

VERDICTS & SETTLEMENTS

FRIDAY, FEBRUARY 23, 2024

Suggestions, not threats

Caroline Vincent: From transactions attorney to mediator, perfecting the art of finding solutions.

By Don DeBenedictis

Special to the Daily Journal

Most mediators began as litigators in courtrooms. But Caroline Vincent says her background as a transactions attorney was perfect training to develop the skills a mediator must have.

When helping a client put together a transaction, “you have a working relationship with the other side,” Vincent said. “You’re not trying to prove you’re right and they’re wrong. You’re trying to find a solution.”

Transactional law practice is “less about evaluating the case and more about: What’s the deal? How do we get to a deal?” she said. “That’s really, I think, what my skill is and why I’m able to do so many different things.”

Vincent has handled cases from neighbor disputes with a Los Angeles County Bar Association project to large-group facilitations with the Mediation Institute. She has by now mediated well over 2,700 matters, including complex business and real estate disputes and employment, personal injury, family law and probate cases.

While with JAMS in the 1990s, she arbitrated many cases in a class action brought on behalf of Black farmers against the U.S. Department of Agriculture, and reviewed other arbitrators’ awards for consistency. *Pigford v. Glickman*, 1:97-cv-01978 (D.D.C., filed Aug. 28, 1997).

She began mediating more than 40 years ago with the county bar’s Neighborhood Justice Center. Vincent credits it and the 40-hour training program she completed in 1983 with giving her “really terrific mediation skills.” The center taught her “how to do what we call active listening and validate people about



Justin L. Stewart / Special to the Daily Journal

where they are,” rather than “ask questions like lawyers do,” she said.

Vincent “listens to you and what you have to say and what’s important to your client,” according to Pasadena sole practitioner James Bates, who began bringing business cases to her in 2013.

“She has a very friendly manner that helps put the parties at ease,” added real estate attorney Carl Kanowsky.

In fact, her mediation sessions have “a very pleasant, warm, comforting feeling,” said Matthew Geragos, who has brought a half-dozen plaintiffs’ personal injury matters to her in the last few years. He said

Vincent uses plain English and doesn’t talk down to clients. “It almost feels like talking to your mom, very non-intimidating.”

And despite her limited courtroom experience as a lawyer herself, attorneys who’ve mediated cases with Vincent also said she is skilled at explaining the risks of litigation to clients. “She takes a very practical approach to things,” said business litigator Ryan Cadry. “She makes [clients] fully aware of the risks of going all the way through trial ... and she leverages that to settle the cases.”

Jaenam Coe said Vincent “suggests, as opposed to threatening

Caroline C. Vincent

ADR Services, Inc.
Los Angeles

Areas of Specialty:

Business
Employment
Injury
Probate
Family

or predicting something terrible. ... We hear what she thinks or suggests will happen, and that seems to carry the same weight.”

Vincent noted that she has had courtroom experience, especially in some probate matters. She re-frames that experience to talk to clients “about how much time they have to spend, how much stress is involved in that ... how much of their life they have to spend,” she said. “And you don’t ever know what the judge or jury is going to do.”

Before doing that, however, she talks with the attorney about the best way to discuss the strengths and weaknesses of a case with the client. She wants what she says to be “an objective observation about the merits of the case” rather than simply her opinion.

The result is that she can bring litigants’ unrealistic expectations down to earth, according to Kanowsky. “She’s able to talk about what she’s seen in the past as to valuation and the likelihood of success and the overall cost of going ahead with litigation,” he said.

A Los Angeles native, Vincent grew up in Chatsworth but went to college at Tulane University in New Orleans. She taught high school history and civics in the area for one year.

She returned to L.A. in about 1974, where she was a paralegal with Lillick, McHose & Charles, primarily working on real estate and business matters. The next year, she began law school at USC. While there, she had summer clerkships with Stroock & Strook & Lavan and with Gray, Cary, Ames & Frye.

After graduating in 1978, Vincent practiced with Morrison & Foerster,

working on construction loans, and then with Rogers & Wells handling due diligence for public offerings and large real estate projects, among other business matters. She was in small L.A. offices with both firms, which meant, “I was really able to work on very large transactions, and that was really fantastic,” she said. “I closed several deals, some on my own.”

She opened a solo practice in 1980 and stayed with it until 1986, when she joined the local office of Hawaiian firm Carlsmith Ball. She went back to her own firm in 1989.

Even at the big firms, Vincent said, she was a proponent of alternative dispute resolution. “I was the go-to person. When people were doing deals, they’d come to me to ask how to put an ADR clause into their contracts,” she said.

And with her own law office, she said she put together real estate transactions. In particular, she helped same-sex couples who were buying houses together. “I would sit them down and help create a collaborative conversation about ... who was going to manage the finances and what were they going to do if there were issues,” she said.

She would write into the couples’ agreements that in case of a dispute they couldn’t resolve, they would take the problem to mediation. “I was very early on ... recommending mediation as a first step.”

In about 1990, she helped the Mediation Institute on a big project with state forestry officials to develop a plan to reconfigure the Lake Arrowhead community for improved access in case of wildfires. The mediators worked with attorneys, utilities, community leaders and others for close to a year, she said.

Soon after, she worked with the Women’s Advisory Council to the Los Angeles Police Commission and with prominent public policy mediator Alana Knaster on implementing discussions and trainings to deter sexual harassment within the police department. “That was probably one of the most rewarding experiences I ever had doing large group work,” she said.

In 1994, Vincent joined JAMS as a full-time mediator and arbitrator. By that time, she’d already served 10 years on the board of LACBA’s Neighborhood Justice Center, now known as Dispute Resolution Services Inc.

She was very busy at JAMS. Early on, there were many cases brought by women, especially women lawyers, who in the wake of Anita Hill’s allegations against then-Supreme Court nominee Clarence Thomas were filing sexual harassment claims against their own employers. “That really launched my employment [mediation] career,” she said.

Vincent also arbitrated real estate disputes because at that time JAMS was encouraging companies to put arbitration clauses in real estate and other contracts.

In 2004, Vincent moved to ADR Services, Inc. She described her approach to mediation these days as “the thorough case management approach.” She generally begins by emailing counsel asking for information about their case and to arrange for phone calls with them. “I learn more about the case and what the dynamics are, especially about their clients and what they need from the other side and what they should give the other side to help make sure everybody has the

information that they need,” she said.

Currently, she is hearing PAGA and other employment cases, as well as business, personal injury and real estate valuation and failure-to-disclose cases. She also enjoys handling early neutral evaluation matters, in which she listens to presentations from each side of a dispute and then prepares her own summary and recommendations for their consideration.

“The main thing that’s great about it is the parties don’t have to spend a lot of time up front in discovery,” she said. “They can just ... bring what they have and talk about the dispute.”

As she has been most of her career, Vincent is involved in bar association leadership. She is on the LACBA board of trustees and its strategic planning committee, among other posts.

“I love mediating,” Vincent said. “I love helping people and mediating, as well as [bar] leadership.”

Here are some attorneys who have used Vincent’s services: David Alami, Alami Law Group; James W. Bates, L/O of James W. Bates; Ethan Bearman, Bearman Firm; Chandra Beaton, Lightgabler; Ryan Cadry, Cadry Law Group; Ashlee Clark, City of Burbank; Jaenam Coe, Jaenam J. Coe, Esq.; Jeremy Cook, L/O Jeremy Cook; Matt Geragos, Geragos Law Group; Carolyn Jefferson, Brennan Law Firm; Carl Kanowsky, Kanowsky & Associates; Peter Maretz, Stokes Wagner; Elizabeth Moreno, Elizabeth A. Moreno APC; Babak “Bobby” Samini, Samini Baric Katz; Mark Share, De Castro, West, Chodorow, Mendler, & Glickfeld Inc.; Chad Wilcox, Wilcox Dun-akin Chrisopoulos LLP.