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PERSPECTIVE

# Brokering Help

*Mediator Douglas Glass doesn't offer false praise or dole out unnecessary criticism.*

By Shane Nelson

Special to the Daily Journal

Longtime neutral Douglas A. Glass, now with Signature Resolution, likes to tell people he tries hard to live up to his last name.

"I'm transparent," he said. "You'll never hear anything out of my mouth that I don't sincerely believe."

After more than two decades focused only on mediation work and handling more than 4,000 disputes, the one time trial attorney insisted he doesn't offer up false praise or dole out unnecessary criticism.

"I never liked when I had mediators that would try to tear you down as a lawyer in front of your client," Glass explained. "If I think you did a great job, I'm going to tell your client. If I don't think you did a great job, I'll do what my mom taught me, which is you don't need to say anything."

Glass launched his own mediation shop in San Diego in December 2000 after 18 years trying cases on behalf of plaintiffs and defendants, typically representing clients in construction, real estate and personal injury disputes.

Much of his dispute resolution work involves employment matters as well as insurance litigation and professional liability, but he still tackles personal injury, real estate and construction cases as a private neutral.

In September, however, Glass joined Signature Resolution's new San Diego office, a move he described as a great opportunity "to be bigger than myself."

"I was ready to stop managing a business," Glass explained, noting he and his wife, Libby, launched



Thomas Kurtz / Special to the Daily Journal

his former mediation company together two decades ago. "The people at Signature are just amazing. I keep saying to Libby, 'Are these guys really this nice? This supportive? This first class?'"

Like so many mediators, Glass said he used Zoom exclusively throughout the pandemic, handling more than 175 disputes with the online platform. And although he's just recently begun to tackle in-person negotiations again, he doesn't expect to start doing many face-to-face mediations before the beginning of next year.

Glass said he prefers to receive briefs beforehand, and he closely examines whatever attorneys submit. He doesn't typically speak with

lawyers over the phone ahead of mediations, but did say he likes to spend a substantial chunk of time early on the day of the meeting with the plaintiffs in every case.

"I typically spend 45 minutes to an hour with every plaintiff because they've got a story to tell," he explained. "They filed the lawsuit, and usually it takes that long to hear their stories."

Although earlier in his career joint sessions were a regular strategy, Glass said he doesn't employ that approach much anymore, in large part because attorneys almost always reject it. Glass also said he's not a big fan of mediator's proposals, but he will make use of them in the right conditions.

## Douglas A. Glass

Signature Resolution  
San Diego

### Areas of Specialty:

Employment  
Personal Injury  
Real Estate  
Insurance Litigation

“I’ve been using them more and more,” he explained. “But I’ve resisted them for many years. It’s not my job to pick the number. That’s the whole fundamental premise of mediation — self determination — and I really embrace that. Some people think, ‘Oh, Doug’s going to make a mediator proposal, so I’ll hold back my money, I’ll hold back my bottom line, because I know the proposal’s coming.’ So I will use them from time to time and very effectively, but it’s got to be the right circumstances.”

San Francisco insurance litigator Joshua N. Kastan has used Glass on a number of mediations, and he said he’s always been impressed by the neutral’s preparation. “Doug’s a mediator who is not afraid to roll up his sleeves with counsel before and, of course, during the mediation just to be sure the process can be as productive as possible for everybody involved,” Kastan explained.

Use of visual aids during mediation was another Glass approach Kastan described as a major positive.

“He had a whiteboard, and I really liked how he would diagram what each party’s respective moves were as the day moved forward,” Kastan said. “He visually jotted everything down to make things clear for everybody involved, and I’ve not seen many other mediators do that.”

San Diego business litigator Peter J. Schulz said he’s used Glass to mediate a wide variety of cases over the past two decades, and he said the neutral always does his homework and is terrific with clients from just about any background.

“Doug is a very good read of people and people’s personalities,” Schulz explained. “And he can adapt his own personality — down to body language and just word usage — to the people he’s dealing with. So he works well with all kinds of clients — whether they be insurance adjusters or whether they be professionals or whether they’re involved in an injury case.”

Temecula business and employment litigator Matthew C. Bradford has used Glass to settle five cases

in the past two years, and said he appreciated the neutral’s more creative method.

“A lot of retired judges will tell you, ‘This claim’s going to lose because the jury is going to say that,’ or ‘This claim’s going to win because the jury’s going to say this,’” Bradford explained. “Doug didn’t take the approach of, ‘Here’s what you’re going to win, and here’s what you’re going to lose.’ He said instead, ‘Here’s how I can get you to where you want to be. Follow my lead. We’ll work together, and I’ll get you there.’ And it worked. He was very innovative in that way.”

It turns out the thrill of winning was something Glass was worried he might miss when he first started considering full-time mediation two decades ago.

“I never thought I’d ever have a better feeling than winning a trial,” Glass recalled. “It didn’t matter what side — just walking out of the courtroom victorious was true euphoria, elation. And I thought, ‘Oh, my gosh, will I ever have that as a mediator?’”

Glass said he became an attorney nearly 40 years ago to try and make a difference in people’s lives and to use his training and education to be of help. Not long after striking out as an independent mediator, Glass said he discovered he didn’t have to be representing clients in a courtroom to find fulfillment in his work.

“Very early on, I got a very difficult case settled,” Glass explained. “I was elated, and I was euphoric. ... When you, the mediator, can bring two sides together that have no interest in ever resolving a dispute, and you can help be the person that brokers that, it’s an awesome feeling.”

*Here are some attorneys who have used Glass’ services:* Peter J. Schulz, Schulz Brick & Rogaski; Matthew C. Bradford, Robinson Bradford, LLP; Joshua N. Kastan, DKM Law Group; Robert F. Tyson, Tyson & Mendes; David V. Hiden, Hiden Rott & Oertle.