

VERDICTS & SETTLEMENTS

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Emotional Intelligence

Attorneys appreciate neutral Nolan Armstrong's empathetic and considerate approach.

By Shane Nelson

Special to the Daily Journal

Mediator Nolan S. Armstrong pays particularly close attention to what he described as the emotional temperature in each room while working with litigants to resolve disputes.

"Inherently in mediation, there are going to be frustrations. It's very rarely smooth sailing towards a settlement," Armstrong said. "And especially with parties who haven't experienced mediation before, I try to remind them that it's really important to be patient and to trust the process and not to get too high or low during the day."

If Armstrong does, however, begin to see those intense emotions building, he said he's quick to let the parties know he understands where those feelings are coming from and to connect with them as best as he can on a human level. But he will also try to reiterate that much of the mediation process is about working toward a well-informed decision.

"If you're mad or angry or have other negative emotions that have built up during the course of the day and when it comes time to make that decision, those are clouding your judgment," Armstrong explained, "I don't view that as the optimal outcome."

A 2005 George Washington University Law School graduate, Armstrong worked for two decades at McNamara, Ambacher, Wheeler, Hirsig & Gray LLP, defending clients in personal injury, employment, landlord-tenant, real property, and professional negligence cases. He joined Signature Resolution as a full-time neutral in October 2024.



Gary Wagner / Special to the Daily Journal

"I'm just mediating; I'm not arbitrating," Armstrong said. "I felt like my skills were best suited towards focusing exclusively on mediation."

Armstrong added that the chance to help people move beyond the difficulties of their dispute was key motivator in his decision to refocus his career.

"As attorneys, we're involved in litigation on a day-to-day basis," he explained. "And I think to some extent, you become a little bit desensitized to how emotionally impactful and stressful it is on the individual litigants."

Those emotions and stress are often on full display in the early stages of mediation, according to Armstrong.

"And a lot of times, it's just uncertainty about what's going to happen and nervousness and being worn out by the entire process that's led them there," he said. "But when you're able to get the case settled, that relief and happiness that you can bring to their day and to their lives is really cool."

Working often these days to resolve personal injury, employment, landlord-tenant and real estate cases, Armstrong said he tries hard to offer litigants an empathetic and considerate approach in his mediations.

"I'm by no means the type of mediator that has any intention of strongarming people," he explained. "It's quite the opposite. I make it clear to them that they control the

Nolan S. Armstrong

Signature Resolution
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outcome at mediation. It's a voluntary process, and what I try to do is help them come to the best possible decision and get them all the information I feel like they need to make a reasoned judgment about a very important issue in their lives."

Los Angeles plaintiffs' attorney Colin M. Jones has used Armstrong to resolve nearly a dozen personal injury disputes, and he said the mediator connects well with his clients.

"There are mediators and retired judges that come off very formal and by the book and almost rigid, and I don't think that connects with clients because clients are far removed from that world," Jones said. "But Nolan is very approachable. ... He's just a likable guy, and he's very easy to deal with."

Jones said he also appreciates Armstrong's thorough preparation.

"Nolan is someone who really knows the case by the time you're at mediation," Jones explained. "You can tell he's read the briefs. You can tell that he knows the nuances and what I like to call the landmines in the case. He's very good at diagnosing the good, the bad and the ugly."

Los Angeles defense attorney Erin M. Donovan used Armstrong recently to resolve a premises liability case, and she was also quick to applaud the mediator's prep work.

"What impressed me most about Nolan was his command of the facts and the issues as well as his willingness to engage with both sides before the mediation session," Donovan said. "That level of preparation led to a resolution both sides could live with."

Donovan described Armstrong as an intelligent mediator who applied a balanced approach.

Neutral brings emotional intelligence to mediations

"He definitely saw both sides and saw the potential pitfalls that each side had with the case," she said. "And he talked frankly about the positives and negatives if you were to go to trial."

Although Armstrong spent his 20-year career as a litigator defending clients, he said that extensive experience can be a big help to the plaintiffs he's working with these days as a mediator.

"As a former defense attorney, I know the issues that are important to the defense's assessment of the case, and specifically what the risks are," Armstrong said. "And I know how to explain those risks in a way that they're going to understand."

Santa Rosa plaintiffs' attorney Michael D. Green tried cases against Armstrong when he was still litigating and has since used him as mediator to resolve four different disputes, including wrongful death, personal injury and professional negligence matters.

"I thought he was a good lawyer, and a relatively easy guy to deal with," Green recalled. "And he's

turned out to be a very good mediator."

Green agreed that Armstrong's long run defending clients can be a significant positive for plaintiffs.

"I like defense lawyers as mediators because I feel like they have been in the trenches with carriers, so they know how the insurance side thinks, frankly," Green explained. "I feel like Nolan brings that perspective, which is good."

Jones was also quick to mention Armstrong's years defending clients as a significant strong suit.

"We're always looking for mediators that have a lot of respect from insurance carriers as well as defense lawyers because that's really

how cases get done," Jones said. "A mediator who just says, 'Oh, Colin, you've got the best case in the world - propose whatever amount of money you want,' that's not helpful. We need mediators who are respected on both sides to bridge the gap. And Nolan has been really successful in doing that for us on many occasions."

Armstrong said providing constructive perspective is one of his chief objectives as a mediator.

"Again, I'm not trying to pressure people," he said. "But having handled similar types of cases and seeing what drove resolution in those cases as well as trying cases myself - ending up on the right side of verdicts and the wrong side of verdicts - I hope my experience and insight can help the attorneys and decision makers come to the best possible decision."

Here are some attorneys who have used Armstrong's services: Erin M. Donovan, Musick Peeler & Garrett LLP; Colin M. Jones, Wilshire Law Firm; Michael D. Green, Abbey Weitzenberg Warren & Emery PC; Christopher F. Johnson, Morgestern Law Group; Spencer J. Pahlke Walkup Melodia Kelly & Schoenberger

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