

VERDICTS & SETTLEMENTS

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‘Sweet Spot’

JAMS neutral Adrienne Publicover enjoys balance between legal, human elements.

By Chase DiFeliciano
Daily Journal Staff Writer

As a hard-charging insurance defense litigator, Adrienne Publicover participated in hundreds of mediations throughout her career and always wanted to be a neutral herself. Now a mediator at JAMS in San Francisco, Publicover said she thoroughly enjoys her new job and the opportunities it affords her to connect with parties and lawyers alike.

“This was for me the sweet spot of the facts and the law coming together, the human element, and problem-solving to resolve a case,” Publicover said of her affection for the mediation process.

Attorneys who have worked with Publicover in mediation praised her fun, easygoing personality, and ability to forge personal connections in often sensitive insurance cases.

“She can get along with anybody,” said Robert Scott, a partner at Newmeyer & Dillion LLP in Newport Beach who has used Publicover as a neutral in insurance bad faith disputes in the past.

“She has a little bit of fun to her,” Scott added, recalling Publicover chatting with his client during one of his mediations with her about preparing to send children to college. “When you like somebody, you’re more inclined to agree with them,” he added.

“She has a kindness in her,” said Marta Vanega, a senior associate at the Law Offices of John F. Martin PC in Walnut Creek, who represented a plaintiff in an insurance dispute with Publicover as mediator. “At the same time, you get this feeling that she’s kind of tough,” she added.

“As a mediator, I think the most important thing is to listen and to really hear someone out in a way that they feel heard, they feel understood,” Publicover said.

By her own account, Publicover said this approach has aided her in finding innovative approaches to settlements.

During one mediation involving a man with a disability claim and a young family, Publicover spoke to the plaintiff’s wife and found that she wanted to buy a home in a particular neighborhood to send her son to the schools there.

Publicover said she was looking on realtor.com within minutes to determine home prices there.

“That helped sort of frame the settlement discussions,” she said. Publicover’s decision to become a mediator was driven as much by choice as by fate.

As a partner at Wilson Elser Moskowitz Edelman & Dickler LLP, Publicover said she was traveling more than 100,000 miles every year representing insurance companies across the country while chairing various committees at the firm.

Then in the fall of 2015, she was diagnosed with breast cancer.

“I was grounded for a month or two as I went through treatment and it really caused me to sort of evaluate,” Publicover said.

Realizing she had lost her passion for her litigation work, she took mediation courses and scheduled an informational meeting at JAMS which led to her being hired there.

“I’m 10 years ahead of where I thought I would be,” Publicover said, laughing.

Attorneys also said Publicover’s extensive experience in negotiating insurance cases, as well her understanding of the emotional components of a case, are crucial factors in her ability to create settlements.

“She brings, of course, a lot of experience to bear,” said Daniel Maguire, a partner at Burke, Williams & Sorensen LLP in Palm Desert who handles insurance defense work and has used Publicover as a mediator and previously worked for one of the same clients as her when both were in private practice.



Courtesy Photo

Adrienne Publicover
JAMS
San Francisco

Areas of specialty:
insurance, health care,
Employee Retirement
Income Security Act matters,
commercial, employment

Maguire said he has mainly used Publicover as a mediator on disability cases involving plaintiffs who are sick, injured, or out of work.

“Obviously, a lot has been taken away from them in their lives and they can be very vulnerable and sometimes they have hard feelings about how their claim was adjudicated,” Maguire said.

“She’s able to impress upon them with her years of experience with the carriers that they’re not the evil empire, they want to do what’s right,” he added. “She’s able to defuse feelings on the part of the plaintiff that it’s an us versus them type of mentality.”

“From my own experiences dealing with the breast cancer ... dealing with those health challenges, I think, has made me a better person,” Publicover said. “It’s certainly made me a more empathetic person from my past life.”

Publicover said her sensitivity to the emotional pitch of a case will sometimes cause her to structure a mediation around it.

“I will take my cues from the parties,” she said. “If they don’t want a joint session, I’ll at least try and get a meet-and-greet so that there is a moment where everybody comes together in the same room and it’s pleasant and courteous, even when emotions are high.”

According to Anna Martin, a

partner at Meserve, Mumper & Hughes LLP in San Francisco who has used Publicover as a mediator in her insurance defense practice, the neutral provides insightful analysis and punches holes in the cases of both sides to bring them toward settlement.

“She doesn’t just facilitate a mediation,” Martin said, “She’s telling you what problems you have, what problems they have.”

Martin described a case she handled as a defense attorney where the plaintiff was a doctor representing himself.

“She was good at identifying facts to him that would give him pause, that might make him a little concerned about his case and different facts to me that would give my client pause about the facts of our case,” the attorney said.

Martin also praised Publicover’s sense of style, likening her fashion sense to how she handles her mediations. “She’s meticulous in her appearance and she’s meticulous with her mediation,” she said.

Here are some attorneys who have used Publicover’s mediation services: Daniel Maguire, Burke, Williams & Sorensen LLP; David Lilienstein, DL Law Group; Nicole Blohm, Meserve, Mumper & Hughes LLP; Marta Vanegas, The Law Offices of John F. Martin PC; Anna Martin, Meserve, Mumper & Hughes LLP; Robert Scott, Newmeyer & Dillion LLP; Sean Nalty, Ogletree, Deakins, Nash, Smoak & Stewart PC; Cassie Springer Ayeni, Springer Ayeni PLC; James Keenley, Bolt Keenley Kim LLP; Stephen Hauptman, Newmeyer & Dillion LLP; Nina Wasow, Feinberg Jackson Worthman & Wasow LLP.