

# The bright side

*Anthony Pantoni tries to help parties in employment disputes see the positives of mediation.*

By Shane Nelson

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Signature Resolution neutral Anthony F. Pantoni typically begins his mediations by assuring disputants that nothing bad is going to happen.

“They’ve got nothing to worry about,” Pantoni explained. “You’ll either have a deal that’ll give you closure and that you can accept, or you won’t have a deal. And then you’re in the exact same legal position you were when you woke up this morning. But nothing bad can happen; only a good thing can happen.”

Pantoni spent 40 years as an employment litigator, first handling cases from the defense side, then moving to plaintiffs’ work. He’s also been mediating and arbitrating employment matters for more than 20 years, maintaining an alternative dispute resolution practice while also representing clients.

Pantoni has focused full time, however, on private neutral work since he joined Signature’s San Diego office in November 2021, and just about all of the matters he’s since worked to resolve have involved employment.

“I think I get picked a lot in the arbitration setting because I have decades of experience on both sides of the fence,” he said. “I was a partner with a big law firm doing defense work, so I can understand and respect the employer’s position. And I’ve done decades of work on the plaintiffs’ side. ... I think that’s a big advantage, and I think I get credibility in both rooms because I’ve litigated through jury



Photo courtesy of Signature Resolution

trial cases multiple times on both sides of the employment dispute.”

In arbitrations, Pantoni said, he works hard to ensure both sides have a full and fair opportunity to present their case, and he described himself as a very attentive arbitrator.

“I will be tracking every aspect of the case,” he explained, “so much so that I frequently ask my own questions during the course of an arbitration, so I can get the full story.”

As a mediator, meanwhile, Pantoni said he leans heavily on his extensive experience to try to ease early anxieties.

“I let all the parties know I’ve handled hundreds of these type of cases, and I can relate to what they’re telling me,” he explained. “I don’t do it for show. I’m not going through the motions. I really, really do listen to people and try to connect with them on a human level. It builds trust while easing anxiety, and I think that helps with the process. Losing your job – psychologists have said it’s one of the most traumatic things that can happen to people.”

Before a mediation, Pantoni likes to speak over the phone with at-

## Anthony F. Pantoni

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torneys and receive briefs from all the parties.

“I also encourage the parties to exchange briefs,” he added. “And my experience is many times lawyers are reluctant, so when they’re reluctant to exchange, I encourage them to maybe exchange a redacted version if they want to say things just to me and not to the other side. I just really think it’s a more efficient way to begin the mediation if the other side has not only heard but also read the latest that each side has to say about the case.”

While Pantoni certainly begins his mediations from a facilitative framework, doing his best to make sure parties feel heard and establishing trust, he will ultimately adopt a more evaluative approach. “In mediation, often people come in with blinders on,” Pantoni said. “Both sides like their case, and part of my job is to tactfully play devil’s advocate ... and say, ‘Look, in my experience, this is the challenge you might have. And at the end of the day, you’re going to make a de-

cision here, and you need to make an informed decision based on not only what could go right but what could go wrong.”

San Diego employment plaintiffs’ attorney Amber L. Eck has used Pantoni to settle several disputes, and said he’s tremendously knowledgeable about employment law.

“He can really see the case from both sides, and he quickly recognizes the strengths and the weaknesses on both sides,” Eck said. “He’s also very compassionate. Mediation can be a little bit emotional or intense or aggressive, and I feel like he works very well with either clients that are difficult or upset or attorneys who are difficult or upset. I really think that’s one of his strengths.”

San Diego employment defense attorney E. Joseph Connaughton has used Pantoni to resolve whistleblower and harassment cases in recent years, and agreed that the mediator’s approach resonates with emotional clients.

“The emotions in harassment

and retaliation cases can actually be on both sides because there is often someone accused – fairly or not – of doing things that can be perceived as being really horrible,” Connaughton said. “And taking that drama away is I think one of Tony’s skills and has certainly been appreciated in my matters.”

Connaughton also mentioned that Pantoni’s time representing both defendants and plaintiffs in employment disputes as a trial attorney distinguishes him as a mediator.

“I think that gives him unique insight, and maybe even more importantly, credibility with both sides,” Connaughton said. “And when dealing with Tony, there’s no real need for posturing or performative mediating. It becomes a practical discussion that gets to the bottom line quickly, which I think is appreciated by really good practitioners.”

San Diego employment defense attorney Michael J. O’Connor has used Pantoni to mediate and arbitrate several disputes, and he agreed that the Signature neutral’s exten-

sive track record of representing both defendants and plaintiffs in employment cases sets him apart.

“Tony’s really good at issue spotting. He’s good at talking about what are really the critical facts in an employment case, and I think he’s uniquely good at looking at things from a dual perspective,” O’Connor said. “And what I’ve found with Tony is that I get a lot of [opposing plaintiffs’] attorneys proposing him [as a mediator]. I would say that is not usual, and that’s a good thing.”

*Here are some attorneys who have used Pantoni’s services:* Amber L. Eck, Haeggquist & Eck LLP; Michael J. O’Connor, Atkinson Andelson Loya Ruud & Romo; E. Joseph Connaughton, Quarles & Brady LLP; Greg A. Klawitter, Ceartas Legal LLP; Graham S. Hollis, GrahamHollis AP.

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