

## Seeking Solace

Neutral says family law cases, rife with emotion, conclude better in mediation.

By Henry Meier  
Daily Journal Staff Writer

In spite of — or maybe because of — her time as a family law bench officer, former San Diego County Superior Court Commissioner Jeannie Lowe sees mediation as far more productive than litigation.

“Litigation is bad for families,” Lowe said. “That’s really something I believe in. To resolve issues in an amicable way should always be the goal.”

Now with JAMS in San Diego after retiring from the bench last year, Lowe, who handles exclusively family law matters as a mediator, not only gets to practice what she preaches, but serves in a role that requires her to build consensus. Despite some challenges, she said the switch from commissioner to mediator has been surprisingly smooth.

“It’s been a really comfortable transition,” she said. “I have more time to devote to cases and to hear litigants’ desires and feelings.”

The ability to listen and get a sense of what the different parties want is crucial, according to Lowe. And while she was able to listen as a commissioner, she was only able to consider the evidence brought before her in making a final judgment. In the less formal confines of mediation, that evidentiary requirement is looser.

“It’s definitely a more holistic picture,” Lowe said. “You have the ability to talk to both parties about their fears and expectations. They often had plans for the future, and it’s important to understand that.”

Still, Lowe said her court experience helps when evaluating cases, and parties often turn to her for an opinion of how certain aspects of the case might play out if it went to trial.

“Disputes or unsettled issues in the law regarding property or spousal support — you are weighing for the parties what a reasonable outcome might be,” she said. “That’s where court experience is helpful.”

Lowe grew up in the Los Angeles area, and though she said she was interested in becoming a lawyer from an early

age, it was an era “before women’s lib,” and her mother pushed her toward a career as a legal secretary.

Lowe ended up marrying her first husband while still in high school and had two children by the time she was 19. However, after only a few years of marriage, she wound up divorcing her spouse and, like many of the parties she now sees, struggled to support her children as a single parent for a period of time before remarrying.

After her second marriage, she moved with her new husband to Truckee, where she raised her two children, Michael and Julia. She also enrolled in classes at the University of Nevada, where she double majored in political science and history. On the eve of graduation, however, her son was killed in a car crash on his way home from classes at UC Davis. She managed to finish her studies and earned her bachelor’s degree in 1985, but her marriage fell apart and she divorced again.

After the second divorce, she moved back to Southern California where her daughter had just enrolled at USC. Intent on realizing one of her childhood dreams, Lowe went about pursuing the legal career she’d long envisioned and enrolled in classes at University of San Diego School of Law, where she earned her law degree in 1989.

After brief stint working as an associate at a small firm, Lowe opened up her own shop in 1990 with her third husband, William O’Bryan — a law school classmate — and began practicing family law. O’Bryan died in 1995, but Lowe continued their practice for another three years after his death before taking a position as the assistant family law facilitator for the San Diego County Superior Court in 1998.

After five years in that capacity, she was appointed by the court as a commissioner. In that role, Lowe continued to be involved in family law matters until she joined JAMS last year.

Attorneys who have interacted with Lowe in both her commissioner and mediator capacities said she is an empathetic and involved neutral.

“As a bench officer, she was truly in-



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vested in cases and concerned about the people before her,” Andrew P. Johnson, a family law practitioner in Vista, said. “That has translated into her mediation work.”

“She’s one of those that actually practiced in family law, so she’s about helping people who come before her,” he added.

Tara L. Yelman, a family law specialist in San Diego, said Lowe’s time on the bench has given her a good handle of the issues and that she is remarkably good at getting litigants to open up about what they want from the process.

“Her demeanor during mediation is very similar to her demeanor on the bench — she knows the case, she’s very thoughtful and she interacts with parties well,” Yelman said. “She can ask a lot more questions of them [as a mediator] and uncovers what clients’ concerns are and, by doing that, can really figure out and address concerns.”

Lowe is also a calming influence, according to Sharon A. Blanchet, another family law practitioner in San Diego with Ashworth, Blanchet, Christenson & Kalemkiarian LLP.

“I’ve had two cases in the last year with her, both of which were very complex and difficult cases that she handled beautifully,” Blanchet said. “She’s very calm, and when people get excited or upset, she can bring them down and get things back on track.”

Even when Lowe makes decisions that go against their clients, attorneys seem loathe to criticize her judgment.

“She doesn’t call it my way all the time — in fact I’m pissed at her for one

### Jeannie Lowe

**Affiliation:** JAMS

**Area of specialty:** Family Law

decision she made last year,” Johnson said with a laugh. “But I always feel she calls it the way she sees it.”

For her part, Lowe said she realizes she isn’t going to please everyone completely and “expects both sides to feel like they gave up too much,” but she also knows that the benefits of avoiding a prolonged trial usually outweigh whatever minor gripes parties have.

“The litigants are very grateful. After families get a taste of litigation, they say, ‘My God, that judge knows nothing about my family,’ ” she said, noting the benefits of the more holistic mediation process where a complete picture of the situation can be fleshed out.

And as a mediator, Lowe said, being able to be a part of the resolution process is much more rewarding.

“I get a great deal of satisfaction seeing the relief as parties resolve their issues,” she said. “You don’t get that as a judge as much.”

*Here are some attorneys who have used Lowe’s services:*

Michaela C. Curran, La Jolla; Andrew P. Johnson, Vista; Sharon A. Blanchet, Ashworth, Blanchet, Christenson & Kalemkiarian LLP, San Diego; Dawn M. Dell’Acqua, San Diego; Karen M. Hefron, Greenman, Lacy, Klein, O’Harra & Heffron, Oceanside; Tara L. Yelman, San Diego.