



## **What Counsel Say About Hon. Thomas McPhee (Ret.)**

Based on my experience, it seems to me that there are two character traits of mediators that seem to contribute most to the satisfactory resolution of a dispute. First, the ability to listen respectfully to a party's position; and 2) the ability to provide a credible analysis of the risks associated with not resolving a dispute. I think you [Judge McPhee] effectively displayed both of these.

It was evident [throughout the arbitration] from your questions and propensity to think creatively outside the contours of arguments made by counsel that you [Judge McPhee] immersed yourself in the case and worked hard. Both sides appreciated your even-handedness, level of involvement, and especially your good humor.

While maintaining his neutrality, Judge McPhee was able to identify key questions regarding strengths of the parties' positions that helped move the parties towards settlement. He also was effective in helping us to understand how our proposals were likely to be received by opposing counsel.

[A decisive difference in the outcome of the case was made because of Judge McPhee's] excellent listening and preparation.

[Judge McPhee] brought a realistic, neutral perspective to the parties' chances of prevailing in litigation.

Judge McPhee was very well prepared. It was obvious he had read the materials and thought about the issues. He asked very good questions that helped the parties move from their established positions.

[A decisive difference in the outcome of the case was made because of Judge McPhee's] evaluative approach with my client.

[Judge McPhee] kept working at a resolution when it didn't appear possible.

[A decisive difference in the outcome of the case was made because of Judge McPhee's] patience and understanding of the law.

[Judge McPhee's] extensive experience as a trial court judge in the county where the matter was pending and experience in working with the State of Washington and trespass claims [made a decisive difference in the outcome of the case].