

VERDICTS & SETTLEMENTS

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FRIDAY, MARCH 11, 2016

The Real Deal

*Robert Mann has a good reputation and eye for detail***By Steven Crighton**
Daily Journal Staff Writer

In an attempt to visualize the difficulty of a pending mediation, Robert Mann said he will sometimes present the two parties with two manila folders. In one, he stuffed practically everything in the office not bolted down: pencils, notepads, telephones, staplers. The other he left alone, unburdened.

"I tell them, these are the two roads — this one is really smooth. No more money, no more risk if you walk down this road," Mann said. "But look at this road — it's full of stuff, and that's just the stuff we know about today, that we're going to have to work through."

It's a simple visual, Mann admits, but it goes a long way towards getting parties to understand the complexities of the mediation process, especially as it relates to the already complex nature of construction and real estate law that constitute Mann's specialty.

"He's the real deal," Glenn Turner, an attorney with Gibbs Giden Locher Turner Senet & Wittbrodt LLP said. "He's a guy who can look at plans and specifications and talk to contractors on their level. Most mediators don't want to get into a level of detail at that high degree."

Mann has 35 years of experience as a construction, real estate and business litigator, a role he remains active in as an owner's representative through his private firm. As a result, he's not just proficient at speaking the language of owners, contractors, brokers, agents and appraisers, he's keen to when the things they're saying just don't add up.

"When experts tell me things, not all the time but many times, I know as much as they do, so it enables me to independently evaluate what they're saying," Mann said. "In my other life, when I'm not mediating or arbitrating, I deal with contractors and subcontractors. I know what things cost and how they're done."

Rick Goor, a partner with Spile Leff & Goor PC, said that Mann's expertise means attorneys are able to get to the heart of a dispute quickly.

"I think he's very adept at getting right to it. He doesn't waste half a day

or more just BS-ing or joking or telling stories, he gets down to the numbers very quickly and he understands it," Goor said. "Give him your brief, a quick outline, and he's very quick to understand the nature of the issues involved."

Neil Gunny, a partner with Klinedinst PC, said Mann has an uncanny ability to not just digest massive amounts of new information, but understand how the information fits into the context of the case.

"If you're like me, and you're often saddled with fairly complex factual disputes, I've found that there's only a handful of mediators who have both the intellect and determination needed to get their arms around the facts in these often very complex situations, and he's one of them," Gunny said. "For litigators like myself, that's golden."

Mann said he's a quick study and a fast reader, noting that he used to regularly read through 300 page novels in less than three hours. But he believes the reason he's so adept at digesting the facts of any one individual case is because they all tend to follow the same pattern.

"With construction defect, non-disclosure agreements, insurance, there's always a pattern," Mann said. "You're looking at and evaluating individual facts inside the matrix of a pattern."

He compared it to a dermatologist; they might see the same condition over and over again, but the cause, severity, or context of the condition varies greatly.

Understanding those patterns allows him to get right down to business, Mann said, so attorneys shouldn't go overboard with detailing in their briefs.

"I think really good lawyers should be able to make a modified elevator pitch. If it's something you can't explain to me in two paragraphs, you need to think about whether you really have a good case or not," Mann said.

Mann considers his perseverance to be one of his best qualities as a mediator, as he'll often prod parties toward resolution long after both sides have seemingly given up hope.

In one case, Turner said he was opposed by the attorney of a high profile



Courtesy ADR Services Inc.

Robert MannLos Angeles
ADR Services Inc.**Areas of specialty:** construction, real estate, commercial, intellectual property, personal injury, employment

celebrity who he described as "a profane maniac of the most obnoxious degree," leaving him with not much hope that the case would settle.

But Mann kept pressing, appealing to the celebrity, who was ill and emotionally attached to the home that was the subject of the case. After multiple in-person meetings outside of mediation, Mann was eventually able to convince him to settle.

"It looked to me like World War 3 was about to erupt. But Bob was able to get in there and talk some sense to this celebrity, which none of us thought was possible," Turner said.

Mann said he was able to bring about a resolution in that case not just through repeated phone calls and e-mails, but by speaking to the man on a personal level and letting him feel as though he'd said his piece.

Lee Dresie, a partner at Greenberg Glusker Fields Claman & Machtinger LLP, said that Mann understands that it's easier to draw parties towards a resolution if everyone feels they've had a chance to tell their side of the story.

"He just has a great way with people. He's very good at listening to clients," Dresie said. "Once they feel they've been heard, they're much more open to resolution."

Mann takes the time to hear out everything the parties have to say because the mediation constitutes their "day in court," he said. But it also allows him to understand the backstory of a case.

Every case has two parts, he believes;

a front story and a backstory. The front story are the facts as they're presented, while the backstory is just about anything else that could have relevance.

Lawyers are hesitant to provide the backstory, Mann said, and can often be evasive when it comes down to establishing a zone of possible agreement, or ZOPA. He says they shouldn't be.

"A lawyer will hardly ever tell you what they'd consider a likely settlement. But the mediators need to know what you're willing to take or willing to pay," Mann said. "I need to figure out if both the parties are inside the ZOPA or if one of them is out there revolving in Pluto's orbit!"

Here are some attorneys who have used Mann's services: Ken Ruttenberg, Tesser Ruttenberg & Grossman LLP; Neil Gunny, Klinedinst PC; John Darling, Hunt Ortmann Palffy Nieves Darling & Mah Inc.; Mark Carlson, Woodland Hills; Rick Goor, Spile Leff & Goor LLP; Brian Stewart, Collins Collins Muir & Stewart LLP; Glenn Turner, Gibbs Giden Locher Turner Senet & Wittbrodt LLP; Richard Glucksman, Chapman Glucksman Dean Roeb & Barger LLP; Lee Dresie, Greenberg Glusker Fields Claman & Machtinger LLP.