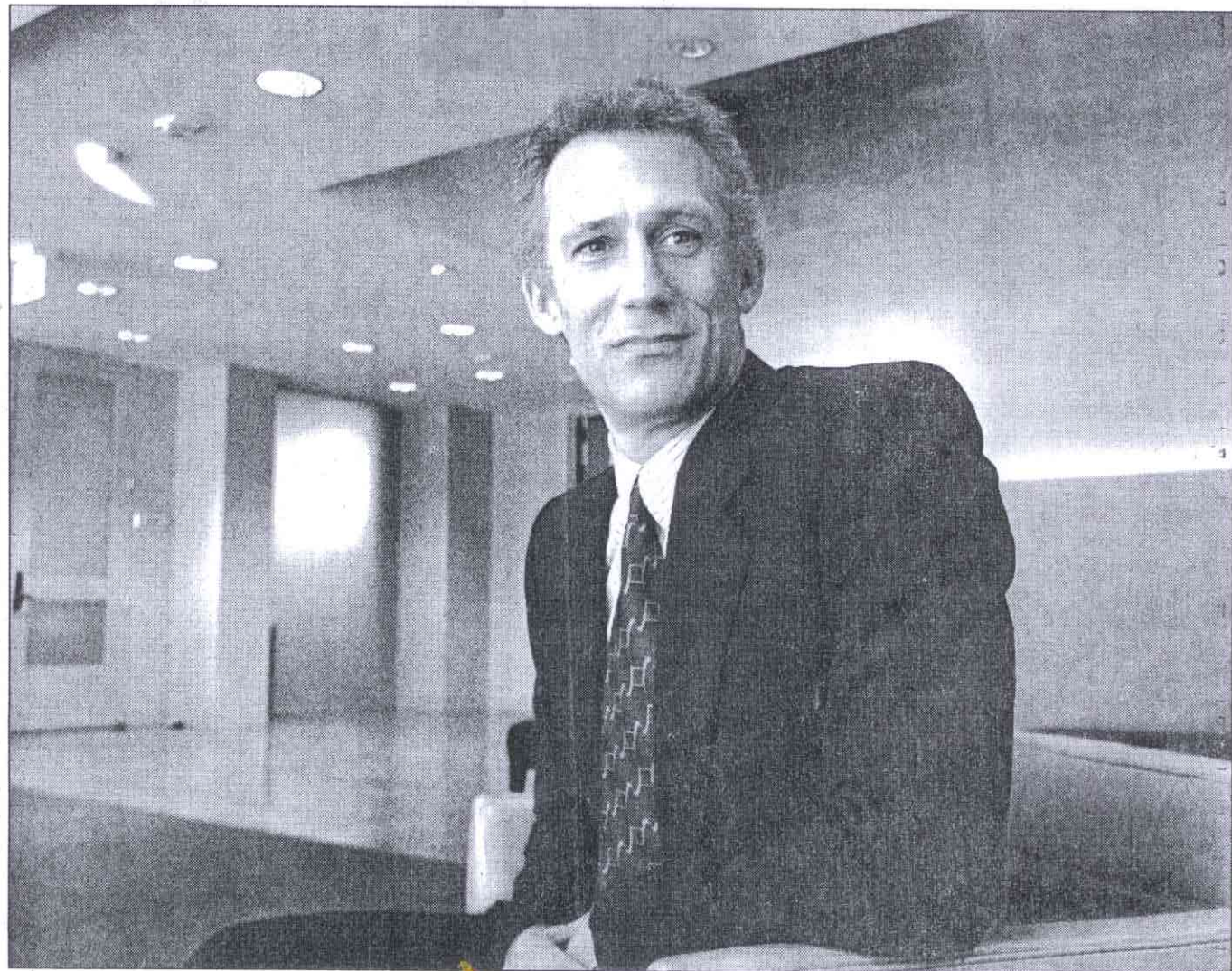


Understated Mediator Succeeds

Under Fire



ROBERT LEVINS / Daily Journal

"I have parties walk out thinking that they settled without me, and that's fine with me. It hasn't been important for my ego to

be out front. I may be laid-back, but that doesn't mean I'm not in control of the process," mediator Michael D. Young said.

Anne Marie Ruff

Daily Journal Staff Writer

Michael D. Young usually takes an understated approach to mediation.

"I can only think of one time I raised my voice in the 16 years I have been mediating, and it was done intentionally," said Young, chair of the Neutral Services Department at Weston, Benshoof, Rochefort, Rubalcava & MacCuish in Los Angeles.

Profile

It worked. The attorney who had been trying to control the mediation process turned helpful and cooperative after Young asserted his control.

"He is not a shouter and screamer for sure," said James H. Fleming of Reed Smith in Oakland, who used Young for a trade secrets dispute. "He's got a nice calm manner. I am a mediator myself, so I try to observe other mediators' style, and I really liked his manner."

Young said his approach is "very relaxed and open, so parties and lawyers themselves can come up with solutions."

"I will have parties walk out thinking that they settled without me, and that's fine with me," Young said. "It hasn't been important for my ego to be out front."

"He doesn't push his ideas on you," confirmed Mitchell N. Reinis of Silver & Freedman, who worked with Young on a trademark dispute. "He lets you decide."

Young, 45, is both a litigator and a mediator. His mediation specialty areas reflect his litigation practice.

"I prefer to deal with complex civil litigation, intellectual property, commercial and business disputes, employment and environmental cases."

Young developed a "team mediation" technique for environmental disputes, which uses a mediator with environmental expertise along with a neutral environmental engineer.

He does not do personal injury, he said, adding, "I won't touch family law."

Even though he doesn't mediate between feuding spouses, he can deal with emotions in a dispute.

"Employment cases are very emotional, like a divorce," said Gregory Lee Bartone, a sole practitioner from Orange County. "But he was able to tell people what their strong and weak points were from a dispassionate view."

Young said he has no interest in being a therapist to the parties he works with.

But, he said, "even big business disputes are the results of individuals, so there is always a personal level. And understanding it, so you know how to use it if you need to, is important."

On occasion he has seen parties get together in a room without their attorneys while one apologizes to the other.

"It can be really powerful," he said.

Power is not something that intimidates Young. He has worked on complex multiparty disputes — for example, a dispute over a freeway overpass route that involved mayors, city supervisors, CalTrans and all of their attendant political interests and egos. He was able to find the underlying public interest they all shared and work from there.

Young became interested in mediation during law school, when he heard an East Coast circuit judge lecture about the problems with litigation.

When the judge finished describing what a mess litigation could be, he told the audience, "But I am retiring, so these are your problems," Young recalled.

"So he passed the baton to us, and I saw how much more good you can do through mediations. In essence, forget tinkering with the litigation system; here's a better way."

After finishing law school in 1988, Young worked as a business litigator at McCutchen, Black, Verleger & Shea. Three years later, he moved to Weston, and a year later he began mediation training. Between 1989 and 1996, he trained with the Strauss Institute for Dispute Resolution at Pepperdine University School of Law, the Los Angeles Country Bar Association's Dispute Resolution Services and the Negotiation Strategy Institute in Los Angeles.

He teaches mediation at his alma mater, USC Gould School of Law, and he frequently writes about mediation for legal publications.

Young's humor shines through in his writing as he describes fictional disputes between NewPuke Co. and IckyGook Corp., costing a "gajillion dollars," or referring to the all-essential tension-busting Krispy Kreame doughnuts in a mediation room.

"He took the case seriously," Bartone said of the employment case he brought to Young, "but he didn't take himself too seriously."

Young's clients said that his humor also came through in private caucuses or follow-up phone calls but not in joint mediations.

Young turns off his BlackBerry during mediation sessions and makes everyone else do the same.

"I may be more laid-back, but that doesn't mean I'm not in control of the process," he said.

"Some mediators come on too strong and abrasive," said Barry Zoller, a partner at Lewis, Brisbois, Bisgaard & Smith, who used Young for a trade secrets dispute. "Some are too soft. But he showed the right balance between the two."

Young does not keep statistics about how many disputes he has worked on and how many he has settled.

"If you have a 99 percent settlement rate," he said, "then you aren't taking cases that are challenging enough."

Reinis said Young is "non-arm-twisting, yet he doesn't let the parties get away without trying their very best to resolve the dispute."

Of course, not all disputes can be resolved before the parties leave the mediation room, so Young places a lot of importance on following up and keeping in contact with the parties and their attorneys as long as they are interested in working with him.

Wayne Murray, director of Siemens Transportation Group, one of Canada's largest transportation companies, flew down from Saskatoon to work with Young on an employment case.

"His attention to detail is phenomenal," Murray said. "His follow-up is unbelievable. He doesn't miss anything."

Young points easily to the case that has given him the most satisfaction: "It's always the last case I did that I'm most proud of."

Here are some of the lawyers who have used Young's services:

Gregory T. Victoroff, Rohde & Victoroff, Los Angeles; Mitchell N. Reinis, Silver & Freedman, Century City; Jonathan Hangartner of Sheppard, Mullin, Richter & Hampton, San Diego; James H. Fleming, Reed Smith, Oakland; Barry Zoller, Lewis, Brisbois, Bisgaard & Smith, Los Angeles; Gregory Lee Bartone, Orange County; James D. Weinberger, Fross, Zelnick, Lehrman & Zissu, New York; and Craig S. Fochler, Wildman, Harrold, Allen & Dixon, Chicago.

Michael D. Young
Mediator

Age: 45

Affiliation: Chair, neutral services department, Weston, Benshoof, Rochefort, Rubalcava & MacCuish

Location: Los Angeles

Areas of specialty: Complex civil litigation, intellectual property, commercial and business disputes, employment and environmental cases

Rate: \$500 per hour