

Holistic approach

Neutral Peter Linn's preparation, experience and practical approach make the difference, attorneys say

By Shane Nelson

Special to the Daily Journal

Before enrolling at University of San Francisco School of Law in the early 1990s, longtime litigator Peter J. Linn worked in commercial real estate, where he learned some important truths about himself.

"One was I'm not a salesperson at all," Linn said with a chuckle.

The other lesson was that the world is full of two types of people, according to Linn, who said he sees folks as either process-oriented or results-oriented.

"I am clearly not process-oriented," Linn explained. "And that more than anything helped direct me into law school because, really, the object there is to take a matter and find a way to get it resolved - whether that's in mediation or a trial."

Linn completed his law degree in 1995 and spent more than 25 years representing defendants in real estate, business, malpractice, product liability, catastrophic injury and employment cases.

"I occasionally took plaintiffs' employment cases - when they spoke to me, when there was something that I felt was really significant I felt I could get my arms around," Linn added.

Linn struck out on his own as a mediator in 2021 and then joined the ADR Services, Inc. roster of private neutrals in April 2024. Working as a mediator, arbitrator, special master and discovery referee, Linn said he leans heavily on his wide-ranging experience as an attorney.

"I actually credit my eclectic practice for giving me a solid background in a lot of different areas," Linn said. "And that allows me to speak to a lot of those different areas when I'm mediating."



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Linn added that as an arbitrator he wants to allow parties an opportunity to present their entire case.

"I'm not one who is going to try to steer a case in a certain direction," he said. "I think it's important for both sides to be heard fully and completely, and I allow that to take place, so that when they walk out of the arbitration hearing, they don't feel as though they weren't allowed to tell their side of the story."

Before mediations, Linn likes to receive briefs from all the parties and speak over the phone with counsel.

"My objective is I want to find out not only the underlying facts of the dispute but also where the case is procedurally, how are the

lawyers getting along," Linn explained. "Most importantly, I want to find out about their clients. I like to know who they are, their background, where they're from and their mindset when it comes to this litigation. I want to be prepared to have a conversation with that person to move things forward."

Linn noted that on the day of mediations, he allows those conversations with clients to take "as long as they need." But Linn added that he prefers to be more evaluative in his mediation approach than facilitative.

"I try to get the parties and their counsel to think realistically about not only their best day trial, but

Peter J. Linn

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also the worst one and also what's involved in getting to trial," he said. "And by that, not just the financial costs, but also the emotional toll they can expect to pay as well."

It's here that Linn said he relies on his own experience as a litigator.

"I've tried cases where clients have told me afterwards it was the worst experience of their life," he recalled. "And I try to convey to people during the mediation that as much as the idea of resolving their case today might not sound appealing, their choices are going to have an emotional impact on how they're feeling down the road."

Berkeley litigator Paul B. Walsh used Linn to resolve two construction defect cases and appreciated all the work the neutral put in before the day of mediation.

"He's going to see what he can do to try to maximize the time of mediation," Walsh said, adding that both cases featured difficult personalities. "But he was able to rec-

ognize what he was dealing with, navigate that and come up with strategies that worked."

Walsh said Linn was "truly knowledgeable" about both cases.

"He understands the legal issues, but more importantly, I think he looks at the big picture dynamics that are at play and may go beyond legal positions people have," Walsh explained. "He's looking at the personalities, the parties, the counsel and the way things are postured. ... I just think he does his homework, and he comes ready to address many of the problems that might otherwise be overlooked and then lead to failure."

Walnut Creek defense attorney Marilou R. Bustonera used Linn recently to resolve a personal injury dispute, and said she valued his insight on the merits of her case.

"He sheds light on both sides about strengths and weaknesses," she said. "And that helps bridge the gap. ... Whether it be plaintiffs

or defense, he's able to provide that wealth of knowledge because he's been there in the trenches himself."

Bustonera noted that the insurance carrier representative involved in her matter also liked Linn.

"It's hard to convince a big company, saying, 'You need to put up money. There's risk,'" she said. "But when the mediator comes with a wealth of knowledge and has that charisma and that professionalism, it really helps."

San Ramon litigator Jeffrey J. Rooney has used Linn as a mediator on a few real estate cases, and said the neutral has a "keen intellect."

"He's very, very patient and doesn't get hot-headed," Rooney added. "He's very even, very likable, very personable, non-threatening, and when he speaks, I think people listen."

Rooney said Linn's approach resonated in his room during the mediations.

"My clients really thought he was there to listen to them, he was

there to help them, even when he was selling them things they didn't want to hear," Rooney said. "My clients had a great deal of respect for him, which I think is really, really key."

Linn said shifting his focus to alternative dispute resolution work has also provided him with a revitalizing spark.

"I tried my last case right before COVID, and I didn't get the same charge out of it as I did before," he recalled. "Making the change to mediation - it has reinvigorated me, and I'm looking forward to a very, very long career in this."

Here are some attorneys who have used Linn's services: Marilou R. Bustonera, Brian Slome, Lewis Brisbois Bisgaard & Smith LLP; Paul B. Walsh, Paul Walsh Law APC; Jeffrey J. Rooney, Vantage Point Law Inc.; Courtney H. O'Brien, Office of the Oakland City Attorney

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