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Neutral Gail Title brings curiosity, candor to complex entertainment and IP disputes.

A longtime entertainment litigator turned neutral, Title draws on her deep knowledge of intellectual property law and her understanding of people to resolve complex disputes.

By Shane Nelson
Special to the Daily Journal



Justin L. Stewart / Special to the Daily Journal

"I'm a geek," longtime neutral Gail M. Title said with a chuckle. "And I love learning."

A prominent entertainment litigator for decades, Title now spends much of her time mediating complex film, television, music, and intellectual property disputes, often involving cutting-edge questions of trademark, copyright, and trade secret law.

"I love the legal aspect of it. I always have," she said. "But I'm also really curious about people. I love learning about what makes them tick and what's driving them or what's frightening them or worrying them."

A former federal public defender in the Central District of California, Title later served as managing partner and head of entertainment litigation at Katten Muchin Rosenman LLP before becoming a full-time neutral with ADR Services, Inc. in 2016.

In addition to mediating entertainment and IP disputes, Title arbitrates collective bargaining agreement disputes for the Writers Guild of America and SAG-AFTRA.

Her approach to arbitration reflects her federal court background. She is receptive to motions for summary judgment and bifurcation but also believes in giving parties the opportunity to present their cases fully.

As a mediator, Title considers preparation essential, but understanding the law is only half the job.

"You really need to be able to understand the people and read the emotions in the room and what people need from you at any given time," she said.

That requires striking a careful balance between authority and restraint. Title said she never sits at the head of the table.

"You can't be too big a personality, and you also have to have enough gravitas to have some influence," she explained. "Over time, I think you just get more comfortable with where that balance is."

New York litigator Anthony J. Dreyer, who recently used Title to resolve a copyright infringement dispute involving Major League Soccer, described her as "everything you'd want in a mediator."

"She is thoughtful. She's a quick study," Dreyer said. "She understands interpersonal dynamics and appreciates that those dynamics often drive a resolution more so than even the facts or the law."

He particularly appreciated her willingness to challenge attorneys and clients without becoming confrontational.

"One of the things I like about Gail is she has a good BS meter," Dreyer said. "She will pressure test

Gail M. Title

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your points and highlight some of the weaknesses in your point and some of the strengths of the other side's argument, which maybe the lawyers appreciate, but the clients need to hear in order to come to a negotiated resolution."

Newport Beach litigator John Tehranian, who has used Title to settle more than a dozen copyright, trademark and entertainment disputes over the past 15 years, similarly praised her candor.

"She's not afraid to push hard — as needed — to expose the real risks of proceeding without a settlement," Tehranian said. "I've had many spirited debates with her over issues of liability and damages. We don't always agree, and that's actually a huge part of the value she brings as a neutral."

Title welcomes those exchanges, recognizing that even seemingly strong legal positions carry uncertainty.

"Nothing's certain," she said. "There's always room for some gray, and that gray helps you settle cases."

Los Angeles litigator Edwin F. McPherson, who has used Title to resolve music industry disputes, considers her among the best entertainment mediators.

"There aren't that many mediators who really know entertainment," he said. "There's probably a handful of good ones, and she's one of the best — no question about it."

McPherson also appreciates that Title does more than shuttle settlement offers between parties.

"She's not a beat-them-up type of person who will just yell at you," he said. "But she's also not a 'Gee, I'll just convey comments back and forth' type of person either."

For Title, the combination of intellectual challenge, human dynamics and the opportunity to help people resolve disputes remains deeply satisfying. She has no plans to retire.

"I'm having a blast," she said. "At the end of the day, what makes you good is if you can settle cases and help people and help the courts. ... It is service. But if I can enjoy the process of service, so much the better, right?"

Here are some attorneys who have used Title's services: Anthony J. Dreyer, Skadden, Arps, Slate, Meagher & Flom LLP; John Tehranian, One LLP; Edwin F. McPherson, McPherson LLP; Dennis L. Wilson, Kilpatrick Townsend & Stockton LLP; Daniel B. Lifschitz, Gipson Hoffman & Pancione APC

shane.nelson@dailyjournal.com

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