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Sixth-Sense Negotiator

Melinda A. Johnson of JAMS Inc. takes the time to understand the emotions involved in the cases she mediates.

By Ciaran McEvoy
Daily Journal Staff Writer

LOS ANGELES — Melinda A. Johnson of JAMS Inc. spends her professional life dealing with two subjects most people tend to avoid discussing openly — death and money.

This kind of topic avoidance tends to work in the short term, especially with families, she said, but it can lead to problems down the road.

In one mediation, Johnson recalled how two middle-aged brothers were opposing their youngest brother in a dispute over an inheritance. Johnson asked the two older siblings for some background on the case.

“When we were 4 and 6, Dad made us take him along to play with our friends, even though we didn’t want to,” she recounted them saying. “They had been fostering resentments of this guy for literally 50 years.”

Boiling down the crux of the problem, Johnson quotes a line from “Cool Hand Luke,” the award-winning 1967 film: “What we’ve got here is ... failure to communicate.”

“It’s the classic line,” she said, “and it’s always true in probate law.”

Johnson’s abilities at communicating with litigants — either in family, probate, business or aviation law — has not gone unnoticed by attorneys.

“She is very knowledgeable — not only what the law is, but the realities of these cases, how emotional they can be,” said Christopher C. Melcher of Walzer & Melcher LLP. “She really has an ability to keep people calm.”

Johnson said her method is to first be aware of the emotion of each case, then focus on the facts.

Such volatile situations can be unpredictable. In one of Johnson’s probate mediations, a piece of furniture nearly unraveled the whole settlement.

After hours of negotiations, a settlement had been agreed upon — until one of the adult children asked, “What about Mom’s lamp?” said Frederick Rosenmund, an Oxnard sole practitioner involved in the case. The lamp itself was nothing to write home about.

“It was a piece of junk,” he said.

Johnson was undeterred.

“She settled everyone down and said, ‘We’re not going to fight about Mom’s lamp,’” Rosenmund said.



Melinda A. Johnson

Age: 63

Affiliation: JAMS Inc.

Location: Los Angeles

Areas of specialty: family law, probate, employment, real estate, aviation

The case later settled.

David A. Esquibias, a Westlake Village sole practitioner, said Johnson is “unique from anyone else [in mediation], in that she is highly perceptive to emotion.”

“She makes the attorney and client feel she is on their side while maintaining absolute neutrality,” Esquibias said.

Mark A. Nelson of Nelson Comis Kahn & Sepulveda LLP used Johnson as a mediator in six cases — all family-law matters typically involving large assets.

“She understands personal dynamics very well,” Nelson said. “She is creative. She looks for non-typical solutions when we’re facing an impasse.”

Wendy A. Herzog, a Los Angeles-based sole practitioner, said Johnson “has just the right combination of sensitivity and firmness.”

“She allows [litigants] to explain their feelings and what they’re bringing in terms of background without letting it get out of hand,” Herzog said. “She brings it back to the issues at hand while still being sensitive to the emotional overlay that always exists in family law.”

Born and raised in Los Angeles, Johnson comes from a family of writers. Her father was a journalist who wrote for the Los Angeles Times and Newsweek. Her sister, Melissa Mathison, wrote the screenplays for “E.T.: The Extra-Terrestrial” and “The Black Stallion.”

Upon finishing high school, Johnson majored in political science at Stanford University, where she met her future husband, Jay M. Johnson Jr., who later became an attorney. Three years later, she

graduated from USC Gould School of Law.

After a 10-year career as a lawyer in which Johnson worked as a Ventura County prosecutor and a sole practitioner in personal injury law, Gov. Jerry Brown appointed her to the state bench in 1982. She was 34 and the first woman appointed to the state bench in Ventura County history.

At one point in her two decades as a judge, she presided over Ventura County’s first designed complex case, a toxic tort involving 140 plaintiffs suing 40 defendants. She was that court’s presiding judge in 1994 and 1995 — the first woman to hold that position.

In her spare time, she teaches Rutter Group courses and frequently speaks at judicial and bar association conferences. She said she puts as much time into her new career as she did when she was a judge.

“The difference now is I can actually concentrate on a case,” Johnson said. “I’m not jumping around to eight different cases at once.”

Here are some attorneys who have used Johnson’s services:

Allan B. Cutrow, Mitchell Silberberg & Knupp LLP, Los Angeles; Tareq M. Hishmeh, Hathaway Perrett Webster Powers Chrisman & Gutierrez PC, Ventura; Mark A. Lester, Jones & Lester LLP, Oxnard; Karen M. Harmeling, Procter, Slaughter & Reagan LLP, Ventura; Mark A. Nelson, Nelson Comis Kahn & Sepulveda LLP, Oxnard; Robert D. Daniels, Manning, Leaver, Brudder & Berberich, Los Angeles; Paul A. Graziano, Allen & Kimbell LLP, Santa Barbara; Ruth D. Morrow, Alexander, Clayton, Morrow & Wilson LLP, Thousand Oaks; Alan E. Friedman, Jones Day, Los Angeles; Peter A. Goldenring, Goldenring & Prosser PLC, Ventura; Christopher C. Melcher, Walzer & Melcher LLP, Woodland Hills; Paul J. Barulich, Barulich Dugoni Law Group Inc., San Mateo