

# VERDICTS & SETTLEMENTS

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## One size doesn't fit all

*Signature Resolution's Lisa Cole says knowing how legal issues affect specific clients is key.*

By Shane Nelson

Special to the Daily Journal

Lisa Hart Cole said she loved her nearly 25 years on the Los Angeles County Superior Court, but there is one aspect of her role now as a private neutral that she really appreciates.

"When you're on the bench, there's such a formality associated with being a judge. You're elevated, you're wearing the black robe, and the proceedings really require and deserve a sense of formality," she explained. "But private mediation is really informal. You can be so much more colloquial and friendly with the lawyers. You get to meet the clients, and they feel more comfortable, too, because you're not sitting there in a black robe talking to them."

Cole retired from the bench in September 2020, one month before joining Signature Resolution's roster of neutrals. Since then, she's been handling including everything from wrongful termination and workplace discrimination matters to catastrophic injury, real estate, professional malpractice and commercial disputes.

"That's what's really so fun about it, to be quite honest," Cole said. "Each day is new and fresh, and it's such a different perspective."

After completing her degree at UC Hastings College of Law, Cole passed the bar in 1981 and worked one year at the Los Angeles city attorney's office before spending 15 years as a deputy district attorney for Los Angeles County.

Cole said she decided she wanted to become a lawyer at her bat mitzvah after meeting an attorney friend of her mother.



Justin L. Stewart / Special to the Daily Journal

"In those days, it was very unusual for a young girl to even think about being a lawyer," Cole recalled. "But my mom introduced me to a woman I'd never met and said, 'This woman is a lawyer,' and I thought to myself, 'That's exactly what I want to do. I really want to be a lawyer.'"

Working as a trial attorney was always the goal, according to Cole, who noted she pursued a career as a prosecutor in part because she thought being a criminal trial lawyer would be the best way to get the most trial experience.

"I love trials. I find them absolutely fascinating," Cole said, noting she's also very fond of

lawyers. "I feel like 'My Cousin Vinny.' I'm married to a lawyer. My daughter's a lawyer. My son went to law school. My sister-in-law's a lawyer. My brother-in-law's a lawyer. I really love lawyers."

The chance to continue working closely with attorneys was one of the motivations for her decision to start taking on mediations and arbitrations at Signature, Cole said, noting that 85% of her work is conducted over Zoom. And while she has been assigned some arbitrations, Cole said all of those settled before the hearing process started.

"It's very much like a court trial," she said of arbitrations, noting that

### Lisa Hart Cole

Signature Resolution  
Los Angeles

#### Areas Of Specialty:

Employment  
Personal Injury  
Insurance  
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Commercial

evidentiary rules and handling witness testimony is, of course, a little more informal. "I do miss that part of being on the bench, of being in a trial, so I'm looking forward to that opportunity."

Before a mediation, meanwhile, Cole noted she does like to receive briefs from both sides and lengthy submissions aren't a problem.

"I don't really mind a long brief if a case warrants it," she said, "because I really feel more comfortable going into a mediation where I'm as in control of the facts as the third party could possibly be."

She doesn't often make use of joint sessions, finding them "to not be terribly productive."

Mediator's proposals are, however, an important tool for Cole. "Parties want to settle the case, but they don't want to appear weak in any way, and they don't want to go into a trial having reduced the value, in their mind, of their case," she explained. "A mediator's proposal basically helps the lawyers do what they cannot do, which is come to a smaller or a larger number than they anticipated, or terms

that they might be willing to give in on but don't want to give in on now. So I can basically bridge that gap for them without them losing control of their own case."

Los Angeles plaintiffs' attorney Brian S. Kabateck said he appeared many times before Cole when she was on the bench and has since used her to successfully mediate several insurance bad faith disputes. In one of those, Kabateck recalled that he had some difficult people on his side of the case.

"She was very good at listening to them, not making them feel bad, not putting them down for their opinions or their thoughts, but also at the same time explaining to them why they were wrong or why their position wasn't going to get the case settled," Kabateck said. "And I thought she did that about as well as anybody I've seen in 30 years."

Los Angeles employment attorney Joel P. Kelly said he has mediated disputes in front of Cole as a judge and a private neutral. Kelly recalled one contentious wage-and-hour matter that Cole settled,

in which Kelly was defending a difficult business owner.

"It was sort of amusing how quickly she was able to gain the confidence of my client, to whom I had said very similar things for nearly a year," Kelly explained with a chuckle. "She read him perfectly, and she just knew the right things to say to him. ... She very quickly understood the issues and understood more importantly that they had very little to do with the Xs and Os of the case."

Santa Monica plaintiffs' attorney William Reed has also worked with Cole as a judge and a private neutral to settle employment disputes.

"She's objective, to the point, she weeds through the nonsense," Reed said. "She really knows how to read a room and respond accordingly."

Like Kabateck and Kelly, Reed said Cole is terrific with clients.

"There are a lot of emotions and passion at play in all litigation but particularly in employment litigation," he said. "You have an employee that feels like they've been

wronged. You often have really strong emotions on the other side. ... She was able to weave through that complicated minefield very well and get things done."

Cole noted, meanwhile, that she doesn't apply a one-size-fits-all approach to dispute resolution.

"I really do enjoy problem solving, ... and maybe that's why I find being a private neutral such an invigorating profession," Cole explained. "There's a whole social, emotional, psychological component to it. And I think any neutral would say you really have to understand the person you're dealing with, so you can make them satisfied and make them understand a very complicated legal issue and how it affects them specifically and individually in their unique case."

*Here are some attorneys who have used Cole's services:* Brian Kabateck, Kabateck LLP; William Reed, Shegarian & Associates; Cheryl L. Schreck, Fisher & Phillips LLP; Joel P. Kelly, Jackson Lewis PC; Kere Tickner, Severson & Werson.