

## VERDICTS &amp; SETTLEMENTS

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## Smooth Operator

Neutral Michael Solner wins praise for his shrewd approach to mediation

By Matthew Blake  
Daily Journal Staff Writer

LOS ANGELES — Before he starts a mediation, Michael Solner dispenses tried and true advice to attorneys, “There are many ways to skin a cat, and if you think about it, that’s a pretty disgusting concept.”

Solner said that the line makes lawyers laugh and also triggers the process of jumping into a case. Lawyers who have appeared in front of Solner during his two and a half years at ADR Services Inc. say the neutral is an understated, smooth operator who can quickly assess the strengths and weaknesses of a claim.

“He listens first, then digs in, but he is very subtle in his approach,” said Matthew Jay Geragos of Geragos Law Group.

“In talking to the parties for 10 minutes, he sized up the entire case,” said Matthew E. Hess, a sole practitioner, in recalling his mediation in front of Solner. “He could do that almost instantly.”

Added Hess, “He’s smart and understands people, that’s probably the real reason. I’ve seen other mediators that can get it in time but he can get it crazy fast.”

Solner, who charges \$525 an hour, said that he relies on his experience in public and private sectors as well as criminal and civil cases, plus a philosophy of “testing your limits” in pursuing a settlement.

The neutral spent most of his childhood in Los Angeles, and was a high school track star who enrolled at the University of Southern California because it had the top track program in the country.

Solner deadpans that talent was the one thing standing between him and an Olympic gold in the 400 meters. He was just the fourth best 400-meter runner on USC’s freshman team and had to drop the

sport. “It was a rude awakening,” Solner said. “But you find your limits by testing them.”

Solner has kept up with running, entering marathons and even 50-mile races. As for his non-racing life post-USC, Solner enrolled in the Air Force at the start of the Vietnam War. He spent four years as an electronic warfare officer. “It was a maturing experience,” Solner said.

Solner said he had a positive Vietnam experience. He considered a career in the Air Force, and described himself in an interview as patriotic.

After Loyola Law School, Solner became an assistant U.S. attorney for four years, and fondly recalls the office having seemingly unlimited resources at the time to pursue cases. “We just did what we thought the job needed,” Solner said.

He moved on to become a defense attorney at Thelen Marrin Johnson & Bridges, pursuing mostly professional negligence cases, and then started his own criminal and civil practice before applying to become a judge. Gov. Pete Wilson appointed him to the Los Angeles County Superior Court bench in 1997.

“I couldn’t really afford to take the judgeship until my kids were out of college,” Solner said. But he felt the timing was right for a fourth major career change.

Solner spent his last two years as judge running a settlement court, which, he said, “set me up for where I am now.”

His load consists of about 80 percent mediations, almost 20 percent arbitrations and a handful of cases where a judge appointed him to referee disputes.

“I was appointed by the court to babysit a couple of attorneys on either side of the case who just couldn’t get along,” Solner said

with a sigh. “Sometimes you don’t get along with opposing counsel, but to go to the court and say you need a babysitter. It was just unheard of in my day.”

As for the mediations, Solner sees himself handling a lot of employment disputes. “People are paying more attention to how they are treated in the workplace, and there are more rules and laws and regulations as to how employers are supposed to treat people,” Solner said. “Plaintiffs’ employment lawyers will file eight or 10 or 12 causes of action, all subsumed under one lawsuit.”

With such high-stakes disputes, Solner likes to quickly gain a feel for the parties. “The job is different from other legal jobs I’ve had because I get to react more personally with people off the bench,” he said. “It’s my job to try and develop a relationship with the attorneys and the clients on both sides.”

Solner does this by ignoring unrealistic early demands and letting sides vent before he talks. “That’s my job — to get rid of the posturing and sometimes that can take hours to do before people soften up and realize what we’re really doing here,” Solner said.

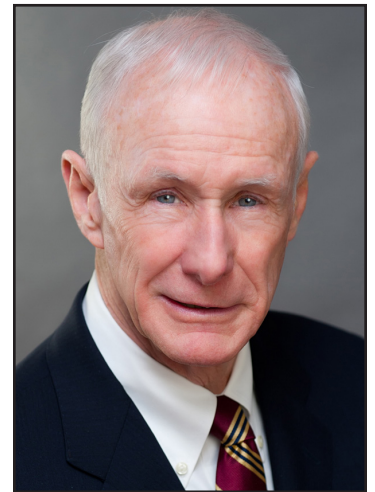
The job is easier when the parties voluntarily seek his mediation expertise. It’s more difficult, Solner said, when a judge has assigned lawyers to attend a mediation.

The neutral said he lowers parties’ demands by pointing to evidence and asking lawyers if they expect to get a certain item admitted in trial. “I have to ask them, all right, if you don’t get that evidence in, what does that do to your case?” Solner said. “I want them to ultimately think about the trial of the case.”

Solner wants to make the trial loom large in the eyes of the lawyers. “All of a sudden, it gets very expensive,” he said, explaining the attorneys’ thoughts. “People have to hire experts, take depositions.”

The neutral said he is able to wrap up most mediations in a day, though sometimes his sessions last well into the night.

Solner pushes to see that a reso-



Michael C. Solner

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lution is in place before the parties leave for the day. In fact, Solner says what he likes most about the job is the finality of a settlement compared to the appeals and delays that accompanied his bench work.

“Expect him to be forceful where he needs to be,” Hess said. “When we were close to a deal, he was very forceful and the case was settled.”

Said Joseph Fischback of Fischbach & Fischbach, who had an employment law case before the mediator: “He had a good judicial temperament, but he definitely controlled the interaction.”

*Here are some attorneys who have recently used Solner’s services:* James Turken, Eisner Jaffe APC; Yolanda Slaughter, Mesriani Law Group; Matthew E. Hess, Matthew E. Hess Lawyers; Joseph S. Fischbach, Fischbach & Fischbach, Benjamin Kacev & David Michaels, Kilometer Partners LLC; Marina K. Fraigun, Fraigun Law Group; Theresa Kristovich, Gordon & Rees LLP; Christina M. Coleman, Law Offices Ramin R. Younessi APLC