundwork for a successful employment mediation?

As soon as I am retained, I send counsel a letter letting them know what information I need to prepare for the mediation. Specifically, I generally encourage counsel to exchange briefs and request that the briefs contain key facts, legal analysis with case law and copies of any key documents. I also invite counsel to submit a separate, confidential letter or email sharing with me, for example, the issues they think are driving the case, their candid risk assessment, their clients' needs, their thoughts about the mediation process and any other information they think would be useful. Also, in every case, I want to talk to counsel separately and privately before the mediation session to discuss issues raised in their submissions and any process concerns.

### Do you ever see unique or unusual settlement terms in employment matters?

Occasionally. One of the benefits of mediation is that you can fashion a settlement containing terms that uniquely address the parties' interests. In one case, for example, a university offered to endow a chair in the name of a long-serving plaintiff-dean, which was a creative term the plaintiff never would have obtained through a court judgment.

### Do employment mediations usually settle the day of? If not, how do you follow up?

Many cases settle the day of, but occasionally, some do not. From my perspective, it's not whether a case will settle; it's when. So, I doggedly will monitor the case that doesn't settle. Frequently, I am able to continue negotiations through private calls to counsel over a short period of time. Sometimes, new or additional discovery or changed circumstances will warrant a subsequent session. And, in some cases, a mediator's proposal may be appropriate.

### What do you enjoy most about being a JAMS neutral?

Generally, being of service—helping parties reach resolution and finality over contentious, disruptive and expensive litigation—is what I enjoy most about being a neutral. And, at JAMS, with the depth of support from colleagues and staff, I feel confident to tackle any legal issue presented in any employment case.