

# VERDICTS & SETTLEMENTS

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## Subtle Persuasion

*Without the power of a black robe,  
Michael Ranahan gently resolves disputes.*

By Craig Anderson  
Daily Journal Staff Writer

**S**AN FRANCISCO — Michael D. Ranahan, who switched from being a plaintiffs' personal injury attorney to a JAMS neutral 15 years ago, prides himself on his flexibility when mediating disputes.

"There is no one size fits all," he said.

Ranahan sometimes will hold joint sessions and sometimes won't. At times, he works with attorneys and their clients to facilitate solutions. But if the lawyers want him to evaluate the strengths and weaknesses of their cases, he will switch gears and offers a mediator's proposal about 10% of the time when the parties are close.

Ranahan mediates a lot of personal injury cases, landlord-tenant disputes, product liability cases and Song-Beverly Consumer Warranty Act lemon law cases over flawed vehicles. Unlike many mediators, he's not a former judge, though he takes advantage of their close proximity at JAMS to gain more knowledge.

There are some cases, such as intellectual property lawsuits, that he lets the retired judges handle.

But he sees advantages in his background.

"I've walked the walk of the lawyers," Ranahan said. "I'm sensitive to their needs — being acutely aware of the interpersonal dynamics. It's about reading people."

Ranahan was born in Marin County. His father sold mattresses to hospitals and was transferred from San Francisco to Chicago, where he lived in a suburb far from the city. "I rode a bus with farm kids," Ranahan said.

Ranahan was the second youngest of six children. His mother died when he was 9. He went to UC Berkeley, completed a master of business administration degree in organizational behavior at the University of Illinois in 1981, then headed west again, where he graduated from John F. Kennedy University College of Law in Pleasant Hill by taking night classes.

He went into law practice in 1985 with his older brother, Terrence, who is now retired. The firm handled plaintiffs' personal injury cases, and he remained there until 2005, when JAMS neutral Michael G. Ornstil — one of the first attorney neutrals in California — approached him with an opportunity to work as a mediator and arbitrator.

Ranahan took to his new job



Gary Wagner / Special to the Daily Journal

right away, he said. "I liked the flexibility of it," he explained.

He said it's important to take the time to hear out plaintiffs and defendants even if some lawyers would like to fast-forward to the end of the day when cases usually get resolved.

"A lot of what we do is listening, and that's because [plaintiffs and defendants] want to be heard," he said.

Kimberli C. Zazzi, a plaintiffs' attorney with Lemon Law Pro in Roseville, said he has used Ranahan's services about 15 to 20 times to resolve lemon law cases.

She said Ranahan does a fine job listening to and talking with clients. "He also has enough knowledge of the area of law, and that's harder to find these days," Zazzi said.

The neutral is already prepared, and often calls her on a weekend to speak about the case before the mediation, she said.

### Michael D. Ranahan

JAMS  
Walnut Creek

**Areas of specialty:** personal injury, products liability, property damage, medical malpractice, casualty loss claims, landlord-tenant matters, lemon law claims, contract disputes

When dealing with outside counsel for major automobile companies, Ranahan sometimes suggests what might be a tricky and emotional conversation — a meeting between the company's lawyer and the plaintiff.

"It has changed the entire case on a dime, hearing my client for the first time," Zazzi said, especially if the defense attorney comes away not wanting to face such a plaintiff in court. "The defense didn't want the case to go to trial."

At other times, Ranahan will suggest conversations with her without her client. “He is taking a read of the rooms without revealing any of the conversations,” Zazzi said.

She said Ranahan recognizes every case cannot be handled the same way and will sometimes change methods along the way, describing him as “cool and courteous.”

Matthew J. Quinlan, a San Francisco plaintiffs’ personal injury lawyer, said Ranahan tries whatever works — and is diligent in making phone calls to attorneys before the mediation and in following up if the case doesn’t resolve that day. “He doesn’t quit on it,” Quinlan said.

“Sometimes we talk in front of my clients,” he said. “Sometimes we go into a private room.”

Quinlan said part of Ranahan’s effectiveness is his ability to keep the process moving smoothly.

“Sometimes a mediator

doesn’t do a great job of keeping the ball moving. He does that,” Quinlan said.

Armen Hairapetian, an attorney with Pasadena-based Hairapetian & Hairapetian who defends auto makers in Song-Beverly cases, said Ranahan does a good job determining when, or if, a face-to-face meeting makes sense.

At one recent mediation, Hairapetian asked about meeting with the other side mid-morning. “No, not now,” he recalls Ranahan saying.

By the afternoon, the meeting took place and led to a resolution. “He uses them strategically,” Hairapetian said.

The defense attorney represents sophisticated clients and said Ranahan can be blunt, but always polite, if he thinks his side is being too stubborn to reach an agreement.

“He doesn’t come across as overbearing, but he does get his point across,” Hairapetian said. “He will say, ‘If you’re going to stick with that number, you’re

not going to settle the case.’”

His comments “are never challenging in a confrontational way,” said Hairapetian, agreeing with Zazzi that Ranahan “is good at identifying which plaintiff would be a good witness. That helps our evaluation.”

His wife, Alice, is an art consultant.

William S. Weisberg, a partner with Weisberg & Miller in San Francisco, has used Ranahan’s services on a variety of occasions, including landlord-tenant disputes. He said the neutral, without the experience of wearing a black robe, recognizes his power is that of “subtle persuasion. ... It’s a really underrated skill.”

Describing Ranahan as “amazingly personable,” Weisberg said the mediator, who rarely wears a suit jacket, is able to relate to clients and attorneys on both sides.

“The follow-up is exceptional,” said Weisberg, describing Ranahan’s ability to keep working on cases that didn’t end

with a settlement that day. “He knows what the issues were that prevented resolution. He will gently probe.”

“I think he gets a personal satisfaction when the cases before him resolve,” Weisberg said.

Ranahan said he never sees a mediation that doesn’t immediately end in a settlement as “a waste. ... You need to be patient. I’ll bug your lawyers and get it resolved.”

*Here are some attorneys who have used Ranahan’s services:* William S. Weisberg, Weisberg & Miller, San Francisco; Richard E. McGreevy, Leach & McGreevy LLP, San Francisco; Kimberli C. Zazzi, Lemon Law Pro, Roseville; Barry C. Marsh, Hinshaw, Marsh, Still & Hinshaw LLP, Saratoga; Matthew J. Quinlan, Law Offices of Matthew J. Quinlan; Armen Hairapetian, Hairapetian & Hairapetian, Pasadena; Kevin J. Tully, San Mateo

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*craig\_anderson@dailyjournal.com*