

# VERDICTS & SETTLEMENTS

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## The Right Questions

*Neutral MyKhanh Shelton knows how to have difficult conversations, attorneys say*

By Shane Nelson

Special to the Daily Journal

The daughter of Vietnamese refugees, mediator MyKhanh P. Shelton was born in Saigon and moved to the U.S. in 1975, when she was 2.

"Being the youngest of then six in the house, I watched a lot. I listened a lot," Shelton said about growing up in Glendale. "And then I tried to mediate a lot in the family dynamic."

Although her family endured traumatic hardships before coming to America, Shelton was too little to remember any of those difficulties herself.

"Families who've been through a lot - they often don't want to talk about it, and they often don't want to tell the stories," Shelton explained. "It's very re-traumatizing to ask somebody to open up those memories to share with you."

To better understand her family's past, Shelton said she first had to learn how to thoughtfully ask the right questions.

"I had to learn how to open the door to these conversations - how to tell if it's the right time. And if probing too much is too hurtful, how to step back," Shelton said. "How to recognize: 'OK, no, this is too painful. I need to ask in a different way. If I want to know that story, if I want to know about that thing, I have to come at it differently. I have to wait for the right moment.'"

Shelton said the lessons she learned as a child about discussing her family's trauma inform her approach to mediation today.

"Mediations can be very hard on all the parties," Shelton explained. "Being accused of wrongdoing - if



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you don't feel like you've done anything wrong - is also very emotional and very difficult. Just like in the plaintiffs' room - if you feel like you have suffered inappropriate conduct, you suffered assault, you suffered harassment - maybe you want to talk about it, and maybe you don't. Maybe you need to talk about it at different times over the course of the eight hours. And so how do you listen for that as a mediator?"

A 1998 UC Berkeley School of Law graduate, Shelton joined Quinn Emanuel Urquhart & Sullivan LLP after she passed the bar and worked on general litigation at the firm for

three years. Shelton then moved in house, working for more than two decades as a corporate employment lawyer and senior executive - first at Twentieth Century Fox and then Warner Bros. Discovery - where she ultimately focused on diversity, equity and inclusion.

"I have been in the seat with the executive. I have been right there, thinking about insurance, thinking about costs," Shelton said. "That's where my in-house experience is really helpful - in the throes of heated disputes about being accused of being a racist or being accused of harassment. ... How do you talk about

and think through those things? I can be helpful in the room because I have done that."

Shelton noted, however, that she's also spent much of her legal career tackling the other side of employment arguments.

"In terms of my [diversity, equity and inclusion] background, I have advocated for employees, I've advocated for the workforce in C-suites," Shelton said. "I'm somebody who has advocated for employee and workers' rights and has navigated those rooms on behalf of marginalized or underrepresented employees."

Shelton struck out on her own as a full-time private neutral at the start of 2024, and she joined ADR Services, Inc. in May of this year. While she has arbitrated cases in the past, Shelton said she's focusing 100% on mediation these days, and most of the disputes she's handling feature employment issues.

"Anything that involves employees and people, that's my area," Shelton said.

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

### MyKhanh P. Shelton

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"It really has to do with the people dynamics," Shelton said of the calls. "Anything I need to be particularly sensitive to or attuned to in terms of who will be in the room, what circumstances might be surrounding this situation, what type of nervousness, what type of energy, what type of stress, any particular goals that are not obvious."

El Segundo plaintiffs' attorney Kevin A. Lipeles has used Shelton to resolve three employment disputes, and he said she shows up well prepared with a solid grasp of the issues.

"Employment law is different than doing something like a personal injury case because there are certain laws you see shifting. There are certain nuances not everybody knows," Lipeles said. "When you talk to her, she understands what you're saying. She understands what the argument is about; she understands what the issues are. If someone's

hiring her for an employment law case, she's going to be prepared, she's going to understand what the issues are, and what it takes to get the case settled."

Anaheim plaintiffs' attorney Karina Godoy used Shelton recently to resolve what she described as a difficult sexual harassment case.

"There was just a lot of high emotion on both sides," Godoy said. "But what MyKhanh brings to the table is she has a really diverse perspective and understanding of the human elements behind the dispute, which is really valuable for resolving these more sensitive, high-emotion types of employment cases."

Godoy also noted that Shelton's extensive in-house experience helps her bridge the gap between the plaintiffs' and defense rooms.

"Because of her diverse background - again, doing the diversity work, the defense litigation - it allows

her to speak some of that corporate language in an effective way with the plaintiff," Godoy said, "and to set realistic expectations about the risk of moving forward with litigation versus settlement."

Shelton added, meanwhile, that she's focused so much of her career on employment law because the practice area is "very human centered."

"A rupture at work can be so central to people's lives," she said. "And I love the chance to build trust and rapport with clients, where they feel comfortable opening up to collaborate, and we can work together to achieve their goals ... and we're able to bridge all those differences and come to a resolution."

Newport Beach defense attorney Sarah K. Goldstein used Shelton to settle a race discrimination case and said she'd give the mediator her "highest recommendation."

"We work with all different kinds

of clients - from very sophisticated in-house counsels to more mom-and-pop-type shops," Goldstein said. "And I have great confidence that MyKhanh would work very well with a wide variety of clients."

Goldstein also said Shelton showed up with a tremendous amount of knowledge.

"She has a lot of emotional intelligence in the way she asks questions and works her way through sticky issues in litigation," Goldstein said. "She knows how to have difficult conversations."

*Here are some attorneys who have used Shelton's services:* Kevin A. Lipeles, Lipeles Law Group APC; Karina Godoy, JML Law APLC; Sarah K. Goldstein, O'Hagan Meyer; Kristina Kourasis, Landegger Verano ALC; Thomas G. Mackey, Jackson Lewis PC.

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