

VERDICTS & SETTLEMENTS

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Turning the Page

Mediator Lynn Duryee has settled into the third act of her legal career

By Phil Johnson

Daily Journal Staff Writer

SAN FRANCISCO — Lynn Duryee is in the third act of her legal career. After 13 years as a civil litigation attorney and 21 years on the bench in Marin County Superior Court, Duryee left her judicial career behind a little over a year ago.

The identity transformation from esteemed judge — “It becomes part of who you are, you know, don’t jaywalk” — to a highly sought after mediator with a laidback approach — “Please, call me Lynn. I start all my mediations like that” — wasn’t easy at first.

“It took about a year to adjust,” Duryee said. “I had thoughts like, ‘Oh, I should be working, or promoting my business.’ It was harder to see the intrinsic value of things like hiking with my dog.”

She and her schedule can breathe now. Gone are the four settlement conferences on Mondays and 20 law and motion hearings on Tuesdays, occasionally replaced with quiet celebrations in bed with a cup of coffee and a good book.

Duryee recognizes the ability to focus on a single dispute as her favorite part of her new gig. JAMS’ espresso machine is a close second.

“It’s such a luxury to have days to do what I love most: settle cases,” Duryee said. “I can have conversations with the clients and develop a sense of nuance and intimate understanding. After 21 years in Marin County, I had done everything. It became somewhat routine. This has been an amazing change.”

Duryee settled thousands of civil cases during her judgeship, and eliminated the court’s backlog when she established settlement programs aided by volunteers.

She spends most of her time leading mediation while handling a little arbitration. She occasionally works on discovery and private trials. An ebullient combination of optimism and confidence abound when Duryee discusses dispute resolution.

“I tell people all the time, ‘We’ve never been closer to settling than we are now,’” Duryee said. “I remind clients of the hurt and dissatisfaction that litigation can bring. The image of leaving court with that resplendent feeling of prevailing is only in the movies.”

At the end of every settlement, Duryee breaks out her red professional diary. She jots lessons from the most recent dispute settlement, writing notes to herself.

“Cheerful, loving, professional,” one note reads.

“Be quiet, let them have their day,” another says.

One of Duryee’s best tricks when listening during mediation, which she regularly employs, is a simple one: her forefinger and thumb pinch her lips together, a reminder that mediation is not about her, but allowing people the satisfaction of being heard.

“You have to allow for an organic process,” Duryee said.

Ron P. Goldman of The Goldman Law Firm said Duryee’s subtle style separates her from others in the dispute resolution field.

“How many times have I heard, ‘Oh, I’ve never had a case I couldn’t settle,’ or been bored by some story about a settlement in the past,” Goldman said. “There is none of that with Lynn — no chest beating or ego. She works in a way that ends with everybody liking her.”

Duryee enters mediations on the assumption “that normal people want to settle.” She sees carrying hopefulness for parties as part of her duty in a line of work that is often messy.

She recalls a residential dispute that became emotional for a woman involved. Had Duryee been wearing a robe, she likely would have called for a break to grant the woman time to calm down.

Now, in her new role, she dug in. Duryee took the woman for a walk, but before the elevator down from the 15th level of 2 Embarcadero Center reached the ground floor, the woman began wailing.



Phil Johnson/ Daily Journal

Lynn Duryee

Affiliation: JAMS

Location: San Francisco

Areas of specialty: Business/ commercial, construction defect, employment, Personal Injury/Torts

The tension and frustration brought on by the dispute unleashed emotions from years before, when the woman said she was a victim of domestic violence.

“We walked around for 20 minutes,” Duryee said. “She did not want to be victimized again. I thought, ‘Don’t freak. I’m a person and I can be here for her.’ We walked back in and worked things out. That is the essence of dispute resolution.”

Duryee traces her interest in resolution to her birth as the middle child between her older brother Don, a retired contractor, and younger sister Sue, a retired kindergarten teacher. She describes her two years with a family law calendar in Marin County as the best training for dispute resolution.

“Every case is like a mystery novel,” said Duryee, who wrote a novel, “Hooked on Drug Court” that was published in 2010. “You have to figure out what is important to others.”

Marc Lewis of Lewis & Llewellyn LLP said Duryee possesses the rare combination of deep legal perspective and the ability to empathize with clients.

“She mediated a particularly difficult complex civil litigation case,” Lewis said. “She was very diligent in bringing the parties together, but mediation ended without a settlement. She continued communicating with the parties and ultimately brought the matter to a close. I told her she is on my short list for future mediators.”

Duryee turned 60 recently, a birthday she described as “shocking.” She takes joy in seeing her two daughters, Katie Moran, 27, and Sarah

Moran, 24, follow her into the legal field; Katie is in her second year at University of San Francisco School of Law, Sarah will enroll in UC Hastings College of the Law this fall.

“They are both very independent and chose to enroll in law school themselves,” Duryee said. “It was really nice, they said they didn’t know anyone happier than me.”

Duryee focuses on satisfactions simple and grand — she smiles widely when discussing her morning ferry commute across the San Francisco Bay.

“I don’t see the sun setting anytime soon,” Duryee said.

Here are some attorneys who have used Duryee’s alternative dispute resolution services: Ron P. Goldman, The Goldman Law Firm, Tiburon; Cameron C. Ward, Dannis Woliver Kelley, San Francisco; Stephen P. McGee, Fairfax; James E. Sell, Parton Sell Rhoades Law Firm, Larkspur; Arlo Uriarte, Liberation Law Group P C, San Francisco; Barbara L. Miller, Haapala, Thompson & Abern, Irvine; Sasha M. Cummings, Lewis Brisbois Bisgaard & Smith LLP, San Francisco; Jack Weaver, Welty Welty P C, Healdsburg; Robert F. Epstein, Epstein Law Firm, San Francisco; Marc Lewis, Lewis & Llewellyn LLP, San Francisco.