

VERDICTS & SETTLEMENTS

Reasoned Passion

Neutral James A. Roberts nurses many passions — one of them is mediating complicated cases involving difficult parties.

By Mandy Jackson
Daily Journal Staff Writer

Mediator James A. Roberts has a passion for many things: politics, his collection of classic cars and a vast array of sports memorabilia. But he sets all personal preferences aside when meeting with feuding parties around the conference table at Judicate West in San Diego.

Here, Roberts relies on his 25 years of experience as both a defense and plaintiffs' attorney in insurance, professional liability and construction-related matters. He offers opinions during mediations only when asked — and only when he's listened to all of the facts — unless he's compelled by one of the participants to speak up.

"If somebody tells me something that's not true; if somebody evaluates something in a way that [defies] logic and the law and the facts; if somebody significantly mis evaluates a case, those are things that will get me off the bench and onto the playing field," Roberts said. "That's when I go from listener to more activist."

H. Scott Sirlin, a partner at Gordon & Rees LLP in Los Angeles who has taken at least 10 real estate and construction-related contract disputes and professional negligence claims to Roberts, said the mediator is good at dealing with difficult personalities.

"I had a case recently where the personalities of the main lawyers in the case just didn't mesh," Sirlin said. "We



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were at each other's throats from the beginning. He'll let people get things off their chest, and he's willing to let them do that to a point and then get them to listen to reason."

Roberts said he was drawn to a career in mediation because he liked being a dealmaker and working with a lot of different people. In mediations and the occasional arbitration, he helps thousands of parties settle roughly 100 cases each year instead of handling just 10 to 20 long-running cases annually as he did as a litigator.

Roberts started his solo mediation practice in 1999, and it recently affiliated with Judicate West. Before that, he represented plaintiffs at Thorsnes Bartolotta McGuire and later at Churchill Kaplan & Roberts.

Roberts had switched from defense to the plaintiffs bar in 1986, when the Hastings College of Law graduate and San Diego native moved back to Southern California from San Francisco. Today, he mediates cases in California, Nevada and Utah.

"There's always been a reward for risk taken, so I really have enjoyed different challenges," Roberts said. "Going from the defense side to the plaintiff side was

a challenge, but I had a great run as a defense lawyer and a great run as a plaintiffs' lawyer."

Since he's never one to shy away from a challenge, lawyers frequently bring Roberts their most difficult disputes.

"He's very good at the complicated cases where the parties are difficult," said Traci S. Lagasse, partner at Andrews Lagasse Branch & Bell in San Diego.

Lagasse said she's mediated at least eight professional liability claims and complex construction disputes with Roberts during the past six years. She said his creativity and insight are helpful in tough cases.

"He takes a lot of initiative and works very hard to get the trust of the client and develop a rapport," Lagasse said. "He works very hard on the issues to get the parties on the same page."

Paul Nolan, a partner at Wood Smith Henning & Berman LLP in San Diego who defends clients against construction defect claims, said one of Roberts' best attributes is his willingness to continue working long after the mediation session is over. He'll follow up with the lawyers involved until the parties settle or the case goes to trial.

Neutral Known for Ability To Handle Tough Parties, Cases

"I tend to work really long hours, and I expect that people will do their best when they're in front of me," Roberts said.

He's been known to take calls any time, anywhere. Lawyers often remind him about the time he forgot to mute his cell phone while ordering lunch at In-N-Out Burger before making an on-the-spot decision as the discovery referee in a case he was mediating.

"People know I'm pretty decisive, and they like that, but I'm decisive only after making sure that I've given everybody a chance to be heard," Roberts said.

His decisions on discovery matters and guidance in mediation, according to the lawyers he's worked with, are based on the facts of each case and Roberts' professional — not personal — opinion. A life-long Republican and long time opponent of boycotts, divestment and sanctions against Israel, he said he doesn't bring his political views to the negotiating table.

"My experience with [retired] judges, more times than not, is they have a number in their head and they try to bring



James A. Roberts

Age: 60

Affiliation: Judicate West

Location: San Diego

Areas of specialty: insurance, professional liability, product liability, construction

the parties to that number," Nolan said. "[Roberts] comes in with a blank slate and lets the parties determine where they should settle."

Here are some lawyers who have used Roberts for mediation or arbitration:

Bruce M. Brusavich, Agnew Brusavich, Torrance; Rand Chritton, Archer Norris PLC, Walnut Creek; Steve J. Cologne, Higgs Fletcher & Mack LLP, San Diego; Kevin V. DeSantis, Butz Dunn & DeSantis APC, San Diego; Jon H. Epstein and Doug Grinnell, Epstein Grinnell & Howell APC, San Diego; Robert L. Green, Green & Hall, Santa Ana; Michael A. Hearn, Law Offices of Michael A. Hearn, Irvine; Frank Kaplan, Bingham McCutchen LLP, Santa Monica; Keith D. Koeller, Koeller Nebeker Carlson Haluck LLP, Irvine; Ramie Morales, Law Offices of Morales Fierro & Reeves, Pleasant Hill; Debra R. Puebla, Sinnott Puebla Campagne & Curet PLC, Los Angeles; Scott Scheper, Seltzer Caplan McMahon & Vitek, San Diego; Richard Sherman, Irell & Manella LLP, Newport Beach; Scott W. Sonne, Luce Forward Hamilton & Scripps LLP, San Diego; and Howard Wollitz, Charlston Revich & Wollitz LLP, Los Angeles.

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