

VERDICTS & SETTLEMENTS

www.dailyjournal.com

FRIDAY, AUGUST 11, 2017

People Savvy

*Mediator Stacy La Scala wins praise for his insight, unflappable personality.***By Meghann M. Cuniff**
Daily Journal Staff Writer

ORANGE — Katrin M. Cusack had never worked with JAMS neutral Stacy L. La Scala before someone recommended she enlist him in a breach of contract dispute. The case involved the attempted sale of a medical practice, but the dispute involved something less law-based.

"The personalities were exceptionally prickly," said Cusack, a sole practitioner in San Ramon who represented the sales broker.

"I truly, truly believe that there are very, very few people who could have gotten that case settled," Cusack said. "He is really a master of navigating waters that would otherwise be unnavigable."

La Scala spent nearly 20 years immersed in complex civil litigation as an attorney, including six years with Travelers Insurance, before transitioning to mediation work in 2011.

He's earned a reputation as a savvy people reader who quickly understands complex issues and has the experience and resources needed to tackle tough conflicts. He specializes in insurance disputes and has a deep background in construction issues, but attorneys say his skills aren't limited to either.

"I would recommend him and I would endorse him without qualification to anybody," Cusack said. "I wish we could somehow figure out a way to clone him and bring him to Northern California."

La Scala is spending more time in Sacramento and San Francisco as he builds on the platform he gained when he joined JAMS in January 2016 at the invitation of neutral Gerald A. Kurland. He'd been at Arbitration Mediation Conciliation Center in Los Angeles since Ross R. Hart invited him to join in 2011. La Scala said that Hart "brought me in under his wing and taught me the basics."

La Scala had owned the firm La Scala & Associates for three years, and had vast experience with mediation. That's how he knew Hart, and that's how he knew he was ready to be on the other side of the table.

"After litigating and aggressively pursuing your client's position, it's a lot more satisfying to bring extreme-



Alex Drecun / Special to the Daily Journal

ly divergent points of views together and get a matter resolved," La Scala said.

La Scala grew up in Palos Verdes and majored in psychology and sociology at UC San Diego before earning his law degree from University of San Diego School of Law in 1990. He worked complex civil litigation cases at what was then Haasis, Pope & Correll APC, from 1990 to 1994, then Shifflet, Walters, Kane & Konoske until 1997.

He focused on construction cases, representing architects, engineers, subcontractors and suppliers before Travelers Insurance recruited him as a regional director. He spent six years there, rising to national litigation director and gaining contacts across the country. Some of his former colleagues are executives at major insurance companies.

"He knows all the ins and outs and understands the processes," said George D. Bojic of Bojic & Livesay LLP in Orange. "They can't pull the wool over his eyes because he knows how they work."

Bojic noted what others did, too: La Scala's style is unorthodox in that he prepares for mediations by talking to each side. He'll call to discuss major issues well before the mediation to identify sticking points and get a feel for settlement negotiations.

Many others don't do that, "which can lead to prolonged discussions, multiple meditations and substan-

tially increased costs for the parties," said Domingo R. Tan of Wood Smith Henning & Berman LLP in Los Angeles.

"Stacy is focused on reaching a settlement as quickly and effectively as possible in the best interests of the parties, even if that means resolving the case before another scheduled mediation with him," Tan said.

Kimberly R. Arnal of The Aguilera Law Group in Los Angeles said La Scala is not only prepared, he's in tune with industry changes and foresees changes in the law as they develop.

"Few mediators love the law the way Stacy does," Arnal said.

La Scala spent four years at Weston & McElvain LLP after leaving Travelers in 2003, then a year at Selman Breitman LLP before opening his own firm in 2008. After he joined up with Hart, La Scala said that JAMS recruited him because of his deep litigation experience and his "established, good relationships with both attorneys and insurer representatives."

Bojic said La Scala "just knows how to plainly talk to people and explain the good and the ugly."

La Scala said he considers himself bilingual.

"I speak both legal and plain," La Scala said. "A lot of times, that helps, especially when you're dealing with a case that has complex insurance dynamics in the background."

Stacy L. La ScalaJAMS
Orange**Area of specialties:**
insurance, construction

La Scala said his pre-mediation preparation is a crucial part of his success. He discusses with attorneys not only the major issues, but the impediments to resolution. That starts a dialogue so that "when we sit down for Day One of the mediation, we're already moving all in the same direction."

He knows each side has certain expectations that could be driving conflict.

"I try to understand that expectation and attempt to slowly but surely adjust that expectation as we go into the first meeting," La Scala said.

He typically brings the sides together for an opening discussion to begin the day. He's focused not just on their recounting of facts and major contentions, but how they discuss them and the emotion conveyed. "Are there emotional issues that are locking this? Is there an institutional issue? Are there 100 cases just like this one that mean if they pay on this one, they'll have to pay on the others? Do we have to have a discussion with people who are not in the room in order to move forward?" La Scala said. "That's the fun part."

La Scala is a skilled listener, attorneys said, and keeps his cool.

"Stacy is probably one of the most polite mediators you're going to ever hope to be in front of," Arnal said. "He's not a heavy-handed mediator at all. He's very rational. Very reasonable. He's really quite unflappable."

Alexa L. Magrath, of Milstein, Jackson, Fairchild & Wade LLP in Los Angeles, worked with La Scala on a "really difficult" case involving a looming trial that a judge refused to postpone. "He got that case settled in less than a month, which is amazing," Magrath said.

Here are some attorneys who have used La Scala's services: Norma A. Morales, Lorber, Greenfield & Polito LLP; Keith N. Lamarra, Skebba, Isaac, Bishop & Henderson; Domingo R. Tan, Wood Smith Henning & Berman LLP; Katrin M. Cusack, Livermore; Carlo A. Coppola, Wood Smith Henning & Berman LLP.