

TUESDAY WEDNESDAY THURSDAY FRIDAY **TODAY**JUDICIAL PROFILES CORPORATE COUNSEL Q&A **ADR PROFILES**

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Friday, April 1, 2011

James A. Roberts

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

By Mandy Jackson

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.



Mandy Jackson / Daily Journal
James A. Roberts

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 miscalculates 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 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.

Government

City of Bell Faces High Legal Bills

The scandal-plagued, financially stricken Los Angeles suburb of Bell has been billed more than \$1.2 million in a five-month span by a law firm who partner is serving as its interim city attorney, the Daily Journal has learned.

CASE Approves Labor Agreement

The union representing state lawyers and administrative law judges overwhelming approved a labor agreement Friday with Gov. Jerry Brown. But the ratification came with controversy.

Solo and Small Firms

BigLaw Expats Launch Virtual Firm

Three former BigLaw associates and law school classmates launched a virtual law firm and so far, the formula appears to be a success.

Bar Associations

State Bar Seeks to Rank Schools by Diversity

A State Bar panel says U.S. News & World Report should count diversity as 15 percent of a law school's rankings.

Judges and Judiciary

Prematurely Attending One's Own Funeral

What's the connection between Freemasons, Mozart's funeral music and the courts? By **Arthur Gilbert** of the 2nd District Court of Appeal.

Law Practice

On the Move

Wilson Sonsini Goodrich & Rosati PC lost six intellectual property litigation partners to Latham & Watkins LLP.

Health Care & Hospital Law

Justin Bieber and Hair Denial

Focusing on what "style" of health care worked in other countries is not the solution for reform. By **David McFarlane** of Snell & Wilmer LLP and **Samuel Krause**.

Labor/Employment

Legal Market Keeps Shrinking

While Friday's jobs report from the Bureau of Labor Statistics showed promising signs for most in the private sector, the legal services industry dropped 500 jobs nationwide.

Legal Ethics & Professional Responsibility

Lawyer Knocked for Hiding Assets

State appellate court justice chastises lawyer for helping client shield real estate assets from a creditor.

Environmental

Will Oil Become Extinct?

With gas prices skyrocketing, efforts to reduce America's reliance on foreign oil cannot come any sooner. By **Jonathan Michaels** of Michaels Law Group.

Criminal

Judge Considers Juror's Criminal Record

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.

"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 longtime 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 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. Epsten and Doug Grinnell, Epsten 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 McMahan & 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.

Lawyers for San Jose criminal defense attorney Jamie L. Harley, whom a jury found guilty of money laundering last summer, argue she is entitled to a new trial because of the criminal record of the jury foreman.

Judges Gives Green Light in FCPA Trial

In a ruling that could bolster prosecutions, a federal judge in Los Angeles has ruled that officials at a state-owned corporation qualify as government officials under the Foreign Corrupt Practices Act.

Government

The Demise of Opportunism and Ambition: California's New Reapportionment

Attempts to reform the partisan policy of redistricting in California are likely to face challenges. By **Rod Pacheco** and **John Russell** of SNR Denton LLP.

San Francisco Disability Suit Goes to Trial

San Francisco's progressive reputation is about to be put to the test as a federal trial kicks off today over whether the city has done enough to make its sidewalks, parks, libraries and other facilities accessible to disabled residents.

Judges and Judiciary

Judge May Reject Injunction

In what is believed to be a first, a federal judge said Friday she likely would reject a request for a permanent gang injunction.

Intellectual Property

With Its Settlement Rejected, What's Next for Google Books?

With its first attempt rejected, why a revised Google Books settlement may very well pull Congress into the mix. By **Richard E. Posell** of JAMS.

Corporate Counsel

Scott Barlow

Vice president and general counsel for ValueClick Inc. *Westlake Village*

Judicial Profile

Earl Maas

Superior Court Judge *San Diego County (Vista)*

Immigration

Asylum Move Highlights Dangers in Internet Era

A move last week by the 9th U.S. Circuit Court of Appeals to disguise an asylum-seeker's name highlights the new dangers to appellants in immigration cases in the era of the Internet.

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