

Intimate Insight

His knowledge, local ties and legal perspective helped Kelly Knight succeed as a mediator.

By Jessica Mach
Daily Journal Staff Writer

LOS ANGELES — In 2014, Kelly Knight got a call. At a pub in Little Tokyo that Knight knew well as a meeting place for Asian American attorneys, long-simmering problems were coming to a head. The workers were picketing. Some had filed complaints with the state labor commissioner and were trying to unionize, and the restaurant bar was suing the workers.

The situation, as Knight tells it, was a mess, and leaders from the Japanese American Bar Association wanted him to conduct a mediation.

“I got a call because I was known in my community, my network, as the employment guy,” recalled Knight, who is now a mediator at Judicate West but worked as an employment attorney at the time.

‘But I said, ‘I’m not a mediator.’ So I passed,” Knight explained.

A day after that first call, Knight got a second — this time from another bar association board member and friend. Once again, Knight turned down the job. On the third day, his phone rang again.

“I got a call from not only a board member, but a big time community leader and very well known employment defense lawyer,” Knight said. “She was like, ‘Kelly, we really need your help.’ And I said, all right, you guys have called me three days in a row. I’ll do it.”

Knight was given permission from his clients to share details about the case. In response to the management lawsuit, the workers filed and won an anti-SLAPP motion to dismiss the case with the help of a nonprofit, Asian Americans Advancing Justice–LA. By the time Knight got involved, the nonprofit was on the brink of fil-



Justin L. Stewart / Special to the Daily Journal

ing a class action against the pub.

“We had all those workers in one room and their lawyers, and we had five business owners and their lawyer in the other room,” said Knight, describing the mediation session. “We worked hard until like 8 o’clock at night, and we had a real conflict resolution deal, which is not always what you get in mediation.”

By the time the session wrapped, the parties not only worked out a financial settlement, but also a timeline for addressing the issues that prompted unrest among the workers in the first place: the temperature in the kitchen, staffing and scheduling. The head of litigation

at Asian Americans Advancing Justice approached Knight and suggested he consider starting a mediation practice.

“I wasn’t ready to transition my career at that point,” said Knight, who drove down to San Diego that same evening to attend an employment law conference. “But that stuck in my mind.”

The pub is still up and running today, Knight said, but the tale of how the business persevered against the odds also doubles as a fitting origin story for Knight’s mediation practice. In this story, a community reached out to Knight not because he had extensive experience as a mediator but

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Areas Of Specialty:

Employment Law
Personal Injury
Professional Malpractice
Business/Contractual

because he had other skills — knowledge of employment law, ties with the local community — that gave him an intimate perspective into the case.

Knight likes to describe himself as wearing many hats. His career trajectory, he said, includes a stint as an insurance adjuster before he attended USC Gould School of Law; three years as a litigation associate at Miller Barondess LLP; a decade running his own employment law practice; and over two years as a partner at the deRubertis Law Firm. Knight said his experience working in insurance, running a small business, and representing both the plaintiffs and defense side has helped him cultivate insight into the varying perspectives of the attorneys and clients he works with.

Attorneys confirm it is exactly this skill — Knight's ability to precisely tune into the needs of a diverse range of people — that defines his mediation practice.

Knight joined Judicate West as a full-time neutral in 2018, focusing on employment, personal injury, and businesses and contractual cases.

Eugene C. Ryu, a shareholder at Littler Mendelson PC, used Knight's mediation services for

an employment case last year, and was impressed by how Knight was able to see beyond the legal issues to address his client's direct concerns.

"The client came in and was very happy that [Knight] had thoroughly read the briefs. He had taken some time to do his own research on the client and his business operations," Ryu recalled.

"He was super professional with my client, but also explained a lot of the business realities. ... It wasn't a purely legal or theoretical discussion," Ryu said, noting Knight "talked about the practical impact and whatnot on the client's business. I think that's super important."

Timothy J. Gonzales, partner at Brock & Gonzales LLP, had a similar experience with Knight.

"He used to do exactly what we do. We only represent employees," Gonzales said. "He knows what those terminated employees are going through, he forms a bond with them because he can sympathize. ... He's represented so many different people who have been through that experience."

Gonzales said he used Knight's mediation services about five times last year. The key is ensuring that the people using his

services feel understood, Knight said. "That's the real stuff in mediation," he explained. "Sometimes a plaintiff's not ready to settle until they've felt heard, and they can cry or yell or be angry or whatever it is. I need to be there for them to do that and to be able to let them get to a place, not to force them to a place, but to let them get to a place where they can settle ... and be OK with saying, 'I can leave this behind.'"

Knight extends this consideration not only to clients, but attorneys, too. He provided an example of an attorney he described as a "superstar, excellent lawyer" who refused to back down from his position even though a particular case he was working on wasn't especially strong. Knight pulled the attorney aside.

"We dug in, and [the attorney] said, 'You know what ... I think I'm being triggered by my experience with this defense lawyer five years ago. I just want to beat her, and I think that might be part of what's driving me.'"

"Identifying that was key," Knight continued. "And I'm so glad he recognized that."

Sarah Goldstein, Orange County managing partner at O'Hagan Meyer, identified another reason

to seek out Knight's services. "He is a very substantive mediator," she said.

"He is evaluative. He will not only talk about the strengths and weaknesses in your case — he will bring case law."

Christina M. Coleman, who runs her own Los Angeles practice, also found Knight's rigor helpful.

"He took the approach of a devil's advocate," Coleman said. "He is like, 'What is your response to this argument? How do you explain this fact?' ... It was more like an engagement where he gave you the opportunity to address it without feeling like you were attacked."

Goldstein said she has hired Knight to mediate at least 10 cases. And she plans to continue hiring him.

"My honest opinion," Goldstein said, "is he is one of the best employment law mediators in Southern California."

Here are some attorneys who have used Knight's services: Eugene C. Ryu, Littler Mendelson PC; Timothy J. Gonzales, Brock & Gonzales LLP; Sarah Goldstein, O'Hagan Meyer; Christina M. Coleman, Law Offices of Christina M. Coleman APC; Nicol Hajar, Wilshire Law Firm PLC.