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Poised Attention

Tamara Lopez's composure keeps mediation proceedings calm to get results.

By James Getz
Daily Journal Staff Writer

SAN JOSE — Tamara Lopez purposely puts herself in the middle of cases that can be only be described as ugly:

Siblings who fight over their deceased parents' estate. Elder abuse cases where scammers victimize a relative with diminished capacity or a newfound friend exerts undue influence, cutting the victim off from family. Trustees who violate their fiduciary duty by putting their needs ahead of a beneficiary's.

But attorneys who have used Lopez as a mediator say she is effective because she is frank and persistent while also being warm and engaging, giving the parties a chance — sometimes for the first time — to have their stories heard.

"Tamara, she has a way with her," said Damien Castaneda of Castaneda & Company. "She doesn't get excited. She's like a therapist, keeping her composure. So I found out you really don't have to have a former judge to have a mediator."

"Tamara just has a really good way of talking to people and communicating to people," said Rebecca Weisman of the Law Offices of Fleishman and Weisman PC. "And she's effective — and in the end, that's what matters."

"Her delivery is very cordial," said Steven Braccini of Hopkins & Carley, "but the message is clear and direct."

Lopez said the three things people shy away from talking about or dealing with in American culture are sex, money and death. While the first doesn't necessarily come up in her mediations, the latter two do — and she has no qualms about getting to the heart of disputes involving them so that the parties can settle and move on.

After more than 20 years in the Santa Clara county counsel's office, providing legal and litigation services for Adult Protective Services and the Public Administrator/Guardian for probate, conservatorship, trusts and estates, Lopez said, "I don't mind handling the emotional cases."

The goal, she said, is for each party to understand themselves and the opposing party.

She followed that philosophy even in her most difficult case — one where family members suspected their uncle's lover had exerted undue influence to gain his money and may have even taken steps that led to his death.

"People were upset and angry and wanted to demonize the person," Lopez recalled. She said she told them, "We're



Sam Attal / Special to the Daily Journal

going to understand that the person we're here with today is our negotiating partner. That's difficult for some people. But the person who has what you want is right here."

Where she sits today, as an experienced lawyer and poised mediator in JAMS' offices in San Jose, is a long way from the high school girl in Granada Hills who never thought of being a lawyer.

Lopez worked for about five years as an assistant in medical offices before entering college, saying she really did not have any role models to follow. But the physicians encouraged her to go to college, and once she started attending classes at California State University, Northridge, she knew she was on the right track.

"I remember how grateful I was to be learning something every day," she recalled. "It was movement forward instead of standing still."

Initially on the business track, Lopez said her life changed when a female business lawyer walked into her business law class.

"At that moment, I thought, 'I want to be her.'"

Lopez remembers banging out 26 law school applications on a typewriter in the mid-1980s. Her criteria: Which were the top law firms in Los Angeles, and at which law schools do they interview? Most were California schools, but one was not and distinctly stuck out: Brigham Young University's law school.

Lopez didn't seriously consider it. It was in conservative Utah, in the small town of Provo. But the school offered to fly her out — and then offered her

a scholarship. "How can I turn this down?" she thought on the flight back to LA.

As it turned out, Lopez said, she was a foil to her often-conservative classmates, called upon often to present a different point of view and argument.

"It was a great place for me to learn how to articulate myself," she said. "You learn to know who you are. It was really hard, but I learned who I was."

Part of what she learned was that big firm life wasn't going to be for her. She took a part-time job as a municipal attorney in Los Gatos under Town Attorney MaryJo Levinger for three years, then worked for the Santa Clara Water District for a year.

But she had determined her goal was to work for the Santa Clara county counsel's office. She convinced them to hire her and stayed for nearly 21 years.

Lopez was able to retire from the county counsel's office, but then, she said, "I wanted to do something really different. I went to LA, where I'm from, and I gravitated to where I always gravitate, the bar association. And they asked me, 'Would you be a part of our mediation program?'"

It was called the Center for Civic Mediation. She also took part in a weekend mediation program run by Pepperdine University School of Law. Then she began volunteering, observing and helping law students in that program. She got involved with community mediation — just the parties, no lawyers involved.

"You have to learn how to hold space with people who are very upset," Lopez said. "There are no buffers. It was so

Tamara Lopez

JAMS
Silicon Valley

Areas of specialty:

Estates and trusts, elder abuse, fiduciary abuse, family law, business disputes, real property

incredible to do that work, and go to the heart of the motivations of what was causing the dispute. To resolve that was one of the most fulfilling things I've ever done."

"I learned more from watching people. ... That's when you have that 'aha' moment and you see what's not working."

Alexander Williams, who retired from the Los Angeles County Superior Court in 2008 and now works at ADR Services in Century City, met Lopez at Pepperdine, where he teaches. They decided to co-mediate half a dozen cases in the spring of 2016, when Lopez was still an independent mediator. Their team-up included elder abuse cases and habitability cases in which residences did not meet legal codes.

"I guess the first thing that strikes me is poise. She's unflappable," Williams said. "I don't mean that in a cold sense. She's very warm. She has an inviting sense with parties."

"She's very bright, but she doesn't overpower people with that. She has a quiet power about her that is a comfort," he said. "A good mediator conveys that it's about the parties, not about the mediator, and she conveys that."

Weisman agrees. "She has finesse," she said, recalling a case in which family members were fighting over an estate so much that it was going to be eaten up by the litigation costs. Lopez, she said, stuck with both sides one night until 11 p.m.

"She'll listen to people. She'll listen to the parties," Weisman said. "The parties need to feel like they've had their day in court."

That's the kind of reward that gratifies Lopez.

"You know what I love? When people leave the room, shaking my hand, and say, 'Thank you for listening to me.'"

Here are some attorneys who have used Lopez's services:

Steven Diaz, Law Office of Steven A. Diaz, Washington, D.C.; Michael Desmarais, Law Office of Michael G. Desmarais; Steve Ellenberg, Ellenberg & Hull; Alan Lagod, Law Office of Alan M. Lagod; Alexander Munn, BPE Law Group; Nicole Dogwill, Joseph and Cohen PC; Stephen Picone, Picone & Defilippis.