

VERDICTS & SETTLEMENTS

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Practical Value

Neutral Michael Leb's diverse work history offers clients experienced insight.

By Andy Serbe
Daily Journal Staff Writer

PASADENA — Among legal professionals, the breadth of experience that mediator and arbitrator Michael Leb brings to bear is rare, if not unique. That, he says, is what sets him apart in the field.

"I think if you've looked at the career path that I've had, it's been a mix of defense work, work in the corporate world, and two fairly extensive plaintiff-side stints," he said. "It helps having sat in every chair around the mediation table other than insurance adjuster."

The biggest differentiator is that Leb has stepped away from the law to work in executive roles for companies in addition to plaintiff and defense advocacy. After graduating from Michigan Law School, Leb worked in Latham and Watkins' labor and employment group. From there, he became a sole practitioner and later took his labor experience into the corporate world for Safeway and Wal-Mart.

Leb also started and ran his own company, which sold premium ice cream with chocolate from Costa Rica.

"As a mediator and arbitrator, having an understanding of everything from starting up a business to being part of one of the biggest companies in the world gives me a perspective that I think has helped," he said.

He added that it can afford him a higher level of credibility and trust with parties who hire him as a neutral.

"Depending on who I'm talking to, I try and demonstrate some of the practical value that I have gained from being a defense lawyer at a big firm and a sole practitioner representing a plaintiff," he said.

"In mediations where you have in-house counsel or other executives, he's sat in their seat, so he has a significant appreciation for the dynamics they are dealing with that I think not a lot of mediators have," said Nicholas Connon of Connon Wood LLP, who has hired Leb to mediate cases.

"I think it's unique and gives him an ability to talk meaningfully to both sides," Connon added.

The variance of Leb's work over the years also led him to live all over the

country. A native of the Pittsburgh area, he completed his undergraduate degree at Yale, followed his family to Ann Arbor for law school at Michigan, moved to Los Angeles after graduation, then to San Francisco for 10 years where he worked for Safeway and then to Arkansas when he worked for Wal-Mart.

Becoming a mediator, he said, was about settling down in one place as well as starting a practice that seemed a natural fit.

"My wife and I decided if I was going to do anything in the corporate world, we'd have to move because that's what you have to do, and we decided we didn't want to. We liked it here, and we wanted to continue to be part of the community," said Leb, who works out of his home office in Pasadena.

"So I looked around and asked, 'What does my skill set and my lifestyle goals... What can I do to have that balance,' he said, "When I did that analysis, everything that I wanted to accomplish, mostly being here in LA and not practicing law as a litigator, it was kind of a natural thing to build a neutral practice."

As a neutral, Leb estimates that he does 70 percent mediation and 30 percent arbitration. Both have their own allure, and he wants to get the balance closer to 50-50.

"I think that mediation is a very valuable process, and it affords everyone an opportunity to be heard and have their positions taken seriously. It affords an opportunity for creativity in solutions, the chance to craft solutions that are different than others might be able to," he said.

In arbitration, a big part of the draw is evaluating evidence and "making the call," he said. Leb specifically mentioned a police termination case that involved body camera footage and great presentations by both sides.

Leb, who also called himself more of a writer than a litigator at heart, added he likes working on arbitration decisions.

Whether mediating or arbitrating, Leb said that facts and arguments reign supreme.

"I just had a case where the parties were including me in communications regarding their spat in setting up depositions, and I finally had to say, 'I don't care. Don't try and paint the other side



Emilio Aldea / Daily Journal

Michael H. Leb

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as the bad one. I only care about the facts," he said. "Don't bother. It has no influence on me."

In fact, getting personal is something he does not like to see from attorneys, and it reminds him why he is happy as a neutral rather than an advocate. "It's that unnecessary cantankerousness," he said.

For mediations, he always sets up a call beforehand to get the most important facts from both sides, so they can write lean, factually dense briefs that do not unnecessarily recap extraneous things or laws he knows.

"My goal is to really get an understanding of each side's understanding of the facts. There are only two reasons cases don't settle. One is an information gap, and I can help close that," he said. "If you're saving something for trial, you might have that silver bullet that convinces the other side to settle on good terms right now."

"The other [reason] is if one side is being irrational," he added.

In arbitrations, however, Leb's approach is preparation, reading everything, and providing both sides with an expedient process where he stays out of the way as much as possible.

"I try not to be an activist arbitrator," he said.

Aside from his work on private cases, Leb has worked as a mediator for Los Angeles County's Equity Oversight Panel, which evaluates equal employment opportunity complaints. The panel looks at investigations of complaints, then makes recommendations on discipline if necessary.

"It's a way of dealing with complaints of discrimination and harassment in a more comprehensive way, where the complaints are being evaluated by outsiders, so there's more of a neutral examination than just internal people

sweeping it under the rug," he said.

According to Los Angeles County Counsel Mary Wickham, Leb's diverse experience and legal acumen made him invaluable to the panel. Wickham was the executive director of the program at its outset before her current role.

"Michael is brilliant," she said. "He has an analytical mind that can walk you through a complex fact pattern then come to the relevant law and advise," she said.

Neutrals on the panel work in teams of three, requiring give and take in the discussions. Wickham said Leb excelled in that setting.

"He's a fierce advocate of his position, but he's also willing to listen, which is good because sometimes lawyers with a mind like that won't," she said. "He's very collegial."

As enjoyable as Leb finds his role as a neutral, his least favorite part is the solo nature of his practice.

"The only thing that's hard about this practice is that it's fairly solitary," he said. "You have to search for collegiality and people to bounce ideas off of."

Here are some attorneys who have used Leb's services: Mary Wickham, Los Angeles County Counsel; Alexander Molina, Los Angeles Unified School District; Nicholas Connon, Connon Wood LLP; Marie DiSante, Carothers DiSante & Freudenberg LLP; David deRubertis, deRubertis Law Firm