

# Mediation Pioneer

Neutral Ralph Williams believes that his role is keeping everyone focused on the dispute and not getting waylaid by tangential issues.

BY LEONARD NOVARRO

**T**he case was more than complicated. It was fraught with pitfalls and filled with twists and turns including allegations of drug use, sexual harassment, theft of trade secrets and defrauding customers.

Ralph Williams represented the insurer for a clothing manufacturer that was the target of a number of lawsuits in 1991.

"I've got to do something to get this legal juggernaut under control," he says he told himself.

His recommendation on the matter: mediation. "Mediation had a 'touch-feely' quality about it [at the time]," Williams says. "Trial lawyers were not comfortable with the idea."

But he was insistent with all counsel that they take the idea seriously.

"I told them, 'Look, we have to find a way out of this,'" he says. "Slowly, the idea took root. All the cases settled."

From that point on, the path to resolution was clear for Williams, who regularly incorporated mediation in his trial practice.

Soon, other practitioners would join in the movement. The early 1990s were a turning point for mediation, according to Williams.

Until then, the main forms of alternative dispute resolution were arbitration and settlement conferences, public or private. Williams himself had been serving as an arbitrator for the American Arbitration Association since 1978 and as a volunteer judge pro tem for the Los Angeles County Superior Court.

However, as labor unions began to employ the concept, other organizations followed. As an alternative to traditional civil litigation, 90 percent of all attorneys preferred arbitration until the mid-1990s, Williams says. By 1996, that figure was reversed in favor of mediation, according to Williams.

"Today, most people would rather make their own decisions rather than someone impose a decision on them, as in arbitration," Williams, who has been in private law practice for 29 years, says.

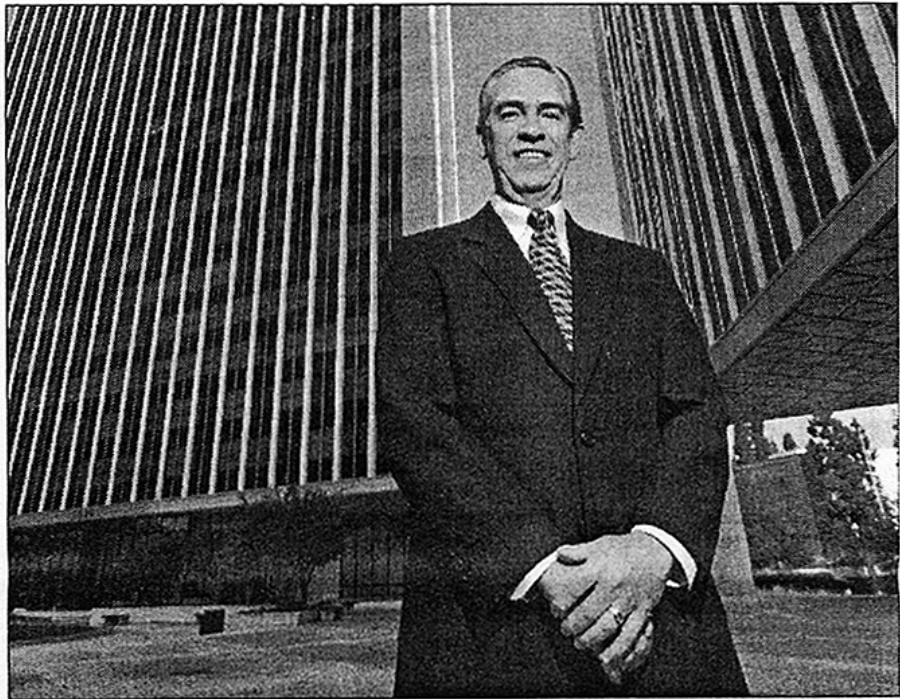
The oldest of five children and son of a rocket scientist, Williams spent his youth in the Los Angeles area, where he put himself through Glendale College of Law at night while he worked as an insurance claims adjuster full time during the day.

He had wanted to be a tax lawyer, but his insurance background earned him a ready interview and job offer immediately out of law school in 1972, when he joined Los Angeles' Wyman, Bautzer, Rothman & Kuchel. From insurance work, he soon gravitated toward bad faith and personal injury coverage.

When he left three years later to co-found his own firm, Los Angeles' King & Williams, he began specializing in white-collar crime and professional malpractice.

In one particularly complicated matter, a bus accident on I-405 in 1974, Williams had to evaluate 80 personal injury claims before the case was closed in 1982. Williams says the exercise taught him patience.

"[It's] a great virtue for any human being, lawyer or me-



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diator," he says. "You have to have that willingness to stick with it."

The ability to stay focused and offer a ready reservoir of fresh ideas is what makes Williams different, he says.

"I will continue to pump ideas into the work as long as people continue to work with me. I'm always taking the puzzle apart, keeping ideas flowing and keeping people in the deal," he says.

Practitioners who use ADR agree.

"Ralph will sit down and work with you to analyze the strengths and weaknesses of a case and not just act as a messenger," Peter Weinberger, a Los Angeles sole practitioner, says. "And he's not someone who loses patience with the process."

Mary Catherine Bohan, a partner with Los Angeles' Musik Peeler & Garrett, has worked with Williams in mediation.

"[He's] a big-picture person," she says. "He's very good at figuring out what motivates everybody and bringing them together."

And all of that would be impossible, Williams says, with-

out the proper preparation.

Days before a session begins, he says, he asks for briefs from both sides, studies them and outlines what the dispute is about. He resolves questions with the attorneys beforehand.

"I'm focused on what they want, not what I want," Williams says. "They want the expertise of someone who is a quick study. They don't want to spend half a day educating [the neutral]."

Williams starts the mediation with a joint session to make sure everyone is comfortable with the surroundings and procedures. He gets things going by summarizing what he has culled from the briefs, then asks each side to fill in anything he may have missed.

"Usually, a business case has a little timeline, a signpost, allowing you to summarize it," Williams says. "You understand the dispute and highlight what you think the issues are, then you can ask lawyers, 'What did I miss?' By doing that, both sides see the case."

Williams also keeps attorneys invested by not wresting control of the case or the client from them.

"I want lawyers to know I value their position at the table," he says. "They're counselors for their clients' rights. What's important for the client is important for the lawyer."

According to Williams, unlike some mediators, he sees his role as keeping everyone focused on the dispute and not getting stuck on tangential issues.

"I'm not a member of the freewheeling, let-it-happen school," he says. "There's a large difference between mediation and therapy."

Williams defines his approach as one tied to the litigation process.

"I believe a dispute is framed by the people's lawsuit. You first need to get their lawsuit resolved," he says. "Then if I can do some other good along the way, I will."

## SNAPSHOT

### Ralph Williams

**Law school:** Glendale College of Law, 1972

**ADR group:** Action Dispute Resolution Services

**Case types:** Insurance coverage and bad faith, employment discrimination, personal injury, real estate, construction and contracts

**Career highlights:** Neutral, Action Dispute Resolution Services, 1997-present; neutral, American Arbitration Association, 1978-present