

## VERDICTS &amp; SETTLEMENTS

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## Trust is key

*Attorneys praise mediator Robert Meyer for his intelligence and people skills.***By Andy Serbe**  
Daily Journal Staff Writer

LOS ANGELES — For mediator Robert A. Meyer, the key to success is trust.

Attorneys often come into the room with too much of an adversarial attitude, as they would in court, he said.

He said that presents one of the primary challenges of shifting from litigation to alternate dispute resolution.

“There’s a much bigger need to create trust with all the lawyers. As a litigator, you need to build trust with the court and opposing counsel, but the level of confrontation that can come up is certainly part of the process,” he said.

“Here, you need to have that trust at all times with counsel so they can trust the process that they’re going through with you, and hope that you are going to be a neutral broker.”

Meyer joined JAMS Inc. a little over two years ago, but has mediated cases for 12 years, starting when he was still working at Loeb & Loeb LLP. He joined that firm in 1975 straight out of Georgetown University Law Center and worked there until he left to become a full-time mediator.

There were a couple reasons he finally made the clean break with his litigation practice.

“I certainly prefer mediation work, and if you’re going to do this, you really have to jump in with both feet,” he said.

At JAMS, Meyer mediates a wide range of cases, but largely complex business litigation such as securities class action, professional liability, and mergers and acquisitions.

Lawsuits stemming from the 2008 mortgage crisis bring in quite a bit of work, as do “church plan” cases in which religiously affiliated hospitals claim they can use church exceptions for ERISA pension requirements. One such case went from the 9th U.S. Circuit Court of Appeals to the U.S. Supreme Court.

“What was interesting was that you had one nine-judge panel find a certain way, and another eight-judge



Alex Drecun / Special to the Daily Journal

group find in exactly the other,” he said.

No matter the case, Meyer said his practice presents the opportunity to work on interesting issues every day, including out-of-state cases.

“It’s just the chance to be in the middle of some really cutting-edge litigation, and it’s been terrific without a lot of the day-to-day things that a litigator has to deal with,” he said.

One factor that Meyer said can make his work challenging is the involvement of insurance companies.

“Big corporations typically have directors’ and officers’ liability insurance, and the insurance carriers are a big player in all of that, and their role has to be considered,” he said. “As an attorney, you might not give as much consideration to that. They can often be the third leg of the stool.”

Meyer said he tries to get himself into the mindset of the attorneys when preparing for a session so he can work with them effectively.

“I try to consider myself as if I’m preparing for an argument and really get into the weeds of the matter, the evidence that’s been produced to me,” he said. “I work to consider what their perspective is, what their client wants.”

Meyer may allow flexibility on the volume of discovery, but he said he goes through everything he gets in every case carefully.

“People tend to provide you with boxes of evidence, and I tell people I’m not too strict on page limits on your submissions. But if you give it to me, I’ll read it, and I do that,” he said.

According to Lynn Sarko of Keller Rohrback LLP, Meyer’s thorough approach as well as his wide-ranging experience as a litigator on both sides of the bar are quickly evident.

“He has such deep experience. He’s also a very quick study on different topics, he learns the law quickly, he asks tough questions, and he’s impossible to BS. He’s a straight shooter,” Sarko said. “Everyone will gladly agree to have him mediate a case if he’s available.”

“He’s wicked smart, a lawyer’s lawyer. He’s a great strategic thinker, clearly been around the block, and I think he’s fabulous,” Sarko said.

Sandra Goldstein of Cravath, Swaine & Moore LLP echoed the sentiment, and said that Meyer is “as smart as anybody else in the room, if not smarter. It comes from the breadth of his own experience as a practitioner.”

Goldstein added that part of Meyer’s effectiveness comes from his willingness to press parties toward a solution if negotiations have ground to a halt.

**Robert A. Meyer**  
JAMS  
Century City**Areas of specialty:**

complex business litigation, class actions, entertainment, federal law, intellectual property, professional liability, securities

“Bob is extremely bright and thoughtful. Based on his background, and sheer smarts, he understands the dynamics in the room and how and when to apply pressure on all sides to reach a resolution,” she said.

Meyer said that another key to reaching a resolution is communication, early and often.

“If counsel tells me they need 18 or 20 pages for a brief instead of 10 or 15, I tell them to send me an email. I will read it, and we can get it figured out,” he said.

Meyer said that one reason he sometimes needs to get flexible with page limits is the sheer complexity of some cases, especially in securities work.

According to Meyer and the attorneys who use his services, understanding and reading people in mediation is important.

“He understands legal significance, has a good sense of cases and the law, and gets the human dynamic that is equally important when dealing with a mediator,” Goldstein said.

In his spare time, Meyer enjoys travel and spending time with his family, which includes his wife, two daughters, and grandchildren. A New York native and baseball enthusiast, Meyer is also an avid fan of the New York Yankees.

*Here are some attorneys who have used Meyer’s mediation services:* Lynn Sarko, Keller Rohrback LLP; Evan Chesler, Cravath Swaine & Moore LLP; Sandra Goldstein, Cravath Swaine & Moore LLP; Mark Lebovitch, Bernstein Litowitz Berger & Grossman LLP; Randall Baron, Robbins Geller Rudman & Dowd LLP; Michael Carlinsky, Quinn Emanuel Urquhart & Sullivan LLP; Howard Shapiro, Proskauer Rose LLP; David Scott, Scott & Scott LLP; James Rutten, Munger, Tolles & Olson LLP.