

# Prepared to Persist

After nearly 30 years in alternative dispute resolution, mediator Anne Lawlor Goyette says preparation, persistence and flexibility remain essential to resolving complex disputes and helping parties reach meaningful settlements.

By Shane Nelson

Special to the Daily Journal

**A**nne Lawlor Goyette has focused full-time on private neutral work since the late 1990s, and she's witnessed a fair bit of change over her nearly three decades of alternative dispute resolution.

"Mediation has become a lot more popular," Goyette said. "Almost all cases go through mediations now."

The longtime neutral was, of course, also quick to mention the far-reaching impact of Zoom since the pandemic, and the transformative shift away from joint sessions during mediation.

"The majority of people today look at joint sessions as potential triggers that will just make parties go off into their own separate corners and dig their heels in," Goyette said, noting that she still makes use of the tactic on occasion.

"I do have cases where attorneys are educated and skilled and have done this before, and they trust the other side," Goyette explained. "And they'll say, 'Yeah, let's have a joint session, but let's put these parameters on it.' And that can be really effective."

Adding that the use of brackets has also developed into an especially commonplace and useful tool in mediations, Goyette said preparation remains a critically important component of her approach to dispute resolution.

"I work with the parties well in advance," she said. "I have an initial call, of course, with everybody online to try to get everybody to agree as to the most efficient way to get the information out there that they need for settlement discussions. ... And once I've read the briefs, I have one-on-one conversations with every attorney in the case."



Gary Wagner / Special to the Daily Journal

Goyette said those one-on-one calls are a great way to identify goals as well as obstacles.

"There are always a lot of different factors," she said. "And if people circulate those in advance, you can get your creativity going and maybe you show up with different options on how you can get something resolved."

After running her own ADR business for 20 years, Goyette joined the Signature Resolution roster of private neutrals in September 2024, working regularly to resolve construction, real estate, insurance and mass tort disputes. She also tackles some cases as a special master and an arbitrator.

New York defense attorney Michael A. Tanenbaum has used Goyette as a mediator several times on medical

mass tort disputes and described her as intelligent and empathetic. But Tanenbaum said it's the work Goyette does before mediation that sets her apart.

"She is probably one of — if not the most — prepared mediators with whom I have worked over a career that is longer than I would like to acknowledge out loud," Tanenbaum said with a chuckle. "You go to these mediations, and she is as prepared — if not more prepared — than the attorneys."

Tanenbaum added that the medical mass tort mediations he's used Goyette for recently have been incredibly complex.

"So being able to talk to the parties about [the cases] and how they would play before a jury as well as

## Anne Lawlor Goyette

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the risks they pose and the opportunities they may bring in terms of a trial,” Tanenbaum explained. “And then her overall ability to convey the value of pretrial settlement. She just does all of it in a way that’s very compelling to both sides.”

Goyette mentioned that it’s not uncommon for attorneys to bring her cases featuring difficult clients. She said it’s especially important in those circumstances to make sure everyone feels heard and understood.

“They need to have their way of thinking acknowledged,” Goyette added. “And if they’ve got a game plan on how to get it resolved — even if you don’t think it’s going to work - you walk through it. And as long as it’s not going to cause the other side to walk away, you give it an opportunity to flourish and see if it goes anywhere.”

After listening carefully and walking parties through the issues, Goyette noted that she will be direct when necessary.

“But you don’t come in with the hammer right off the bat with sensitive parties,” she said.

San Francisco defense attorney Ameer A. Mikacich has used Goyette

to resolve two personal injury cases and said the neutral’s work to build rapport and trust made a big difference.

“The more recent mediation involved a very difficult, very emotional case, featuring numerous parties,” Mikacich explained. “And she was very, very thoughtful. She was very respectful of the parties and counsel, very professional. She was very kind,

## **Veteran neutral says preparation and persistence are essential in mediations**

but she was also firm with the parties, and we were able to successfully resolve the case at mediation.”

As both a mediator and an arbitrator, Goyette said she tries to give the parties as much control over the process as is reasonable.

“I like for parties to feel an ownership interest in their dispute,” she explained. “I just feel that’s one of the important things alternative dispute resolution offers to people — an opportunity to shape the process and shape the outcome.”

Oakland commercial real estate litigator Dolores Bastian Dalton used Goyette recently to resolve three disputes, and described the neutral as “very smart, extremely well prepared and extremely persistent.”

“She has a very nice, gracious manner with everyone,” Dalton said, adding that Goyette wasn’t afraid to share her thoughts about each case’s strengths and weaknesses.

Dalton recalled. “She came in early; she worked late. She really made herself available. She was flexible and persistent. ... It’s hard to find a good mediator, and Anne is definitely one of our go-tos.”

Perhaps not surprisingly, Goyette said she’s still “a big believer in ADR” after nearly 30 years in the industry.

“I’ve seen the great benefits,” she explained. “I’ve had people turn to me when it’s over just crying with relief. ... Even if it means people are paying money they didn’t think they had and even if they’ve been through a really rough process, to have it behind them and finally be able to move forward is a really great result.”

*Here are some attorneys who have used Goyette’s services:* Dolores Bastian Dalton, Goldfarb Lipman, LLP; Michael A. Tanenbaum, Tanenbaum Keale LLP; Ameer A. Mikacich, Hinshaw & Culbertson LLP; Fred A. Fenster, Greenberg Glusker LLP; Todd C. Toral, Jenner & Block LLP.

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[shane.nelson@dailyjournal.com](mailto:shane.nelson@dailyjournal.com)