

# VERDICTS & SETTLEMENTS

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## A Gentle Approach

*Attorneys say neutral Janet Fields brings kindness and understanding to her mediations.*

By Shane Nelson

Special to the Daily Journal

**L**ongtime mediator Janet R. Fields is a firm believer in flexibility.

"I'm in the improvisation business," Fields said. "Every case is unique, and you have to go with what's happening at the moment."

A 1984 Empire College of Law graduate, Fields started her career as a trial attorney, representing plaintiffs in personal injury, commercial litigation and real estate cases. Then in the early 1990s, she shifted her focus to defense work, routinely representing other lawyers in professional liability matters.

Fields started mediating cases, however, in the late 1990s and ultimately transitioned into a full-time career as a private neutral in 1999, focusing on mediations and arbitrations. She joined Judicate West in 2004, and while she no longer arbitrates disputes, she is still working as a mediator to resolve a diverse caseload of sexual abuse and sexual assault disputes as well as employment, personal injury, professional liability and real estate matters.

"I look for the commonality in everybody," Fields said of her approach early in mediations. "This is bigger than listening. The commonality is everybody's either a parent or a child. Everybody has a hobby. Folks want to be heard, so they can share information about who they are, what they are and why we are participating in a mediation."

Fields said she likes to receive briefs from all of the parties prior to her mediations, and she also likes to speak with counsel beforehand. Noting that she's comfortable handling mediations in person



Justin L. Stewart / Special to the Daily Journal

or through remote video conference, Fields said she usually starts out by keeping parties separate, but she will in certain cases bring folks together.

"Often, some of the representatives on the defense side want to meet ... the plaintiff," Fields explained. "They want to say hello. They want to listen. Sometimes there's an apology involved. But I won't do apologies until after the case is settled and everyone's come to an agreement, so it doesn't have a potential to blow up."

While talking with the parties and working to establish rapport and trust is crucial early, Fields did

note that certain elements of the case are best discussed only with counsel.

"Sometimes it's best to spare the parties from some of the things they've been through in a wrongful death case," she explained. "I'm not going to share with the survivors and repeat what they already know about how their loved one passed away ... because that creates triggers and gets them upset and could take away from their opportunity and their journey of wanting to get things resolved."

Likewise, in a sexual abuse or employment matter. What that survivor has gone through - they've

### Janet R. Fields

Judicate West  
Los Angeles

#### Areas of Specialty:

Sexual Abuse  
Wrongful Death  
Catastrophic Injury  
Employment  
Professional Liability

already sat through a deposition, and they've told their story formally. I'm there to find out who they are now."

Beverly Hills plaintiffs' attorney Gary A. Dordick said he's used Fields dozens of times as a mediator over the past 20 years in a variety of different sexual assault and auto accident cases.

"She's sort of like a mediator therapist," Dordick explained. "I find that my clients enjoy talking to her. She has a nice way of obtaining information that's useful to resolve the case, but at the same time respecting my clients and appreciating what they've been through."

Dordick said Fields is particularly effective with sexual assault victims.

"Janet really spends time with them, and in a kind, gentle way obtains their trust and helps them make the right decisions for their case," Dordick explained. "I don't always let mediators talk directly to my clients, but I always let Janet talk to the clients because I know she is very experienced and has a very nice way about how she gets things done."

Santa Ana defense attorney Linda S. Bauermeister said she's used

Fields as a mediator more times than she can remember over the past 25 years in child molestation and wrongful death cases. And like Dordick, Bauermeister said her defense-side clients also really appreciate the Judicate West neutral.

"They trust Janet because they know that she knows how to evaluate the cases," Bauermeister said. "She reads the briefs and everything you send very, very carefully, so she knows the case backwards and forwards before you show up to the mediation, and she knows what the weak points are on both sides and what the strong points are on both sides. ... We wouldn't go back to her over and over again unless there is success, and she's a very successful mediator."

Fields noted, meanwhile, that she does make use of mediator's proposals and said she's enjoyed a fair amount of success with that approach over the years.

"Most of the time, proposals that I issue are after the parties have had a chance to contemplate and think and realize that they just spent the day, and the case didn't settle," Fields explained, adding that she's persistent with her follow up. "There's no such thing as a failed

mediation. A mediation evolves. So, if we don't settle it that day, we might settle it in a month or a week."

Los Angeles defense attorney Dana J. McCune said he's used Fields many times as a mediator in sexual abuse cases involving school district defendants, and he noted that the Judicate West neutral is not at all disinclined to take late phone calls about a case.

"She'll make herself available on weekends or any other time if that's what it takes to close the deal," McCune explained.

McCune added that Fields is well liked and respected by both plaintiffs' and defense attorneys.

"That means a lot when I go to mediation because I want someone whose word will be respected and valued in both rooms," McCune said. "I really think she's fair to both sides, and I think both sides usually walk away feeling she worked equally hard in both rooms."

McCune also insisted that he trusts Fields' integrity.

"If somebody says there is a secret to be maintained, I need and expect that it will be maintained," McCune explained. "With Janet, that's not a problem."

Dordick agreed that Fields en-

joys a great deal of respect from both the plaintiffs' and defense bars.

"I feel like sometimes she understands my clients' suffering so well, and she seems so sympathetic to our issues that I wonder if the defense will find her persuasive when she talks to them," Dordick explained. "But often I hear the same things from the defendants - that they really liked her, and the adjuster really liked her, and the adjuster really appreciated that Janet let them explain how they saw the case. And I think that's part of what makes her so successful is that she understands the plaintiffs' side so well, and she understands very well and communicates very effectively with the defense side and that really helps bring the sides together."

*Here are some attorneys who have used Fields' services:* Linda S. Bauermeister, Barber & Bauermeister; Gary A. Dordick, Dordick Law Corporation; Dana J. McCune, McCune & Harber LLP; Morgan A. Stewart, Manly, Stewart & Finaldi; Keith G. Bremer, Bremer Whyte Brown & O'Meara LLP

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