

Building Bridges

Patricia Prince mediates by helping parties see clearly what divides them.

By Chase DiFelicianantonio
Daily Journal Staff Writer

For Patricia Prince, mediations can turn, and fall, on personal connections. She believes relating to feuding parties in a mediation is the key that opens the door to what a dispute is really about and often to settlement.

Prince is an independent mediator who, along with a small support staff, runs Prince Mediation in Mill Valley. Her mediation practice consists of roughly three quarters labor and employment disputes and is distinctive in that she is not part of a larger company.

She said the choice to go it alone has allowed her other freedoms, including the ability to interact with clients and their counsel on a more personal level.

Craig Ackermann, a partner at Ackermann & Tilajef P.C. in Los Angeles, said Prince's penchant for crafting personal connections during mediations was on display during a mediation where he represented a large group of farmworkers against their employer in a class action.

Ackermann said Prince, who is fluent in Spanish, detected that his Spanish-speaking co-counsel was speaking with a Panamanian accent.

"It didn't take long until we were talking about [former boxer] Robert Duran," Ackermann said.

During the mediation, Ackermann said Prince softened the stern demeanor of the defendant by praising how he had built his business from the ground up, having once been a farmworker himself, and not framing the case as a moral indictment. Ackermann said the case settled for a higher amount than he had expected.

While attorneys praised Prince's genial nature, her style in relating to clients and their counsel is not based on charisma alone and comes out of a studied approach at the outset of the mediation.

"Mediation means so many things to so many people," Prince said. "I always ask, 'What is the attorney expecting from the mediation process and from me as a mediator?'"

She said that the responses she gets vary widely, ranging from law-



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yers preferring to hash out the case through argument to wanting Prince to focus more on their client and ensuring that they are heard.

"I like her style, which is very calm and measured, yet when she needs to be she can be very tough," said Robert Nelson, founder of the Nelson Law Group in San Francisco who has represented employers and employees in mediations with Prince.

"She uses her toughness strategically," Nelson added. "She keeps it well hidden until it's needed, but when it comes out it's formidable. ... You wouldn't expect it."

Before she became a full-time mediator in 2007, Prince worked as a civil litigator handling securities, entertainment and other business litigation. Prince said her practice included defense and plaintiff-side representation, an experience she credits with strengthening her perspective as a mediator.

"I think that's why I have always seen both sides. I never became wholly a plaintiffs' lawyer or wholly a defense lawyer. That really helps me put on the lenses in both rooms," Prince said.

Margaret Murray, a solo employment lawyer at the Law Offices of Margaret E. Murray in San Francisco, agreed.

Murray said she has worked with Prince representing defendants and plaintiffs in mediation and that Prince was even-keeled from both

perspectives.

"She makes everybody in the room feel like they're people," Murray said.

Murray praised Prince's ability to bring people and parties together during a mediation. "It's all about whatever the magical way it is that she creates trust in a room," she said.

Prince said she structures each mediation differently and goes to great lengths to design a process that will create the best chance of a settlement. She said the process is typically attorney-driven but that she always conducts separate pre-mediation calls with counsel from each side.

She uses this time to get a high-level perspective on the case while asking any questions about their briefs and assessing what their clients are looking for in mediation, Prince said.

While she brings the parties together for joint sessions, Prince said the majority of them are procedural and designed to lay the ground rules for the mediation.

About a third of them involve discussing the substance of the case so each side has a chance to feel out the other, she said, adding that the flow of the mediation can also dictate her decision to bring the parties together.

"There's a trend nowadays to never be in the same room," Prince said. "I always like to make sure that counsel for both sides have thought

Patricia Prince

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Area of Specialty:

Employment law, intellectual property, business litigation

about all the pros and cons."

Michael Ahmad, a Davis-based employment attorney at the Law Office of Mary-Alice Coleman P.C. who has represented employees in labor disputes in mediation with Prince, said she has both sides fill out an informational form beforehand.

"This is the first time I've seen that," Ahmad said, noting that one of the first questions on the form asks what each side wants out of the case.

These tactics fit in with Prince's goal of giving a broader context to a dispute. "The dispute tends to crowd out the rest of your life," Prince said. "In litigation, people are reduced to that dispute and people are so much more than that. It's hard to remember that when you are in hand-to-hand combat with someone."

Prince said she used this approach while mediating a particularly acrimonious intellectual property case. At one point, while in the caucus room, she asked the defendants' side — who had many other products — why the particular product in dispute was so important to them.

"It was kind of one of those step back, look at the big picture moments," Prince said. After the discussion, the tone of the mediation shifted, allowing the case to settle soon thereafter, she said.

"I start building a bridge from what brought them here to what is most important to them," Prince said of her mediation style. "That bridge is their way out. ... I'm going to walk every step of the way across that bridge with you."

Here are some attorneys who have used Prince's services: Craig Ackermann, Ackermann & Tilajef P.C.; Christopher Pham, Johnson & Pham LLP; Robert Nelson, Nelson Law Group; Michael Ahmad, Law Office of Mary-Alice Coleman P.C.; Douglas Melton, Long & Levit LLP; Margaret Murray, Law Offices of Margaret E. Murray; Dennis Strazulo, Freeman, Mathis & Gary LLP; Corena Larimer, Tucker Ellis LLP