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Real Resolutions

Neutral Floyd Siegal is only happy when both sides feel as though they've gotten everything



By **Steven Crighton**

LOS ANGELES - Floyd Siegal takes the resolution part of alternative dispute resolution very seriously.

That's why he says it takes more than a settlement for him to be satisfied with a mediation. The only way he's guaranteed to be smiling by the end is if all parties involved feel as though they've gotten everything they possibly can out of the process.

"What I love about this job is that first and foremost, although it doesn't happen as much as I wish it could, we have the power to transform people's lives," said Siegal, who serves as a neutral for Judicate West .

As an example, he offered a recent

mediation between a 20-year-old woman and an elderly pedestrian who she had struck with her car. Though the parties were able to reach a settlement within a single session, it didn't do much to calm the nerves of the young woman, who remained frantic about the incident. She needed closure beyond what a mediation could offer, Siegal felt.

"I asked if she would be open to meeting with him," Siegal said. "I told her that I thought it would be a really good thing."

The woman declined initially, but relented after Siegal suggested it a second time, so long as her mother and her attorney, Paul Ash of Hanger Steinberg Shapiro & Ash, were present.

"Floyd brought the older gentleman in, who told her, 'You need to stop crying, because I pray for you. I've prayed for you every day since the accident,'" Ash said. "She starts crying, Floyd starts crying, I tear up; we're all crying. Next thing I know, they're planning to meet over coffee."

Siegal's vested interest in ensuring that both sides are satisfied, which has made him

popular with plaintiff and defense camps both, makes it easier to keep a mediation moving forward free of politics or drama. It's a strength he discovered in his previous life as a criminal defense attorney, which he left in 2007 in order to take up mediation.

"I didn't realize it as quickly as some of the mediators I worked with, who suggested I pursue a career change," Siegal said. "I wasn't very happy with what I was doing, so I took the Pepperdine course in 2007. It was something that called out to me, and it's been a perfect match for the last eight years."

Though he gladly handles arbitration, viewing it as a nice change of pace, his heart lies in mediation. Siegal said that's because it better allows him to play to his strengths as a facilitator and negotiator.

He considers himself a firm believer in the power of the follow-up, noting that he'll generally reach out to parties in an unresolved mediation every few weeks to keep the ball rolling. A gentle yet firm hand moving things forward has helped him resolve a number of mediations, including one recently that finally settled a full year after the initial mediation.

"I'm relentless, but in a good way. I try to keep following up, keep moving the parties forward and see what we can do to move the chess pieces a little closer together," Siegal said.

Steven Effres, an attorney with Effres & Associates, said that Siegal is persistent in his follow-ups, and likely won't allow himself to be far from your mind for long so long as a mediation remains unresolved.

"He's like a pit bull. After a case doesn't settle, he will work ferociously in his follow-up," Effres said. "We've had some mediations that settled after the fact because of him. It's great."

Though his strengths lie in his affability, he's not without his limits. He warned plaintiff attorneys against starting from too extreme a position, which can sully a mediation from the outset.

"They don't realize it makes it harder to reach their endgame," Siegal said. "They end up creating a dynamic where they have to make bigger and bigger moves, and every time they make a bigger move, they reveal more and more that they're not confident in their position."

He also warned attorneys against acting punitively towards one another, which can quickly snowball out of control to the point where neither side is willing to work with the other.

"If a plaintiff makes a move that the defense disagrees with, the defense decides they're going to punish them by only moving this little," Siegal said. "If both sides get to a point where they're working with one another towards an endgame, it moves the whole process along much more quickly."

Evan Berman of Berman Berman Berman Schneider & Lowary LLP said Siegal is thoughtful in mediation and beyond, exemplified by the fact that he donates a portion of his fee to charity in every mediation.

"He will typically make a donation on behalf of the parties involved and asks both sides where they'd like the donation to be sent to. It's a really nice touch," Berman said.

Siegal said he likes to let the parties involved choose who will receive the donation, both to get them more invested in the decision and to give lesser known charities a bit more exposure. He'll also promote the charity in his monthly newsletter.

"If someone tells me about a new charity I've never heard of, I like to draw attention to it," Siegal said. "It runs the gamut, we've had charities that are pet related, related to the environment, related to firefighters. Whatever might strike their fancy."

He likes to draw inspiration on topics for his newsletters from his favorite television show, "The West Wing," which he's seen so many times that he jokes that the DVDs

may soon wear out. He said he's a big fan of the show's formula, which often has characters identify a single contentious at the start of the episode, with the rest of the episode spent dedicated to working out a single, well-grounded solution. In that way, he said, it's a lot like the work he does.

"It's not just The West Wing, it's politics in general. It's all about people finding a way to compromise when they really need to," Siegal said. "You can take a lot from political situations, in terms of the conflicts and negotiations involved, and extrapolate it into an everyday lawsuit."

Though Siegal may be newer to the mediation game than some, Effres said he has a wealth of knowledge and patience beyond his years.

"He really does bring a human aspect to the role of mediator, which is an absolute breath of fresh air," Effres said.

Attorneys who have used Siegal's services include:

Steven Effres, Effres & Associates; Andrew Bryman, Bryman & Apelian APC; Steve Vartazarian, Vartazarian Law Firm; John Taylor and David Ring, Taylor & Ring; Minh Nguyen, The Law Office of Minh T. Nguyen; Art Chapman, Chapman, Glucksman, Dean, Roeb, & Barger APC; John O'Meara, Brearer, Whyte, Brown & O'Meara; Paul Ash, Hanger, Steinberg, Shapiro & Ash; Mike Di Lando, Robinson Di Lando APLC; Evan Berman, Berman, Berman, Berman, Schneider & Lowary LLP

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Biography Not Available.

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