

VERDICTS & SETTLEMENTS

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Keeps Moving the Needle

Mediator Monique Ngo-Bonnici works the facts and the law to find different angles.

By Shane Nelson

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Before law school, longtime employment litigator Monique Ngo-Bonnici spent a year and a half studying at Peking University in China, where haggling over the price of just about everything was commonplace.

“When I lived in China, you’d go to a restaurant, and there would be menu prices, but after you ate your meal, you would then say, ‘You know what? That dish was a little salty. I’m not going to pay that price. How about this?’” Ngo-Bonnici explained. “You negotiated for everything.”

The daughter of Vietnamese and Belgian immigrants, Ngo-Bonnici grew up in Cerritos and graduated from UC Law San Francisco in 2005 before spending 17 years as a defense-side employment litigator at Winston & Strawn LLP. While her experience plays a critical role in the work she’s doing today, Ngo-Bonnici notes all that bartering she did while studying Mandarin in Beijing in 1999 and 2000 has helped her a great deal as a Signature Resolution neutral mediator.

“The way you’d get people to lower their prices was to make them like you because they don’t want to sell to somebody who’s a jerk.” Ngo-Bonnici recalled about negotiating in China.

“Understanding the culture and the mindset of the people was extremely important. When I’m in mediations now, I’m constantly thinking about that,” she said. “What is this person feeling as they’re telling you this? What are they thinking about? Why are they acting in this way? I try to figure



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out how to make a connection with them, to get them to trust me, to get them to help me, to give me the tools I need to advocate on their behalf in the other room.”

Ngo-Bonnici joined Signature late last spring and has since been working as a full-time mediator to resolve employment and personal injury disputes. She likes to receive briefs from both sides before a mediation, and encourages the parties to exchange those with each other beforehand. Ngo-Bonnici said she always speaks over the phone with attorneys before her mediations, as well, hoping to really understand each side’s position.

“Sometimes there are sensitive matters that maybe attorneys don’t want their client to know they’ve shared with me,” Ngo-Bonnici explained. “Or maybe there are things that aren’t included in the brief that would be helpful for me to resolve the case.”

Ngo-Bonnici also said pre-mediation phone calls help her to make sure both sides have everything they need to reach a resolution.

“One of the things I really dislike is when a party – particularly in the wage and hour class action cases – has agreed to exchange documents or information, and that’s not received” by the other side, she ex-

Monique Ngo-Bonnici

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plained. “Then we get to the mediation, and all of a sudden, there are new documents or new data sets being put forward, and now we have two parties dealing with different class member numbers or wage data and things like that. I really try to hammer all that out in advance of the mediation.”

Ngo-Bonnici doesn't make use of joint sessions, but she will turn to a mediator's proposal if the timing is right and both sides agree and “and I think there's at least a 70% chance of likelihood of success in both rooms.”

She typically begins the day with the plaintiff before moving on to the defense, but she said an empathetic approach to listening carefully and really hearing what each side has to say is critical.

“Just like I give time to the plaintiff to air their story and share their emotions – from the defense perspective, employers often feel the same way,” Ngo-Bonnici explained. “They feel upset, or they feel hurt that maybe one of their employees they felt they'd taken care of so well for so long has now sued them. I think the same emo-

tions are running in both rooms – even though I think the perception is a company wouldn't have those same emotions, that a company is just all driven by the money. I don't find that to be true.”

Ngo-Bonnici will share her thoughts about the strengths and weaknesses of cases when the timing is appropriate, and she's not afraid to do so candidly.

“I know the law pretty well, so when people come with some B.S., I'm able to call it out,” she said with a chuckle. “I'm not afraid to say the hard things. If the case sucks, I'm going to tell you that.”

Los Angeles defense attorney Maria C. Rodriguez used Ngo-Bonnici recently to resolve a difficult wage and hour dispute, and she said the Signature neutral's straightforward evaluation of the case's weak points made a big difference.

“Monique is not only very prepared, but she knows the law really well and is not afraid to have a frank conversation, which helps move the needle,” Rodriguez said. “And she's an excellent negotiator, which – believe it or not – not all

mediators are. ... She really works the facts. She really works the law. She really tries different approaches to keep moving the needle, whereas I think many mediators don't really have the foresight or the ability to come at things from numerous angles.”

Irvine plaintiffs' attorney Angela E. Bruno used Ngo-Bonnici recently to resolve a personal injury dispute, and she appreciated the mediator's open-minded approach.

“A lot of neutrals can come to the table more interested in just the settlement but not learning all the facts,” Bruno said. “You just don't always experience a neutral that has that level of interest in really learning the facts and really learning the law behind it, and I feel like she takes the time to be invested in knowing the entire story from both sides to try to actually help bring both sides together.”

Manhattan Beach plaintiffs' attorney Joshua D. Boxer used Ngo-Bonnici to settle a recent employment dispute, and said the mediator related well to his client.

“Her experience on the defense side was certainly no impediment to

earning our trust in the process,” Boxer said. “Monique is someone who really does her homework and takes the time to really understand the claims and the various players and really helped our client feel heard and understood in a very unique way, and I think that's what sets her apart.”

Bruno agreed that Ngo-Bonnici makes use of an evenhanded approach.

“I don't find her to be plaintiffs minded or defense minded,” Bruno said. “She's a very academic person, and it's easy to see she's just interested in the puzzle. And she'll definitely take the time to do her own efficient analysis to make sure what you're saying backs up with the law.”

Here are some attorneys who have used Ngo-Bonnici's services: Angela E. Bruno; Bruno Nalu; Maria C. Rodriguez, McDermott, Will & Emery LLP; Joshua D. Boxer, Matern Law Group PC; Scott J. Witlin, Barnes & Thornburg LLP; Catherine A. Conway; Gibson, Dunn & Crutcher LLP.

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