

# Daily Journal

## VERDICTS & SETTLEMENTS

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# Service Oriented

## *Neutral Michael Maguire tries to provide an experience that makes lawyers want to hire.*

By Shane Nelson

Special to the Daily Journal

**A**DR Services Inc. mediator Michael P. Maguire thinks of lawyers as customers.

“And I’m very much into customer service,” Maguire said. “They can choose from a lot of mediators, and I’m really pleased when someone chooses me and thinks I’m the right person to resolve their case. So I work hard to have them come back, and I’m hopeful that if the experience is pleasant – or at least not too unpleasant – they’ll bring me another case.”

Maguire spent more than four decades as a trial attorney before joining ADR Services’ roster of neutrals in 2021, and he said while he was representing clients, he thought regularly of other lawyers as opponents but never enemies, including during his eight years as an Orange County deputy district attorney.

“Some of my best friends were public defenders and criminal defense lawyers because we would represent our clients fervently and with our best advocacy, but we didn’t see the other side as someone to be vilified or detested,” Maguire recalled. “It didn’t get personal for me. It never has. I think that’s important. That’s the way we ought to practice law.”

Maguire’s track record certainly played a role when he was elected national president of the American Board of Trial Advocates in 2019. At that time, Maguire had spent more than 25 years as the managing attorney for State



Thomas Kurtz / Special to the Daily Journal

Farm, during which he said he oversaw litigation for more than 1,000 jury trials.

“I do think there was an initial concern by some that, ‘He works for an insurance company,’” Maguire said of his ABOTA election. “But in the end, it didn’t stop them from electing me.”

Newport Beach civil litigator Scott A. Smith has known Maguire for more than 40 years and opposed him a number of times. A fellow ABOTA member, Smith described Maguire as “the epitome of professionalism and civility” and said he’s used him as a mediator to settle personal injury disputes over the past year, noting the

neutral’s experience working for a major insurance carrier is a definite strong suit.

“Mike is a real straight shooter,” Smith said. “Of course, there are always problems with a plaintiffs’ case one way or another, and I think he’s upfront about those, and he’s able to discuss that with you as a peer, having been in the trenches. ... But he gets to the bottom line really quick and gives you his impressions and gives you an honest read of the other side.”

Maguire graduated from Loyola Law School in 1977 and joined the Orange County district attorney’s office in 1978. He went into

### Michael P. Maguire

ADR Services, Inc.  
Orange County

#### Areas of Specialty:

Personal Injury  
Intentional Acts  
Property Damage  
Sexual Abuse

private practice in 1986, focusing primarily on insurance defense until 1994, when he joined State Farm. Maguire said his experience with mediation also dates back to the mid-1990s, when he was appointed as a settlement officer for the Orange County Superior Court.

“Through the court, I’ve handled all kinds of cases over the years – breach of contract, fraud, employment issues,” he explained. “And as a settlement officer, I’ve always treated the mandatory settlement conferences as mediations. To me, that’s really the best way to approach them.”

Maguire said his decision to focus full time on mediation in 2021 was a way for him to stay current with the law, a lifetime pursuit he just wasn’t ready yet to walk away from entirely.

“There’s a challenge in each mediation,” he explained, “and an opportunity to coach and persuade and influence attorneys and parties through the process. I just get a kick out of that. ... I get a thrill when a case settles. It’s almost like a little endorphin rush.”

Maguire likes to receive briefs and speak over the phone with

attorneys before a mediation, and he said he’ll do his best to encourage the parties to exchange briefs beforehand.

“I think it’s important for the other side to have an understanding of your case and for you to understand their case. It just gets you to the real issues much more quickly,” he explained. “I really hate it when one or both parties are hiding the ball because they don’t want the other side to know some key evidence they have that they think is going to turn the case. When they’re doing that, I think they’re sometimes really just prepping for trial and trying to use a mediation as a discovery process. It’s far more helpful if they just exchange the information.”

Maguire is open to joint sessions but said they’re rarely agreed to by attorneys these days, and he will make use of mediator’s proposals if both sides are interested. Overall, Maguire said his approach is far more facilitative, but he said in each case, he typically ends up applying his evaluative skills.

“I think it’s very counterproductive for me to start early in a mediation and express what

I value the case at because my value doesn’t really count,” he explained. “It’s not what I think the case is worth, it’s what the parties think it’s worth, and hopefully, we can get to a place where they agree on the number. ... But if it’s needed to keep negotiations moving, I will offer my evaluation of the strengths and weaknesses of their respective cases, using my experience and knowledge of likely results following trial.”

Irvine plaintiffs’ attorney Cynthia A. Craig said she’s known Maguire for years, and she used him recently to successfully mediate a personal injury matter. Craig said that Maguire developed a reputation for fairness and honesty during his time representing clients, two character attributes she said he’s making good use of in his mediation practice.

“Because of that reputation he developed, I think his opinions are respected by both sides,” Craig said. “And he has a warmth and sincerity to him that I think makes your clients feel comfortable, and really helps him to gain their trust, which leads to them respecting his opinions.”

Tustin plaintiffs’ attorney Alan C. Brown, who opposed Maguire

on cases when he was a trial attorney, used the neutral recently to successfully settle an auto accident case. Brown said Maguire was a formidable opponent as a trial attorney, and he admitted he had some initial concerns about the neutral having a bias toward the defense in mediation.

“But I quickly found while using him as a mediator that he was able to give me insight and tools and strategies to overcome the defense’s efforts to poke holes in my case that only a former defense lawyer could share with me,” Brown said. “Thanks to that background, he really helped me overcome some of the challenges in my case, and he just knew what the defense was going to think. ... Because he’d worked so long with them, he understood the defense attorney and the adjuster’s language and what they needed to hear to get the case resolved.”

*Here are some attorneys who have used Maguire’s services:* Scott A. Smith, Scott A. Smith Law APC; Michael Sutton, Sutton & Murphy; Alan C. Brown, Day, Day & Brown; Cynthia Craig, Kubota & Craig; Yoshi Kubota, Kubota & Craig