



Rosemarie Chiusano

# Top neutral quality: What sophisticated mediation consumers expect

At the end of every year, The Daily Journal announces its selection for the top neutrals in California. Over the past 18 years in the ADR industry, I personally have had the pleasure of getting to know and work with many of the best neutrals in the business and appreciating how passionate and committed they are to the mediation process and to resolving disputes. This recognition represents a lot of consistent hard work and dedication on their part over a long period of time with many ups and downs.

I have been asked dozens of times over the years, "What does one need to do to draw in more business and be successful long term?" Here is the short version of those intangible qualities and now, what sophisticated mediation consumers expect.

## Intangible qualities

One needs perseverance and analytical skills to address and resolve every conflict within a conflict. Sometimes a dispute has various components and layers of issues to sort through. To have the patience to work with each party and their clients through many, often challenging "bottom line" figures, while giving respect to each party's position in a comfortable environment is critical.

One also must be compassionate, empathetic and adaptive to appeal to the various personalities in the room, while at the same time remaining true to the process and in keeping one's own identity and mediation style.

Successful neutrals are able to ingratiate themselves and show their humanism. They want you to get to know and trust them, so that when they have to give you their reality check – the good, bad and the ugly – you and your clients appreciate and listen to it.

Another quality in a successful neutral is professionalism. They have this intuitive ability to convey opinions in a way that never embarrasses or demeans anyone and to help lawyers or insurance representatives look good in front of their clients and supervisors.

## Experience and training

Experience is the best teacher. Successful neutrals always are making good use of their former professions as lawyers or judges. Many also rely on their experience in serving as a mediator and/or arbitrator as well as participating in pro bono programs, court panels, community mediation and volunteer organizations in addition to their private paid cases. A well-rounded profile and a reputation for results will give your client confidence that you have selected the best neutral for their dispute.

I am frequently asked whether a neutral who arbitrates can maintain a reputation as unbiased and build a successful private dispute resolution practice. My response is a resounding, "YES." How? By submitting a clear and concise explanation of the award, including a thorough and reasoned analysis that comprehensively explains the outcome. A

neutral can earn respect from both sides especially when a tough call needs to be made.

Training matters. As with any craft, consistent training represents dedication to the field and is indicative of what one expects from true professionals. Successful neutrals care about their careers and are always striving to improve their skill, whether through formal training programs, professional organizations or constant discussions and roundtables with their peers and mentors.

Possibly the most important quality in a neutral is to achieve results. This happens, when the parties walk away feeling like they have gotten the best deal for their clients, and the clients are happy because they all have avoided costly, protracted and risky litigation. Combine all these qualities, and you have the makings of a successful Neutral.

*Rosemarie Chiusano Drohan is Judicate West's Executive Vice President of Business Development, based out of the company's West Los Angeles and downtown Los Angeles offices, and serves as a member of the executive committee. She began her dispute resolution career in New York in 1991 with Judicate Inc., moving to CA in 1993 when Judicate West became a separate entity from the parent company. She works daily on case management, in-house training of neutrals and staff and takes an active role in the company's marketing, advertising and public relations. In addition, she is a frequent speaker at ADR industry events.*