

# VERDICTS & SETTLEMENTS

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## Building Rapport

*Mediator Jeane Struck makes a point of developing relationships with both sides.*

By Chase DiFeliciano  
Daily Journal Staff Writer

**S**AN FRANCISCO — Early in her career as an insurance defense lawyer, Jeane Struck found she could be a zealous advocate for her clients while remaining on good terms with opposing counsel.

Now a mediator at JAMS specializing in insurance and liability cases, Struck said she still sees many of her old colleagues and opponents and those relationships help her settle cases.

“I run into a lot of the same people,” Struck said. “I want the attorneys to have a certain level of confidence in my skills whether it turns out we have mutual friends or we know the same judge.”

Struck said she handled a wide range of insurance cases from medical malpractice to automotive, architectural and beyond and her range of experience allows her to provide perspective to feuding parties.

“As an insurance defense attorney, one of my most important jobs was really analyzing both sides of the case for my insurance carrier client,” Struck said. “I had to look at the whole case, show them where the problems were, where the liabilities were.”

Struck said she asks that attorneys turn in their briefs five days before the start of a mediation and she favors premediation calls.

“I want to find out if there are things that they want to share that are not in the brief,” Struck said, adding that learning if a client is particularly emotional or distraught can color how she handles the mediation.

She does not do joint sessions unless the parties ask for them, but she makes a point of building a relationship with both sides early in the process. “I want these people to be comfortable, and I especially

### Jeane Struck

JAMS  
San Francisco

**Areas of Specialty:** Insurance liability, personal injury, construction defect, professional liability, and business/ commercial

want an injured plaintiff to feel some rapport with me because it’s scary,” Struck said.

Building a rapport helps particularly when bringing the sides together on a dollar amount, Struck said.

“If somebody gives me a number that’s really high, I’ll say, ‘I’ll take that, but it is going to be high, and I know it’s not going to be acceptable in the other room and here’s why,’” Struck said. “They can give me whatever number they want, but what I’m trying to do is set a different expectation regarding the response.”

“She’s really good at reading the room and seeing there’s a discrepancy in how this fact is being looked at or valued,” said Jacqueline Ravenscroft of Tobener Ravenscroft LLP. “That helps the case settle because if there’s discrepancy on a factual issue, then the parties are going to have vastly different valuations.”

Holding onto information so it can be used later in the mediation or even at trial is a practice Struck said she understands but discourages. “If you’re probably going to settle the case at some point, isn’t it better to settle it now and take advantage of that information?” she commented.

Struck said she mediated a case in which the defense was adamant in disputing the plaintiff’s claimed physical limitations. She discovered over the course of the session that they had social media photos of the plaintiff appearing to be more mobile than what was claimed.



Chase DiFeliciano / Daily Journal

“I had to convince the defendant attorney, who did not want to share this with the plaintiff attorney during the session,” Struck said, adding that divulging the information was key to settling the case and causing the plaintiff’s side to reconsider their claims.

That case did not settle during the session, and Struck followed up with both parties until they reached common ground. Struck said she often keeps track of cases that have not settled, calling lawyers after a doctor has been deposed or after other crucial points in a case.

Dealing with emotional and injured plaintiffs was part of Struck’s practice as an insurance defense lawyer and continues to be an area where she is able to apply her years of expertise. “If I feel like I’ve got a really good rapport with a plaintiff, I can hold her hand and say, ‘This is what’s happening, and this is not a reflection on you,’” Struck said.

Often what a plaintiff was really looking for was a chance to be heard, Struck said. “Sometimes it’s appropriate then for the insurance company to come in and say, ‘We’re so sorry; we believe you.’”

“Because she’s done so much of it, she has a good sense of how cases are going to turn out,” said Dawn Hassell at the Hassell Law Group, who used Struck as a mediator while representing a plaintiff in an underinsured motorist claim. “She comes in

immediately with a lot of credibility. The insurance companies take her very seriously because they know they have risks if they don’t settle.”

While mediating a case where a plaintiff had lost a finger in a go-cart accident, Struck managed expectations to satisfy both sides in an emotional setting, according to Robert Cartwright of The Cartwright Law Firm Inc., who represented the plaintiff.

“Jeane has a very pleasant personality,” Cartwright said. “She handled it really well with my plaintiff, who needed to hear things from the mediator that perhaps I couldn’t tell her.”

“She’s always put my clients at ease and is easy to talk to,” said David Spini of Scruggs, Spini & Fulton. “Once the mediator gets the trust of your client, it’s a whole lot easier to get the case settled.”

Struck lives in the Russian Hill neighborhood of San Francisco and said she enjoys traveling with her husband. They make olive oil in Healdsburg under the name Westside Road Olive Oil.

*Here are some attorneys who have Used Struck’s services:*

David Spini, Scruggs, Spini & Fulton; Robert Cartwright, Cartwright Law Firm Inc.; James D’Ambrosio, Stark & D’Ambrosio LLP; Robert G. Williamson Jr., Hart King; Jacqueline Ravenscroft, Tobener Ravenscroft LLP.