

The Percolator

When resolution isn't imminent, Carla Woehrle sometimes turns up the heat.

By Steven Crighton
Daily Journal Staff Writer

LOS ANGELES — When things go according to plan, former Judge Carla M. Woehrle said mediation can offer the best kind of justice wronged parties can get—the kind they achieve for themselves.

A U.S. magistrate judge for nearly 20 years, Woehrle said she knows all too well the rulings a bench officer makes can be constrained by the evidence admitted, the jury instructions given, or some other facet of the case. That sometimes makes issuing a just ruling secondary to issuing one that is legally sound, she said.

“A lot of people think, ‘Oh, I’m going to have my day in court, and my story’s going to be heard.’ They think that’s how it works, but it’s not,” Woehrle said. “They don’t realize their story’s going to be told in fits and starts.”

Mediators, she said, don’t have the same restrictions.

“The great thing about mediation is it puts the decisions about what’s going to happen into the hands of those most directly affected by them,” Woehrle said. “So when it works, it’s the most empowering and most effective kind of justice.”

Mediation appealed to Woehrle long before her 2016 retirement from the bench. The hundreds of settlement conferences she oversaw during her work with the Central District of California often marked her favorite days on the job, making the move to ADR Services Inc. a natural one.

The cases she handles now are nearly as varied as her court docket, and most are so complex that multiday sessions aren’t uncommon. But it’s routinely the complex relationship of the parties involved that makes finding a resolution difficult.

“I think that’s what makes it complex — the people and how their issues don’t just fall easily into a box,” Woehrle said. “Sometimes, it’s really surprising what cases end up being driven by emotion.”

The attorneys Woehrle typically deals with are perceptive enough to know when the legal issues of a case have taken a back seat to a client’s personal grudge. So she enlists their help to head off any potential emotional hazards before negotiations get too far along and tries to have a



Juliane Backmann / Special to the Daily Journal

breakout room available to address attorneys privately if needed.

“If I have a sense from reading the briefs that there are back story issues that aren’t explicit in the briefs, but I can sense are there, I’ll talk to the attorneys ahead of time to get a feeling of what might be driving the client,” Woehrle said. “Not to step on the toes of their relationship, just to understand the dynamic.”

When matters don’t settle after the calendared sessions are over, Woehrle is diligent about following up. She lets issues “percolate,” as she calls it, leaving parties to think about the facts of a case for a while before communicating again. She said she feels that as advocates, attorneys often treat post-session correspondence like a staring contest, and the attorney who reopens the dialogue is the one who often blinks first.

“It’s a little easier to propose a discussion again when it comes from the mediator,” Woehrle said.

Eugene Hahm, a partner at LTL Attorneys LLP, said his firm’s contract case didn’t resolve after the first session, but Woehrle’s diligent follow-ups eventually helped facilitate a settlement.

“She did go above and beyond trying to work with us over the ensuing weeks,” Hahm said. “The case would probably not have settled without her subsequent intervention.”

Woehrle often leans on her magistrate judge background when reaching out for follow-ups, keeping up with the docket and offering a gen-

tle nudge when she feels some new in-court development might provide some necessary motivation.

“I’ll sometimes be pretty forceful about it when it warrants it. If I know it’s a particular judge or I see there’s a particular issue in the case, I’ll say, ‘I think you may want to come back in here,’” Woehrle said.

Loeb & Loeb LLP partner David Grossman said Woehrle leveraged legal developments in his copyright case to help encourage parties to settle after their session ended without resolution. Woehrle eventually brokered a deal on a Saturday evening while she was traveling, he said.

“She was so engaged. She’s got both the credibility of a federal judge and the ability to speak to litigants in a very direct and fair way that makes everyone feel involved,” Grossman said.

But Woehrle isn’t one to hesitate when she thinks parties have reached an impasse, and very often she will pitch a mediator’s proposal to end the dispute. While they’re not always successful, Woehrle said she’s regularly surprised at the stalemates her proposals can break.

“Sometimes, I feel it’s the only way I’m going to be able to give the parties a real chance to make a decision,” Woehrle said.

Scott Marcus, assistant chief of civil litigation with the Los Angeles city attorney’s office, said Woehrle’s federal background makes her a reliable hand in city law cases.

“They’ve involved either challeng-

Carla M. Woehrle

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Area of specialty: civil and constitutional rights, government policy, business class action, employment, intellectual property

es to city ordinances or city policies, often under federal constitutional grounds,” Marcus said. “They’re not a straight negligence, ‘You hit my car, I didn’t hit your car’ sort of thing. Her background is particularly helpful in those situations.”

David Willingham, a partner at Boies Schiller Flexner LLP, said his firm used Woehrle in a case where “the parties were miles apart and a prior mediation failed miserably.”

“After a long day of no movement, she brought both parties far along from their original positions and managed to get the case settled on the eve of summary adjudication,” Willingham said.

Barry Litt, an attorney at Kaye McLane Bednarski & Litt LLP, said Woehrle “has got all the qualities people want in a mediator.”

“She’s well liked both by plaintiffs’ and defense lawyers. She’s persistent and understands the legal issues,” Litt said.

Woehrle’s schedule allows for plenty of visits to Northern California, where her daughter and two newborn grandchildren live. But more free time isn’t the only perk of semi-retirement for the self-professed movie buff. She and her husband are able to watch films on weekdays, when the tickets are cheaper and the theaters are less crowded.

During a recent viewing of the Marvel film “Black Panther,” Woehrle said she and her husband were the only two people in the theater.

“My husband said it was the ideal movie-going experience,” Woehrle said. “I just wish we could pause it.”

Woehrle’s hourly rate is \$550.

The following attorneys have recently used Woehrle’s mediation services: Eugene L. Hahm, LTL Attorneys; David Grossman and Barry Slotnick, Loeb & Loeb; Alan G. Downing, Alan G. Downing PC; Steve Rubin, Rubin Law Corp.; Paul Hoffman, Schonbrun Seplov Harris & Hoffman; Scott Marcus, Los Angeles city attorney’s office; Diana M. Estrada, Wilson, Elser, Moskowitz, Edelman & Dicker; Michael Larin, Lynberg & Watkins