

# VERDICTS & SETTLEMENTS

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## Street Cred

*As an attorney, mediator Lexi Myer liked digging deep and making a cohesive argument come together from a complex system of parts.*

By Paula Lehman-Ewing  
Daily Journal Staff Writer

JAMS neutral Alexis (Lexi) W. Myer loves solving puzzles.

Not necessarily the million-little-pieces kind, but the mindbenders and complex problems that take some time and thought to solve.

She discovered it first in her love for writing. As an attorney at Robinson Calcagnie Inc., Myer was the brief writer. She said she liked digging deep, getting into case citations and making a cohesive argument come together from a complex system of parts.

That work was crucial to the firm's success in major class action cases against corporations like Phillip Morris and Merck & Co., according to Steven J. Skikos, an attorney at Skikos, Crawford, Skikos & Joseph who crossed paths with Myers when she was a litigator.

"Her work was instrumental in those cases," Skikos said. "She's not afraid of the hard work and she's tough enough to handle it."

Myer said her love of solving complex matters through research led her to start her own business providing research assistance to mediators and arbitrators. Her mentor, former California Court of Appeal Justice John K. Trotter Jr.,

introduced her to neutrals at JAMS, where Trotter went to work after retirement from the bench, and eventually the company convinced her to become a full-time mediator herself.

In that capacity, she said, she still gets to play with puzzles.

"I think part of the challenge of mediation is that people come from their own place and you need to be able to understand how their emotions and their positions fit in with someone else's emotions and positions," Myer said. "It takes an interesting mindset to be able to come up with a way to make maybe two diametrically opposed forces come together."

The challenge led to a new way of mediating that many clients of hers have opted for recently.

Myer and her mentor and JAMS colleague Kenneth C. Gibbs are two of the few neutrals with expertise in complex construction disputes, according to JAMS and attorneys who have used their services. Myer was finding that many times when those disputes included a public entity, the proverbial bureaucratic red tape often caused delays.

As a solution, Myer and Gibbs began holding mini trials. These are two- or three-day sessions where both sides can bring in



Paula Lehman-Ewing / Special to the Daily Journal

experts, enter exhibits, have lay witnesses provide a narrative, and make presentations. Afterward, the neutral delivers a mediation-evaluation, which Myer describes as a hybrid between a neutral evaluation and a mediator's proposal.

Myer said the technique allows both parties to have a more confident forecast of what trial may mean in terms of cost and outcome before incurring significant cost.

Dustin R. Jones, an attorney at Finch Thornton & Baird LLP, has participated in more than one of these mini trials with Myer and said the process often smooths over impasses between his clients and public entities, often represented by outside firms that need to gain approval from executives who are not present at mediation.

"It helps a decision maker who's not going to be in the room justify their decision," Jones said. "It helps for somebody like Lexi or Ken to say how a trial would likely end up rather than have a six week trial decided by 12 people who know

### Alexis (Lexi) W. Myer

JAMS  
Los Angeles

**Specialties:** business and commercial law, class action, mass tort, construction, insurance, health care, pharmaceuticals/mass tort, personal injury/torts, employment law

nothing about construction."

Myer is particularly good at this kind of mediating, according to Mathieu G. Blackson, an attorney at the California Department of Transportation. Blackson said Myer's demeanor allows the parties to stay on track and focused.

Blackson remembers an instance when tensions were becoming inflamed at one of these mediations and Myer simply refocused the group by directing a poignant question to one of the experts.

“She had the ability to see it was going nowhere and when she directed a question to the CalTrans engineer it changed the whole dynamic,” Blackson said. “Now we were dealing with a person who could cut through the legalese and the positioning and say what happened.”

Myer’s ability to question experts comes from five years of extensive training in the area of complex construction. She still mediates pharmaceutical cases, but she’s dedicated herself to learning from Gibbs and becoming a master in the field of construction.

Jones said the hard work has paid off in spades.

“I’m buying all the Lexi stock I can,” Jones said. “My industry [large-scale infrastructure construction] needs more people

like her and she’s really the only one in her generation who’s doing it.”

Skikos, who, in addition to working with Myer when she was an attorney, has used her as a mediator, said she is a unique mediator in many ways. Not only does she conduct advisory trials, not only does she have construction expertise, she also does allocation within mass torts.

“There’s not a big army of those people,” Skikos said. “She’s the new generation of highly skilled, experienced litigators who moved over into settlement and allocation work and you have to have a really good understanding of how litigation works to do that.”

“She’s the unique combination of super smart, super humble, and she can handle all types of

personalities,” he continued.

Skikos even said he had multiple conversations with Myer’s former boss, Robinson Calcagnie partner Mark P. Robinson Jr., about convincing her to apply for a judgeship. Myer said she considered it but she’s happy the road led to her current job.

She also thinks her background as a litigator helps her work with counsel.

“I’ve gotten feedback that some clients actually prefer lawyer mediators as opposed to judge mediators because of the fact that they can sort of relate to what it’s like to be in the trenches and deal with litigation,” she said. “We sort of speak the same language.”

Skikos said Myer’s attorney background does more than

buy her street credibility with JAMS clients. It’s the work ethic behind that experience that really makes her shine.

“To build up credibility you need to have positive experience in work product and you also have to go through hell,” said Skikos. “She’s a younger version of Cathy Yanni or a very young Justice Trotter.”

*Here are some attorneys who have used Myer’s mediation services:* Steven J. Skikos, Jane Joseph, Skikos, Crawford, Skikos & Joseph, LLP; Mathieu G. Blackston, California Department of Transportation; Dustin R. Jones, Finch Thornton & Baird LLP; Christopher A. Villasenor, San Diego

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