

# Human Element

*Irene Takahashi uses collaboration and common sense to resolve disputes.*

**By James Getz**  
Daily Journal Staff Writer

Irene Takahashi's mediator career is due, in part, to a falling eucalyptus tree branch, but the seeds of it — the career, not the tree — were planted about five years before.

While in the latter stages of her long litigation career at Lewis Brisbois Bisgaard & Smith LLP in San Francisco, she represented a homeowner in Hillsborough, where the tree branch injured a woman, but it was unclear which yard it came from. Reuben Donig of the Law Office of Reuben J. Donig represented the plaintiff. Kenyon Young, in-house counsel for Chubb Insurance Co., represented the neighbor of Takahashi's client. Both were so impressed with the way Takahashi handled her representation that when she announced she was becoming an independent mediator in January 2016, they signed up to have her mediate a motorcycle-car personal injury case.

"She is understated, she is extremely pleasant, she is thoughtful," Donig said. "She understands the process both from her judicial experience and from her experience as a litigator.

"She is detailed," he added. "She makes an effort to really understand the facts and the nuances. She doesn't jump to conclusions ... and I think she tries to persuade people appropriately without losing her neutrality."

Young said Takahashi has rapport with people, particularly plaintiffs. "With the plaintiff, they want to feel like they've been heard, like they're part of the process," he said. "She does a good job of making people feel heard and understood."

Takahashi credits her ability to see all sides as a result of her upbringing, schooling and varied career.

Born in San Francisco, she moved with her family to El Cerrito and after high school, she said, "I was a bit of a rebel. I went to San Francisco State for one semester, then went to California College of Arts and Crafts in Oakland."

"After two years, I decided I'd better get serious about my career because I wasn't talented enough in the arts to make a living," she said. "So I went to UC Berkeley and majored

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in psychology." It was at Berkeley in the early 1970s that she took the class that changed her life: "Asians and the Law." Asian attorneys spoke at the class. She had never had a role model before.

After one class, she said, she approached the instructor and asked, "Do you think I can be a legal secretary?"

"Can you type?" he asked.

"No," she replied.

"Then why don't you be a lawyer?" he responded.

"That's why I kind of joke when I say I went to law school by default. Someone told me, 'If you go to law school, you'll learn how to think.' I still don't know what they mean." She spent 13 years as a state and federal prosecutor and as a defense attorney, two years as a municipal court judge in Contra Costa County, and then a quarter-century in law firms handling civil insurance defense cases.

It was during her final five years at Lewis Brisbois that she really started noticing mediators.

"They were always supportive," she said, but when they disappeared into the opposing counsel's conference room, "I always wondered, 'What are they saying over there?' As right as you think you are, there's always another side to it. So I started thinking it would be rewarding to be the communicator."

She also began to feel that litigants were consistently left on the sidelines.

"It could be four years before they see the inside of a courtroom," she said, "and that's not good for people who need medical care, for example. I could have kept going. I enjoyed what I was doing. But at my stage in life, I really wanted to use all my life experience to help the parties reach a settlement."

"What I have to offer that's differ-



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ent is my trial experience," she said. "When you combine my state and federal prosecutor cases and my civil cases, I have literally tried hundreds of cases through jury verdict. Sometimes the attorneys are focused on the facts and the legal issues, but there are human elements that are more important to the jury."

Takahashi said that when ADR Services reached out to her a month ago to join them, she jumped at the chance, saying it was like getting a "stamp of approval."

Other attorneys agree that Takahashi brings a unique touch to mediation.

Thomas LemMon of Robbins, Feltner and LemMon has used her in three cases — two vehicular, and one involving a woman who was scalded.

"The big fact in the burn case from the defense was, before sticking your whole foot in, why not test it first? It's hard for an injured plaintiff to hear that and understand," LemMon said. "You have to use common sense from all sides to help your client understand the concerns of the defense and the insurance carrier."

LemMon called Takahashi's mediation style "collaborative as opposed to competitive."

"She is the type of mediator who is going to look at every case on its own merits, as opposed to saying, 'This is one of these types of cases.' She actually takes the time to understand the puzzle of the personal injury allegation."

Andrew Wolff of the Law Office of Andrew Wolff PC said that in a case where a Home Depot customer knocked a load of wood onto his client's foot, Takahashi pulled out an old-fashioned tool.

"She used a blackboard and said,

'This is what you have, this is what they have.' She went through the medical issues and said, 'This is what the doctors have.' She really went through the medical records more than any mediator I've ever seen in my career, and I've been through like 500 mediations," Wolff said.

Both LemMon and Wolff said that Takahashi's sex and race are welcome and needed in the mediation world.

"What really the legal system needs is the reality of the population — women, color, varied backgrounds," LemMon said. "Irene's got the educational pedigree, but she presents the face of what's happening in our legal system in California."

"There aren't that many female mediators or ones of color," Wolff said. "In my cases, it helps. I represent a lot of tenants who are low-income. There are some high-pressure mediators. Even if they get it done, the client might feel bullied. I don't want my client to feel that way."

Takahashi said she was just told recently at ADR Services that attorneys are asking for more female mediators.

"I don't know what the reason for that is," she said, "but I welcome it."

*Here are some other attorneys who have used Takahashi's services:* Benjamim Schnayerson, McNamara Law Firm; Deborah Bjonerrud, Philip M. Anderson & Associates; Richard Sax, Law Office of Richard Sax; John P. Thyken, Cotchett, Pitre & McCarthy LLP; David E. Hunter, Stratman, Patterson & Hunter; Stephen M. Tye, Haight, Brown & Bonesteel LLP; Keith L. Cooper, de la Pena & Holiday LLP; Emmanuel Enyinwa, Law Office of Emmanuel Enyinwa; Gary R. Cloutier, Oakland