

VERDICTS & SETTLEMENTS

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Mediator Thrives on Solving Challenging Legal Puzzles

By Kenneth Davis

Daily Journal Staff Writer

Scott Douglas never finds his work as a mediator boring. Every day brings an interesting problem to solve, he said.

"I like the challenge of every day seeing a different puzzle and ... trying to help people figure it out," Douglas said. "I like that there are always so many moving parts that you've got to be constantly thinking."

He also enjoys the negotiation aspect of mediation, he said.

Profile

"I've always enjoyed the negotiation process, both as a litigator and a mediator, even as far back as school," he said.

His family did a lot of traveling when he was young, he said, and that's where he learned the art of negotiation.

When he was 8, his family traveled around the world for 11 months; they did it again when he was 14.

"We probably went to 60 or 70 countries," he said.

On the second trip, the family spent six months in Africa, including a cross-continent journey, Douglas said.

"I would say that, by the second trip, I was a seasoned negotiator," he said, "particularly for African carvings, knives and masks."

Douglas has put his negotiation experience and problem-solving skills to good use as a mediator, according to attorneys who have used his services.

"The difference between Scott and others is that he's very patient and obviously very bright and is relentless," said Michael B. Horrow, an associate in the Claremont office of Shernoff, Bidart & Darras. "And he takes great pride in getting the job done, which is to get the matter resolved."

Pamela E. Cogan, a partner in the Redwood office of Ropers, Majeski, Kohn & Bentley, shared similar sentiments.

"I would say that he's very effective and very efficient," Cogan said. "He is able to cut to the chase fairly quickly and has effective tools to move the parties to middle ground much faster than a lot of other mediators."

Before becoming a mediator, Douglas was a litigator with Keesal, Young & Logan in the firm's Long Beach office from 1984 to 1997.

"I enjoyed trying cases," he said. "And I got the opportunity to try quite a few of them."

However, Douglas eventually became dissatisfied with the adversarial approach to litigation.

"I concluded, gradually, that our litigation system is not the most efficient system," he said. "I felt I was ready to start helping people solve their problems rather than help them fight further."

"And that's what really attracted me to mediation."

So in 1997, he began concentrating solely on building his mediation practice.

"From that point forward, I just immersed myself in reading information, articles and volunteering my

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time as a mediator to build up my experience," he said.

Douglas started working relatively soon in terms of getting business, he said, but it took awhile for him to build up his practice.

"I wasn't busy for the first year or two," he said.

He did have an advantage, however: a niche area.

"For me," he said, "it was securities, where I was already well-established."

As a litigator with Keesal Young, he handled a lot of securities cases, he said.

"So it was a real good place for me to start getting some business," he said, "maybe faster than I would have otherwise."

Douglas said that 65 percent of the mediations he handles are securities cases and the other 35 percent center around insurance-related disputes.

He said he tries to run his mediations as expeditiously as possible.

"I set them up so we have an eight-hour day," Douglas said. "And the vast majority of the time, we don't spend the full eight hours."

"We settle before then."

Two of the key elements that help him achieve a 90-plus percent settlement rate, he said, are perceptiveness and creativity.

"You have to recognize what will work and what won't work, given the situation that presents itself in any given case," he said.

"He's a closer," Century City attorney Marc I. Zussman said. "With Scott, on almost every occasion, he'll either get it settled ... by the end of the day, or he will continue to work the case."

Douglas said he didn't originally plan to go into law. His initial plan was to follow family tradition and go into dentistry.

"I started out pre-dental, actually, because I have a very dental-oriented family," he said.

His uncle was an orthodontist, his mother was a dental hygienist and his brother, who recently retired, was a dentist.



ROBERT LEVINS / Daily Journal

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"But part way through the program, I decided I didn't care for it," he said. "And I switched over to pre-law emphasis."

Douglas graduated from Santa Clara University in 1980 with a bachelor's degree with an emphasis on sociology and anthropology and, three years later, earned his law degree from the University of San Diego School of Law. After law school, he clerked a year for U.S. District Judge A. Andrew Hauk in Los Angeles before joining Keesal Young.

Although he has an office in Manhattan Beach, he uses it as a contact location only. He mediates all over the country, he said, but predominantly in the

western United States.

"I go where I have to go," he said, "and that's the reality."

When he's not mediating, Douglas said, he enjoys spending time with his wife, Adair Douglas, and their two children: daughter Kendall, 7, and son Miles, 5.

Douglas also is a serious athlete. He played for four years on Santa Clara's varsity soccer team and still holds the title as the school's all-time leading scorer. And he played soccer for the United States Under-19 national team in 1976. He just quit playing soccer three years

E. Scott Douglas, Mediator

Affiliation: Independent

Age: 47

Location: Manhattan Beach

Areas of Specialty: Securities,

Insurance, business, employment

Rates: \$5,000, full day; \$3,000, half day;

\$550 an hour

ago, he said, but stays in shape by surfing. Douglas has traveled to Fiji, Costa Rica and the Maldives to surf. He also coaches his two soccer-playing children.

Douglas said in addition to helping people resolve their disputes, another thing he really likes about his job is being his own boss.

"If I want to schedule a mediation at 10 in the morning so I can surf, I can do it," he said. "And I like having complete responsibility for my own actions and not having to report to other people."

Here are some lawyers who have used Douglas' services:

Marc I. Zussman, Century City; James J. Seltzer, Emeryville; Kevin K. Fitzgerald, Jones, Bell, Abbott, Fleming & Fitzgerald, Los Angeles; Michael B. Horrow, Shernoff, Bidart & Darras, Claremont; Pamela E. Cogan, Ropers, Majeski, Kohn & Bentley Redwood City; Scott R. Shewan, Born, Pape & Shewan, Clovis; Glenn R. Kantor, Kantor & Kantor, Northridge; Thomas J. Rittenburg, Lewis, Brisbois, Bisgaard & Smith, Los Angeles; Anne T. Cooney, Morgan Stanley, San Francisco; Lesley C. Green, Bannan, Green & Frank, Los Angeles; Robert F. Keehn, Galton & Helm, Los Angeles; and Robert K. Scott, Irvine.