

VERDICTS & SETTLEMENTS

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Been there, done that *Jobs neutral Daniel Turner worked in college and law school provide insight in mediation.*

By Shane Nelson
Special to the Daily Journal

Judicate West neutral Daniel J. Turner worked all sorts of different jobs as a college undergraduate and while he was in law school.

“Everything from being a teaching assistant to working at the Gap. I put myself through college and law school, so I was always working,” Turner said. “Like a lot of college students, I had to pay the rent, so for me, it was just any job that was just available – anything from retail to restaurants to whatever.”

Turner said that diverse collection of jobs in his younger years often comes in handy these days while working to resolve employment disputes as a mediator.

“I’m able to say in some of those cases, ‘Oh yes, I used to be a busboy on the beach in Del Mar when I was in high school,’” Turner explained. “Some of these wage-and-hour cases often revolve around meal and rest breaks or bag checks or something like that. And I’m able to say, ‘Look, it’s been a long time, but I know what you’re talking about. I remember.’”

After graduating from the University of Michigan Law School in 1999, Turner spent most of the next two decades representing both employees and employers often in discrimination, harassment, retaliation, wrongful termination, class action and wage-and-hour litigation. In 2018, however, Turner struck out on his own as a mediator, looking to refocus his career on helping disputants reach the relief of resolution.

“I’ve never had anybody say, ‘I am really glad that I sued,’” Turner said with a chuckle. “Especially from the employee standpoint – my cli-



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ents were always so happy just to be able to move on, to have this really bad experience no longer taking up space in their mind. And I found the same thing, the same emotion from my defense clients. They really wanted and were relieved when they could say, ‘OK, this is behind us. We lived and learned.’ And that relief just agreed so much more with my personality.”

Turner joined Judicate West’s roster of neutrals in 2022, and he’s been mediating and arbitrating ever since on behalf of the provider, focusing exclusively on employ-

ment matters. While he’s relatively new to arbitration, Turner said his time representing both employees and employers is a real advantage.

“I’ve just represented so many different sorts of people on both sides of the ‘v,’ and I feel with that background and experience, I’m really able to look at things fairly,” he explained. “I think I’m very capable of being fair and impartial.”

Prior to a mediation, meanwhile, Turner likes to receive briefs from both sides and to speak over the phone beforehand with attorneys.

“Is there any data or any infor-

Daniel J. Turner

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Areas of Specialty:
Employment, PAGA

mation that's missing that's going to prevent the parties from getting to a deal?" he said of his objectives on pre-mediation calls with attorneys. "And I always like to take the temperature of the lawyers. How is the party getting along? Tell me what would be most effective with your client. Tell me about your client. What's their personality like? Is there anything that's not going to be effective in their view?"

Turner added that he employs both facilitative and evaluative strategies during mediations, but he puts a great deal of emphasis on discussing the merits of each case before moving into the negotiation phase.

"Both sides equally want to be heard," he said. "There's a belief that, 'Oh, defendants – this is just a business decision for them. This is just dollars and cents.' I think that's exactly wrong.

I think the defendants – their corporate representative or if it's

their HR person or whoever's there – their need to tell their story and to feel heard is, I feel, every bit as important as a plaintiff, a former employee. And I'm really big on listening, trying to be as empathetic as I can, trying to listen as non-judgmentally as I can and really hearing and understanding the positions of both sides."

Plaintiffs' attorney Raul Perez has used Turner half a dozen times to mediate class action and PAGA cases.

"He understands the risks and challenges for plaintiffs' attorneys, but he also understands the unique client sensitivity issues on the defense side and the challenges defense attorneys face," Perez said of Turner. "I think his having experience on both sides makes him more effective and balanced.

... He's careful not to insult either side. Both sides believe firmly in the merits of their claims – or for the defense, the merit of their defenses. And there just aren't too

many highs and lows with Dan, and I appreciate that. I don't necessarily like a mediator spending the entire morning telling me why I have no viable claims."

Defense attorney Joshua A. Rodine used Turner recently to resolve an employment discrimination case.

"Dan definitely has a very even-keeled temperament, which is most of the time I think what you want in a mediator," Rodine explained. "Every once in a while, you want a mediator who is going to fly off the handle and yell at the other side or perhaps yell at your own client. But that's not Dan. Dan is a very easy-going guy, and that makes it very easy to work with him. ... I know he isn't someone who is going to rant and rave and be crazy."

Plaintiffs' attorney Mehrdad Bokhour has used Turner to resolve half a dozen wage-and-hour and PAGA cases, and he described the Judicate West neutral's approach

to resolution as tenacious but far from antagonizing.

"He certainly listens to your arguments, but if he disagrees with them, he doesn't approach them in a way where he's not truly neutral," Bokhour said. "He evaluates your claims, helps you to see your weaknesses, your strengths, where in your damages model you should hang your hat. He's very effective in that sense. ... But he evaluates in a way without making you think, 'Oh, my case is worth zero.' You just always get the sense that he's working his hardest to settle the case."

Here are some attorneys who have used Turner's services: Mehrdad Bokhour, Bokhour Law Group, P.C.; Joshua A. Rodine, Seyfarth Shaw LLP; Raul Perez, Capstone Law APC; Lonnie D. Giamela, Fisher & Phillips LLP; Nicholas Rosenthal, Diversity Law Group

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