

# Daily Journal

## VERDICTS & SETTLEMENTS

www.dailyjournal.com

FRIDAY, APRIL 12, 2013

### The Power of Pester

Steven J. Stone is a self-described nag, an approach lawyers credit with finding the 'sweet spot' in negotiations.

By Henry Meier  
Daily Journal Staff Writer

LOS ANGELES — After more than 20 combined years on the Superior Court and the state appellate bench, Steven J. Stone said his move to private mediation provider JAMS in 1999 took a little getting used to, though probably less than some of his counterparts.

"It was easier for me than maybe some other judges because I'm a people person," he said. "But there is a definite learning curve. In mediation you don't have the power of the robe like you do as a judge. You only have the power of persuasion."

The latter is a much more subtle weapon, Stone said, and something that is grounded in trust. Gaining that trust, however, isn't always easy, especially if he happened to have worked previously with one party but not the other.

"It depends on what the street gossip is," he said. "But I work very hard at the outset to have both lawyers and clients understand that the mediator doesn't have a dog in the fight. Our job is to find a resolution."

Stone immigrated to the United States as an infant when his parents fled their native Austria during the lead-up to World War II. Eventually, the family — including Stone's twin brother Peter, also a former Superior Court judge — ended up in Stockton. The Stone brothers attended UC Berkeley together as undergraduates and were on their way to becoming doctors when they decided to take a different career path. They enrolled in the UC Hastings College of Law and graduated in 1961.

They parted ways after graduation, with Steven Stone heading to Ventura, where he practiced as a personal injury and business litigator.

Gov. Jerry Brown offered him a Superior Court judgeship in Ventura in 1976 and, seeking a challenge, Stone accepted. After six years, Brown called again, this time with an offer to be the presiding justice of the newly created Division Six of the 2nd District Court of Appeal. Stone took the opportunity and held that position until retiring from the bench in 1999.

After a brief period contemplating his options, Stone decided he wanted to get "back on the streets," so to speak, and took a position at JAMS.

Over the last 14 years, he has built a busy practice involving a blend of product liability cases — especially in the automobile industry — in addition to a healthy dose of employment, entertainment and intellectual property matters with a sprinkling of class action work.

**'He knows what the real issues are that stand in the way of resolution and isn't afraid to point them out.'**

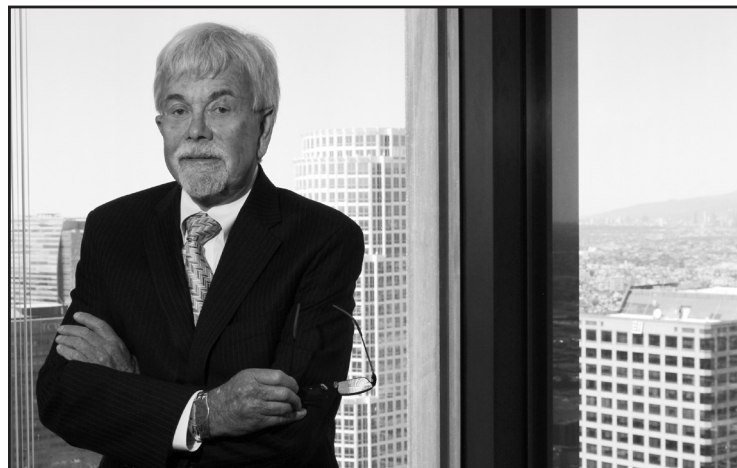
— Robert J. "Hoot" Gibson

At this point, he said the cases he's worked on number "in the thousands." While that figure has no inherent meaning, Stone said, the experience accompanying that volume of work has value.

"If you have experience, you can pick out what's important and what's not," he said. "The more you do, the better you get. Experience is the key."

But even with Stone's wealth of experience, and even when both parties trust him, hurdles still arise. Often, to get sides to realize their common ground, Stone has to point out weaknesses in both parties' cases.

"In some ways it's something that's more difficult than judging," he said. "You have to get the parties to come around and agree with



Hugh Williams / Special to the Daily Journal

each other. But there's a lot of risks involved in litigation, so I never tell anyone they have a solid case."

Attorneys said Stone was unabashed about telling them where he thought holes existed in their legal theories.

"He has a good sense of what is important in a case," said Snell & Wilmer LLP partner Robert J. "Hoot" Gibson. "He knows what the real issues are that stand in the way of resolution and isn't afraid to point them out."

Stone is also a self-described "nag" and will typically follow up multiple times with both sides through phone calls.

"I'll be sitting in my car stuck in traffic and decide to call one side or the other to check in," he said. "I'm probably a bit of a nag, but that's OK. If there's one thing I'm known for it's my perseverance."

Attorneys said they actually appreciate the follow-ups, noting that the little nudges often produce results.

"I must have had three face-to-faces and 25 different phone calls in one of my cases," said Timothy J. Wheeler, managing partner of Greene Broillet & Wheeler LLP. "But you can never resolve a case unless someone is paying more than they want and someone else is getting less than they think they deserve. [Stone] has a knack for finding that sweet spot."

Stone is also adept at handling clients, attorneys said. Neville L. Johnson, a founding partner at Johnson & Johnson LLP, said the

#### Steven J. Stone

JAMS

Los Angeles

**Areas of specialty:** Product liability, construction defect, employment and wrongful termination, entertainment, intellectual property, business disputes

neutral is an expert at massaging expectations and calming down parties.

"He instills a confidence in clients with his recommendations, which is invaluable because clients can oftentimes have unreasonable expectations," Johnson said. "And he's a good people person. When a case is highly charged emotionally, he knows how to diffuse the situation."

*Here is a list of attorneys who have used Stone's services:*

Thomas V. Girardi, Girardi Keese, Los Angeles; Timothy J. Wheeler, Greene Broillet & Wheeler LLP, Santa Monica; Neville L. Johnson, Johnson & Johnson LLP, Beverly Hills; Robert J. "Hoot" Gibson, Snell & Wilmer LLP, Orange County; Charles J. Harder, Harder, Mirell & Abrams LLP; Michael J. Bidart, Shernoff Bidart, Echeverria Bentley LLP, Claremont; Walter M. Yoka, Yoka & Smith LLP, Los Angeles; Brian J. Panish, Panish Shea & Boyle LLP, Los Angeles; Michael L. Cypers, Crowell & Moring LLP, Los Angeles; Robert H. Platt, Manatt, Phelps & Phillips LLP, Los Angeles; Jeff A. Lesser, Encino.