

Get to Know

Lindsey Bayman, Esq.

A Conversation with Lindsey Bayman on leverage, litigation risk, and finding the path to settlement

By Katy Jones

Before becoming a full-time mediator, Lindsey Bayman spent more than 25 years negotiating complex business deals and supervising litigation as an in-house business affairs executive in the entertainment industry, including nearly a decade as Executive Vice President of Motion Picture Business Affairs at Paramount Pictures.

Her career later took a significant turn when she joined the plaintiffs' trial team in the litigation arising from the Aliso Canyon natural gas well blowout in Northridge. There, she worked alongside leading plaintiffs' lawyers, gaining firsthand experience in the strategy, preparation and pressures involved in complex, high-stakes litigation — an experience she has described as a “sea change” from her earlier transactional and executive work.

Those experiences gave Bayman perspectives from very different sides of a dispute: how lawyers build cases and prepare them for trial, and how businesses evaluate risk, supervise litigation, and make decisions about resolving disputes.

Today, Bayman focuses her mediation practice on employment, sexual assault and misconduct, entertainment and media, and personal injury, and has mediated nearly 500 cases in the past four years. At the center of her approach is an idea drawn directly from her years in business: mediation is, fundamentally, deal-making.

“To me, mediation is essentially about deal-making.”



We spoke with Bayman about the unusual path that led her to dispute resolution, the skills she carried with her from the entertainment industry, and why reading people can be every bit as important as reading the briefs.

Q: You spent much of your career in the entertainment industry. What did that work look like?

Bayman: People sometimes think of entertainment law as a highly specialized practice with limited application outside Hollywood, but my experience was quite the opposite. I had to become highly conversant not only in areas you might expect — intellectual property, rights of publicity and privacy, and contract law — but also in labor and employment law, different types of financing vehicles, tax and accounting concepts, corporate and business law, and even immigration law.

I spent more than 25 years negotiating with sophisticated lawyers and agents, day in and day out, often in high-stakes transactions. That experience taught me a great deal about negotiation dynamics — how people communicate, how leverage operates, and how to figure out what is actually driving someone's position.

In business affairs, my role was essentially twofold: negotiating deals and problem-solving. A lot of that problem-solving involved conflict resolution, so when I eventually moved into mediation, many of the skills felt very familiar.

Q: Your career changed considerably when you became involved in the Aliso Canyon litigation. What was that experience like?

Bayman: It was a major change in my career.

I joined the plaintiffs' trial team representing people harmed by the Aliso Canyon natural gas well blowout in Northridge. Coming from a business background where much of the work is transactional in nature, suddenly being immersed in major litigation was a very different experience.

I had the opportunity to work with some exceptional lawyers, giving me a much deeper understanding of litigation from the advocate's perspective — not just the legal arguments, but the preparation, investment and pressure that go into taking a major case toward trial. The work ultimately contributed to my being named a finalist for Consumer Attorneys of California's 2022 Consumer Attorney of the Year.

Q: What made mediation feel like the right next step?

Bayman: My prior career was spent negotiating and navigating complex situations, typically involving high stakes and often involving highly emotional individuals. When I left the industry, mediation seemed like a natural fit. To me, mediation is essentially about deal-making. In order to close a deal, you have to understand what both sides need to get from it. You need to understand pressure and leverage, but you also need to understand the people involved and what may be driving their positions. My role isn't to decide who is right or wrong. It is to understand the risks, interests and pressures on both sides well enough to determine whether there is a deal to be made — and, if there is, help the parties find it.

“You have to understand the risks, interests and pressures on both sides — and, if there is a deal to be made, help the parties find it.”

Q: What areas are the primary focus of your practice today?

Bayman: Employment, sexual assault and misconduct, and entertainment and media are principal areas of my practice.

I also mediate personal injury and wrongful death, and business and contract disputes.

Having worked both inside businesses and in litigation gives me a useful perspective in cases where legal issues overlap with business judgment, reputation, workplace dynamics, or other considerations that may not appear neatly in the pleadings.

Areas of Expertise:

Employment

Discrimination and Harassment, Retaliation, Wrongful Termination, Reasonable Accommodation & Failure to Engage in the Interactive Process, Wage & Hour (Individual, Class and PAGA)

Sexual Assault / Misconduct

Sexual Assault & Battery, Sexual Misconduct, Revived Claims / #MeToo Matters

Personal Injury / Wrongful Death

Motor Vehicle, Trucking & Transportation Accidents, Premises & Product Liability, Construction Accidents

Sports & Entertainment

Chain of Title & Rights Disputes, Copyright, Trademark & IP Matters, Talent Engagement & Termination Disputes, Defamation, Rights of Publicity & Privacy, Contract & Business Disputes, Litigation and Pre-litigation NFL “Non-football Oriented” Claims

Q: You talk about the mediator as a “deal-maker.” What skills does a deal-maker bring to mediation?

Bayman: Persistence is one. Business people who negotiate for a living become accustomed to continuing to work a problem. If a negotiation becomes difficult, the instinct generally is not simply to declare that the deal cannot be done. You keep looking for what might move it forward.

Then there is the ability to read a room. Parties posture in negotiations. You have to interpret that posturing and understand what is meaningful and what may simply be positioning. That means listening carefully not only to what people say but also to what they do not say.

Communication and messaging are also critical. A mediator is moving information between two rooms, and sometimes the way something is communicated can be just as important as the substance. You have to understand what an offer, demand, or comment is signaling to the other side and frame difficult messages in a way that does not unnecessarily create an impasse.

Also, the understanding of leverage. Experienced negotiators understand that leverage changes throughout a negotiation. It is not simply about having leverage; it is about understanding when it has value and how to use it.

“The best use of leverage is generally not blunt force.”

And then there are the interpersonal skills involved in managing conflict and high emotion, along with risk assessment and flexible thinking. Negotiations evolve. New information comes in, people react in unexpected ways, and a mediator needs to adjust rather than remain committed to a predetermined script.

Q: You have described the significance of active listening during mediation. How does that come into play in your strategy?

Bayman: Fundamentally. I pay attention not just to what a litigant is saying, but how they are saying it — their tone, their reactions, and what they may be avoiding saying.

Sometimes what is unsaid can be extremely revealing. You can learn a great deal about what someone actually needs, what they fear, where they may have flexibility, and what is preventing movement if you are paying close attention.

And sometimes a position that appears irrational isn't really about valuation. It may mean a client isn't emotionally ready to settle, counsel needs help communicating a difficult assessment, or someone is trying to send a message to the other side. Those situations require very different responses from the mediator.

Giving someone an opportunity to tell their story can be important and even cathartic, but you also have to know when it's helping and when it isn't. You have to recognize when being heard is helping someone move toward resolution and when continuing to revisit the underlying facts of the dispute may actually be causing that person to become more entrenched.

“You need to truly hear what people are saying and, sometimes more importantly, what they are not saying.”

Q: How would you characterize your mediation style?

Bayman: My style tends to be evaluative, but I don't impose a single mediation style on every case.

I am focused on helping the parties find a path to resolution, which sometimes means pushing people to reconsider risk or take a closer look at weaknesses in their position.

But the approach depends on the case, the attorneys and the clients. Different lawyers will have different appetites for the degree of evaluation they feel appropriate in any given mediation. I try to be mindful of the lawyer-client relationship and to take cues from Counsel as to how much evaluation is welcomed or encouraged. The method has to fit the people and the circumstances.

“Being evaluative does not require being confrontational.”

Q: How do you prepare before a mediation?

Bayman: I read the briefs first and then typically have a pre-mediation call with each side.

Those conversations help me better understand each party’s perspective and, equally important, the dynamics of the case. They allow me to begin thinking about how I should approach the mediation, where the pressure points may be, and where and how our time in mediation can be most productively spent.

Preparation matters because once you are in the room, you want to be able to focus on the negotiation rather than trying to learn the case.

Q: Attorneys who have mediated with you have described you as a “straight-shooter,” “persistent without being pushy,” and “persuasive but not confrontational.” Is that how you see your approach?

Bayman: That is certainly the balance I try to maintain.

I like people. I value empathy and integrity, and I understand that two things can both be true. Two people can experience the same event very differently. You do not necessarily have to resolve whose version is “right” in order to find a resolution.

At the same time, empathy does not mean avoiding difficult conversations. If I see a significant risk or

weakness in a position, I think part of my job is to offer to help counsel and the client examine it realistically.

You need to understand both perspectives well enough to communicate effectively with each side and help them make decisions.

Q: How has your international background influenced the way you work with people?

Bayman: I have lived and worked in the United States, Europe and China, and that taught me early that people can interpret the same words, negotiating behavior and even silence very differently.

A strategy that resonates with one person may be completely ineffective with someone else. You have to be curious about the person in front of you rather than assuming everyone approaches a negotiation the way you do.

That adaptability is particularly useful in mediation because you are constantly moving between people with different objectives, personalities and perspectives.

Q: What happens when a case reaches an impasse?

Bayman: First, I try to understand why it has reached an impasse.

If someone appears overconfident, perhaps we need to reexamine risk and talk seriously about what happens if the case goes to trial. If the problem appears to involve a disconnect between counsel and client, I may speak privately with counsel and see whether there is a way I can help.

If a particular negotiating device is making things worse rather than better, we change the approach. Above all, I try to remain flexible. Persistence does not mean repeatedly using the same tactic. It means continuing to look for the thing that may unlock the negotiation.

“Persistence isn't repeating the same tactic. It's continuing to look for what might unlock the negotiation.”

Q: How does risk assessment factor into your approach?

Bayman: A lot.

People can come into mediation anchored to a number or a view of the case that made sense at an earlier point in the litigation. But cases change. Evidence develops. Costs increase. Trial gets closer. What was rational six months ago may not be rational on the day of mediation.

Part of my role is to help the parties reexamine that risk in real time.

That does not mean telling someone what the case is worth. It means testing assumptions, identifying risk and helping counsel and clients consider whether their existing position still makes sense in light of where the case stands today.

Ultimately, I believe good mediation requires more than moving numbers between two rooms. It requires understanding the forces that determine whether an agreement is possible: personalities, pressure, leverage, risk, emotion, communication, timing and trust.

For Bayman, those skills come from an unusual combination of experience. Decades inside businesses taught her how sophisticated parties negotiate, evaluate risk and make decisions. Her litigation experience showed her what is involved in preparing a case for trial and what is at stake when it does not resolve. Her mediation practice brings those perspectives together — an evaluative but adaptable approach grounded in preparation, careful listening, and a willingness to keep working until every reasonable path to agreement has been explored.

Contact:

[Ella Fishman](#)

ellateam@adrservices.com

(310) 201-0010

www.lindseybayman.com