

VERDICTS & SETTLEMENTS

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Feeling What They Feel

Veteran subrogation attorney Lee Mendelson fits parties' conflicting interests into deals.

By Shane Nelson

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Neutral Lee M. Mendelson knows the day of mediation is enormous for litigants. "They're about to make a big decision on something they got so upset about they filed suit," Mendelson said. "Or they've been sued over something someone else felt so upset about. There are a lot of emotions here. And I want to hear how they feel, and what they have to say."

A 1997 Northwestern University School of Law graduate, Mendelson spent the overwhelming bulk of his 27 years as a litigator tackling disputes as a subrogation attorney.

"I was a plaintiff's attorney for insurance carriers," he explained. "So, you're always involved in product liability, personal injury, property damage, fires, things like that. ... It put me in a particular place to understand how to prove up a case as a plaintiffs' attorney but also to be particularly in tune with the needs of the insurance carriers."

After selling his law firm - Mendelson Law Group APC - in 2023, Mendelson refocused his legal career full-time on mediation - an area of dispute resolution that always interested him.

As an attorney, "I'd be in these multi-party mediations probably about once a month, and I'd find myself thinking along the lines of the mediator, asking myself, 'What should the mediator do next?'" Mendelson recalled. "What's the best move and how should we move forward to get things done? And I just always really enjoyed the process."

After a little over a year resolving cases as an independent mediator, Mendelson joined the ADR Services, Inc. roster of private neutrals in March, and these days he's working



Ricardo Pineda / Daily Journal

to resolve personal injury, insurance bad faith, property damage, product liability and employment disputes.

"With regard to the employment cases, I'm in an interesting position because I owned a small business," Mendelson explained. "I had 20 employees at my firm, ... so I'm pretty attuned to what small businesses need and what they feel. I'm also pretty attuned to what the employees of small businesses need and what they feel. And I think it's been really helpful in my mediation practice."

Before mediations, Mendelson likes to receive briefs from all par-

ties and to speak over the phone with counsel.

"I always call the attorneys up front to discuss what their clients' interests are, and how they view this process should take place," he said. "Because sometimes they have better ideas than I do about how to get started. And I want to hear what they have to say."

Mendelson noted that he views preparation as a critical first step to improve efficiency, and he said one of his early objectives on the day of mediation is to really hear from the litigants.

"Especially during the first rounds

Lee M. Mendelson

ADR Services, Inc.
Los Angeles

Areas of Specialty:

Personal Injury
Insurance Bad Faith
Employment
Commercial
Product Liability

of the mediation, my job is to listen,” Mendelson said. “I want to listen intently to what the parties have to say and what they feel.”

Mendelson said he’ll move into a more evaluative strategy when the timing is right, but he approaches that shift thoughtfully.

“People hire me because I have an expertise in areas related to insurance and contracts and employment. They want to know what I have to say - usually - but I’m not there to tell them what to do,” he said. “I’m there to listen to them and to guide them through the process. I want to provide my expertise, and I always will. But my expertise is there for them to facilitate an agreement. My job is to empower them to reach an agreement.”

Sherman Oaks litigator Alexander S. Kasendorf has used Mendelson as a mediator in two real estate disputes, and he said the neutral’s demeanor was excellent.

“He’s bright, knowledgeable, not afraid to push and prod and test,”

Kasendorf said. “But he has a very congenial mentality that helps create a comfortable situation.”

Los Angeles trial attorney Matthew D. Taggart used Mendelson as a mediator recently for the first time to resolve a six-figure breach of warranty and contract case.

“I had a terrific experience with him,” Taggart said. “He was very engaged in the facts of the case. ... And he tried to push all the parties out of their initial comfort zone and to get them to move, which is obviously the role of a good, effective mediator.”

Like Kasendorf, Taggart said Mendelson was very personable and easy to get along with, but he also said the neutral earned trust with the parties by demonstrating his understanding of the dispute’s merits.

“You’re not there to just tell everybody who’s right and who’s wrong,” Taggart said. “You’re there to roll up your sleeves and get to the key factual disputes in the case, and you have to have credibility with the parties to be effective. ... He

was very knowledgeable about the facts of the case and was committed to reaching a resolution, and I would highly recommend him.”

Los Angeles defense attorney Gregory L. Garcia used Mendelson earlier this month to settle a personal injury case and described him as a breath of fresh air.

“He had the knowledge and the experience to look at both sides of the case objectively from both standpoints,” Garcia said. “Even though there’s always two sides to the case, not all mediators will try to play that neutral role. I felt like Lee did. He heard everything. He went back and forth, gave us both sides of the case, and he just really broke it down for us and gave us good analysis from both sides.”

Mendelson added that along with empowering parties to reach a settlement, he works hard to support attorneys.

“Sometimes there are cases where the lawyer has been telling the client, ‘This case needs to settle for reason A, B, and C,’ and the client’s just

not ready to close that out,” Mendelson explained. “But if they hear it from me as a third party neutral, we can get the deal done.”

Mendelson said shifting the focus of his career to full-time mediation has thus far been a wonderful decision.

“I love it,” he said. “Every day there’s a new case, there’s new facts, there’s new people to talk to, there’s new case law to look at. ... And I’m able to look at the interests these people bring to the table and try to fit them together to make a deal that makes sense for everybody.”

Here are some attorneys who have used Mendelson’s services: Alexander S. Kasendorf, Kasendorf Law; Matthew D. Taggart, Lewis Brisbois Bisgaard & Smith LLP; Gregory L. Garcia, Law Offices of Scott C. Stratman; Kelsey D. Haines, McGuire Woods LLP; Kyra A. Buch, Littler Mendelson PC

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