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PERSPECTIVE

Handling Hurt

Ex-judge and plaintiffs' lawyer Paul Beeman says settling tough cases takes patience and time.

By Craig Anderson

Daily Journal Staff Writer

SAN FRANCISCO — Paul L. Beeman believes patience is essential when settling cases in mediation.

“The first thing you do is you take your time,” the retired Solano County Superior Court judge said of his approach. “You have to go slow with people” because it usually takes them a while to accept they will not get everything they are seeking in the case.

The anger and tears that sometimes accompany tough personal injury, wrongful death and employment cases are part of the process, he said. “Venting is getting somewhere,” Beeman said. “It’s bleeding off the emotion. If you have lost a child, lost a limb, they want you to know that. It’s why [plaintiffs] believe they are entitled to that money.”

Beeman said his experience as a plaintiffs’ attorney and as a judge who often settled cases while on the bench prepared him to deal with the legal complexities of each case and also to handle personal grievances from the individuals involved.

“I can communicate with plaintiffs. You have to listen,” Beeman said. “If they’re angry, you have to deal with the anger. If they’re hurt, you have to deal with the hurt.”

Beeman, who joined ADR Services Inc. in April 2018 after serving almost 18 years as a judge, wants attorneys to exchange briefs early and is not a fan of confidential filings. “If you want to persuade somebody, share the



Jana Ašenbrennerová / Special to the Daily Journal

information. Confidentiality is for the birds.”

Charles L. Gravett III, a Napa sole practitioner, said he reluctantly shared his mediation brief with opposing counsel while defending a tenant accused by a landlord of damaging property.

“I normally make my mediation briefs confidential,” Gravett said. “I talked with him a couple of times beforehand. He called me up and said the issues I brought up were things the other side hadn’t considered.”

The result was the plaintiff dropped the asking price by 50%, and the case, which Gravett expected to go to trial, settled in a day last October.

Beeman said he wants attorneys to share information in part so both sides can consider the other’s arguments. Often, he said, plaintiffs and defendants will not have considered the weaknesses in their own case or possible counter-arguments.

“Maybe the case doesn’t settle that day. But when they let that information percolate, they see the wisdom of changing their position,” he said. “If they would have gone full-bore into trial, they would have had their head handed to them.”

Beeman would rather not make mediator’s proposals, believing it preferable for the parties themselves to work out a settlement. “What I like to tell people is this is

Paul L. Beeman

ADR Services Inc.
San Francisco

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your case, not mine, and not your lawyer's case," he said.

But he occasionally makes them anyway if there's a difficult logjam.

Richard M. Ozowski, a San Francisco-based attorney with the Law Offices of Mark T. Lobre who works as in-house counsel for Allstate Insurance Company, appeared before Beeman when he was a judge and in an auto accident case in mediation. The case involved multiple defendants and insurers but was difficult to settle because of a dispute between two defendants over how to allocate the blame.

After spending the day conducting shuttle diplomacy, Beeman finally gathered everyone together to tell them he was going to issue a mediator's proposal. Four days later, Beeman's proposal was accepted, and the case settled last month, Ozowski said.

The retired judge knows his stuff and has a "good bedside manner," Ozowski said, a combination that works with experienced insurance defense lawyers and with plaintiffs who are unaccustomed to the process.

"He does it well. He's able to explain to a plaintiff, 'Here's what I think your case is worth,'" Ozowski said.

Beeman spent his high school

years in Vallejo. His father was an attorney after working as a test pilot and for an airline in Peru before settling in California. The mediator describes his younger self as a bit of a troublemaker. After attending community college, he decided against attending San Jose State with his friends and instead finished his college education at what was then called Cal State University, Hayward.

He got married, started law school, then joined the Army, serving first in Oakland and then in Vietnam as a legal clerk helping to handle courts martial and making some lifelong friends, he said.

After his discharge in 1971, he returned to University of the Pacific McGeorge School of Law, graduating in 1973. He joined his father and two other attorneys, handling everything from criminal to family law to probate and plaintiffs' civil work. He dropped criminal defense after a few years, focusing on personal injury cases.

After the other two partners left, he practiced with his father at what became Beeman & Beeman starting in 1978.

Gov. Gray Davis appointed Beeman to the Solano County bench in 2000. He served as presiding judge in 2012 and 2013, also handling settlement confer-

ences. The other judges "didn't want me to loaf," he joked.

He spent the vast majority of his judicial career handling civil cases, including the asbestos calendar during his final years on the bench.

Beeman admits he misses being a judge. "It's different," he says of his work as a neutral. "When you're the judge, they kind of value what you have to say more than when you're the mediator. But I still like working with attorneys."

Peter J. Hirsig, an insurance defense attorney with the McNamara Law Firm in Fairfield, said Beeman never plays favorites — either as a judge or as a neutral. "He is one of the most meticulous and prepared mediators," Hirsig said. "He will call a week in advance, asking, 'Where's the brief?' He wants to know everything about a case."

Hirsig said Beeman is very direct about the merits of the case but doesn't give ominous warnings that can be threatening to clients. "He can draw on a large bank of experience," said the attorney, who already has used Beeman's services more than a dozen times. "He's not cheap, but you get what you pay for."

Beeman charges \$550 an hour. He has only handled mediations thus far but has several arbitra-

tions scheduled later this year, he said.

Rachel M. Dollar, a partner with Santa Rosa-based Smith Dollar PC, said Beeman worked hard to resolve an attorney fee dispute case even though it hasn't settled.

"He was quick at picking up the issues and did a good job," Dollar said of the day-long mediation. "He kept in touch afterwards and continued to try to resolve the case. Judge Beeman did a really good job of trying to bring things together and set forth the risks."

Beeman is married and has a daughter from his first marriage, as well as two grandchildren.

Here are some attorneys who have used Beeman's services: Gregory C. Winter, Calistoga; Michael S. Treppa, Treppa Law Group, Walnut Creek; Scott H.Z. Sumner, Sumner Law, Walnut Creek; Daniel J. Russo, Maas & Russo LLP, Vallejo; Richard M. Ozowski, Law Offices of Mark T. Lobre, San Francisco; Alice K. Loh, Law Offices of Catherine Walsh, Concord; Joseph W. Campbell, Alameda; Rachel M. Dollar, Smith Dollar PC, Santa Rosa; Charles L. Gravett III, Napa; Peter Hirsig, McNamara Law Firm, Fairfield

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