

# VERDICTS & SETTLEMENTS

FRIDAY, JULY 5, 2019

## Been There, Done That

*Neutral Jean Lawler has been on every side in mediations during her career.*

By Steven Crighton  
Daily Journal Staff Writer

**E**L SEGUNDO — No matter where one stands in the mediation room, there's a good chance Jean M. Lawler has been there.

An attorney for nearly four decades, she's advocated vigorously on behalf of clients and worked to soften their positions when a proposed settlement doesn't match up with their idealized outcome.

And as a business owner, she gets where the clients are coming from, too — not just as the owner of her mediation shop Lawler ADR Services LLC, but as the former managing partner of the California-based litigation firm Murchison & Cumming LLP.

During her 31 years at the firm, Lawler chaired the insurance law, cyber and privacy law, international law, and business and real estate transactions practice groups. She led the law group as firm-wide managing partner from 2008 to 2013.

"I have that perspective, not just as an equity partner at a law firm, but the one

who had to be responsible for the livelihoods of everybody in the firm," Lawler said. "Maybe that's a responsibility the managing partner doesn't have to feel personally — but I promise you that probably around 99.9% of them do feel it personally."

Lawler said she understands what can motivate parties to hold fast to their positions beyond just the strength of a claim or personal animus. In the world of business, she said, she knows how easily obstructions to a settlement can form.

"Ultimately, the buck stops with that top person. I know what it's like to have to meet a payroll, in the barest bottom line of it. I know what it's like to have to deal with a situation where you just can't get people to get along," Lawler said. "But their interest needs to be in resolving the dispute so they can get back to the business of their business."

Lawler first considered a jump into mediation around 2007, taking classes as part of the mediation program at Pepperdine School of Law's Straus Institute for Dispute Resolution. Between classes,



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mentors, and training seminars, Lawler learned not just the strategies for resolving a mediation but the art of building a mediation business itself.

But she found it wasn't the sort of things she could dip her toes in — she'd have to dive head first. She went full time into mediation in 2017, establishing her own shop, Lawler ADR Services LLC.

"It was almost like the start of a new career," Lawler said.

A panelist for National Arbitration and Mediation and the Mediation & Conciliation Network, Lawler also serves on mediation panels for the Central District of California and the 2nd District Court of Appeal. Though her base of

### Jean M. Lawler

Lawler ADR Services  
(El Segundo)

**Specialties:** Business, contract, employment, personal injury, insurance

operations is her business' office in El Segundo, Lawler can accommodate clients just about anywhere with rented workspace.

Lawler says she "wholeheartedly adopted" federal court requirements for pre-mediation conferences, preferring to speak with the parties separately for more candid conversations about

what to expect. Equipped with briefs, Lawler said she'll generally have a fairly precise list of points she'd like to ask the attorneys about.

Given that the vast majority of cases filed don't end up going to trial, Lawler said the day of mediation is as close as many parties will get to "their day in court."

"But they have to buy into it. Ultimately, you try to empower the people who are participating to find a decision that they can live with," Lawler said.

She feels she has a fairly facilitative approach as a mediator. As a fellow neutral once told her, "When someone asks, 'What do you think a case is worth?' the perfect answer is usually, 'Whatever you two decide that it's worth.'"

Helen M. Luetto, a partner at Walsworth WFBM LLP, said Lawler was a panel mediator in a federal insurance bad faith case in which she represented the defendant. The already complex case was complicated by the fact that the plaintiff was acting in pro per.

"She did a great job with that. She really handled the pro per plaintiff very deftly and very patiently. It was a rather sophisticated case with an unusual claim being

argued by someone who was not necessarily used to this kind of situation," Luetto said. "She's very likable and relatable, and in that case she was able to obtain his trust and get him to make some concessions."

Ryan J. Rodman, an attorney at Chicago-based Walker Wilcox Matousek LLP, said he had a "really complicated" insurance case that was ordered into mediation before Lawler.

Neither he nor opposing counsel had much hope the case would end there, and ultimately, Rodman said, it didn't. But that didn't stop Lawler from resolving some complex issues that were adjacent to the underlying claim.

While the parties couldn't stipulate to a judgment, they agreed to the reimbursement of attorney fees, limits on how long the litigation could go on, and whether the losing party could appeal, among other issues.

"Ms. Lawler, having a coverage background, understood why we had to keep proceeding forward and nonetheless made it a productive day," Rodman said. "After we got a judgment, there were still going to be several issues for the court to decide on. We were able to get all of

that ironed out, which saved us a considerable amount of time."

Lawler's ability to project ease to clients and attorneys stood out to Jeffrey Laufenberg, a McGarry & Laufenberg LLP attorney who recently used her as a mediator.

"She keeps everyone calm, keeps everything moving forward, even when it seems like we might be getting bogged down a bit," Laufenberg said.

His case involved multiple defendants, so there was some concern there would be a lot of finger-pointing to get either defendant to shoulder more of the responsibility, he said.

"But as opposed to the parties trying to fragment and being at odds with each other, we had everyone's eyes on the prize," Laufenberg said.

Similarly, Shernoff Bidart Echeverria LLP partner Steven Messner found that while the matter before Lawler didn't settle the day of mediation, she effectively set the stage for a settlement to be reached later.

"I think she did a really good job of bringing the case together," Messner said. "I found her to be a very capable mediator."

Michael K. Collins, an

attorney at Hill Farrel and Burrill, said Lawler recently oversaw a mediation he was involved in and was able to quickly and effectively broker a settlement. Collins said it stood out to him how proactively Lawler approached the case, adding he found the pre-mediation conference calls helped narrow the scope of the day significantly.

"We had a hard time scheduling the mediation because the various lawyers involved had dates that were all over the place, but she really look the lead and figured out a time and a place that works for everyone. It helped a lot," Collins said.

*Here are some attorneys who have used Lawler's mediation services:* Stephanie Forman, Tharpe & Howell LLP; Helen M. Luetto, Walsworth WFBM LLP; Steven Messner, Shernoff Bidart Echeverria LLP; Dale A. Amato, Berger Kahn; Ryan J. Rodman, Walker Wilcox Matousek LLP; Jeffrey Laufenberg, McGarry & Laufenberg; Christopher Pisano, Best Best & Krieger LLP; Heather M. Bean, Tyson Mendes.

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