

C-suite Conversant

Edward Weiss' general counsel experience is a strong suit, lawyers say.

By Shane Nelson

Special to the Daily Journal

ADR Services, Inc. neutral Edward J. Weiss worked in-house for nearly 20 years at Ticketmaster.

"It was a very interesting, dynamic place," Weiss said of his time at the live-event giant. "I learned a tremendous amount about business and how the corporate world works. It really was a great hybrid experience of still being a lawyer and still working in the legal system but also being part of a highly successful, prominent business that was doing interesting, cutting-edge things."

A 1988 UC Berkeley School of Law graduate, Weiss started his legal career at Manatt, Phelps & Phillips LLP, litigating banking, entertainment, employment and professional liability cases. In 1994, Weiss moved to the U.S. Attorney's Office for the Central District, where he spent four years in the criminal division, handling jury trials involving narcotics, tax fraud, sports bribery, mail and wire fraud, illegal firearms and immigration law violations.

Weiss then moved in-house in 1998 to Ticketmaster, where he served as general counsel, chief counsel and executive vice president until 2017.

"I was very hands on with our litigation – managing it, directing it, being responsible for all of it," Weiss recalled. "And while I oversaw the lawyers who were managing the litigation at Ticketmaster, I also kept the more significant cases for myself to manage. ... I worked very closely with the lawyers that I hired and was shoulder-to-shoulder with them the whole way."

Weiss said his interest in private neutral work started when he took



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part as TicketMaster's general counsel in dozens of mediations the company was involved in.

"There's often a lot of downtime in the mediation process," Weiss explained. "And my mind would often go to, 'If I were to do this, how could I do it better? How could I do it as well?' In some cases, I found myself thinking, 'What is working?' or 'What's not working? What are some of the pitfalls – if I ever were to do this – that I should avoid?'"

Weiss started working full time as a private neutral early in 2022, first tackling disputes for the American Arbitration Association and later on as a mediator – after completing training at the Straus Institute for Dispute Resolution. Weiss joined ADR Services, Inc.'s roster

in October of this year, and he said his caseload is about 60% mediation and 40% arbitration, involving business, contractual, intellectual property and personal injury disputes.

"It's more hard-core law," Weiss said of the work he does as an arbitrator. "Applying the law and the facts, really being on top of the law in the area that bears upon the arbitration and then being responsible for making a decision. I find something very appealing about all of that."

Irvine litigator William C. Kersten used Weiss recently as an arbitrator in a commercial dispute that ultimately settled, and described the neutral as very hardworking.

"He was very fair, and really allowed both sides to have their say,"

Edward J. Weiss

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Kersten said, noting Weiss did issue a ruling on an early motion in the arbitration involving complicated statute of limitation issues.

“He allowed supplemental pleadings on that issue,” Kersten recalled. “He considered all the declarations and the pleadings and made a fair ruling that allowed us to go forward and get the case resolved. ... Sometimes you feel like the arbitrators don’t hear you. But I got the opposite sense from him. He allowed enough time and really considered everybody’s viewpoints before he ruled.”

Before mediations, meanwhile, Weiss said he likes to receive briefs from all the parties and to speak over the phone with attorneys. That approach was something Chicago business litigator Robert H. Lang appreciated. Lang used Weiss recently to settle a contentious contract dispute, and he said the neutral’s homework ahead of time made a substantial impact on the ultimate resolution.

“He spent a lot of time preparing and really getting to know the case,”

Lang said. “He knew the law that was applicable on both sides. He talked to both attorneys before the mediation, so we really started the mediations before we even walked in there. ... He just got right to it.”

Noting that no two cases are exactly alike, Weiss said he tries to use his study of briefs and pre-mediation calls with attorneys to develop a tailored resolution strategy.

“It’s not a one-size-fits-all approach,” Weiss explained. “It’s using whatever information I can elicit in the pre-mediation communications to determine what would be best for everybody.”

Weiss added, however, that building rapport and trust with the lawyers and litigants is always important.

“The lawyers and the parties will be more receptive to an evaluation if there’s a relationship that’s been established and that foundation has been laid,” Weiss explained. “There’s a time and a place and a way to give an evaluation, but the evaluation is only going to be as useful and as effective as it is received by the litigants.”

Weiss will also make use of mediator’s proposals, but he noted that’s a strategy he employs thoughtfully.

“One of the things I learned as a participant, or as a consumer of the process, in my years at Ticketmaster is that’s an important tool, but one that has to be used carefully because a mediator’s proposal can do as much harm as good,” Weiss said. “It has to be used carefully and properly and appropriately – exploring first how that’s going to be received and whether you’re in the right ballpark with it. Otherwise, you could drive one side or the other to their respective corner and make it more difficult for them to settle the case.”

Orange litigator Ryan R. Wong used Weiss recently to resolve a contract dispute, and he said the neutral’s extensive experience as in-house counsel proved particularly effective during the mediation.

“I felt his skill set was especially helpful,” Wong said. “He really knew contracts, knew what commercial parties should owe under the contract, whether the contract is reason-

able, which sections and paragraphs are perhaps more enforceable than others.”

Lang agreed that Weiss’ extensive career in-house was a distinguishing strong suit.

“He not only knew the law that was applicable, but he had a really good understanding of the factual situation, and he understood the business,” Lang said. “He definitely has a bit of a different background for a mediator. And when you’re talking with somebody who’s in that c-suite – and my client was a company president and definitely part of that c-suite – those people are talking a different language, but it’s one Ed clearly understood. ... And that definitely helps.”

Here are some attorneys who have used Weiss’ services: William C. Kersten, Kersten & Associates; Robert H. Lang, Thompson Coburn LLP; Ryan R. Wong, BarthCalderon LLP; Wesley Schwie, Gallium Law LLC; Bert H. Deixler, Kendall Brill & Kelly LLP.