

# VERDICTS & SETTLEMENTS

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## No Fear

*Judicate West neutral Peter Searle isn't afraid to discuss case values with parties.*

By Shane Nelson

Special to the Daily Journal

Longtime mediator Peter J. Searle doesn't ever suffer from the Sunday scaries. "There is not a Sunday evening that I ever lament that I have to work the next day," Searle said with a chuckle. "For me, this is a dream job. I love to do it."

Adding that he conducts about 350 mediations a year and sometimes works six days a week, Searle insisted resolution is just a part of his makeup.

"I have always worked to try to get people to cooperate, to work together," Searle explained. "It's just part of who I am. ... I'm a peacemaker. That's who I've always been."

A 1986 Southwestern School of Law graduate, Searle handled civil litigation matters for a decade at the now defunct Chase, Rotchford, Drukker & Bogust, where he represented both plaintiffs and defense clients. From there he moved in house at CNA Insurance in 1996, starting out as a litigation attorney before the company ultimately promoted him to a vice president and claims manager position.

"That was a wonderful experience. ... Every single day was new because of just a constant flow of information and questions," Searle recalled, noting that he managed \$1 million worth of settlement authority in his role. "I was the decision maker."

After four years of insurance work, however, Searle decided he needed a change, and he struck out full time in 2000 as a mediator. Searle joined Judicate West's roster of private neutrals in 2003, and after nearly a quarter century of mediation work, he conceded that his ability to resolve a dispute has probably improved a fair bit.



Thomas Kurtz / Special to the Daily Journal

"Am I able to infuse optimism? Am I able to keep people involved longer?" Searle said. "Am I able to encourage them? Am I able to use my skill to lead them to the middle, lead them to make decisions when they want to give up? That probably is how my skills have best evolved."

Los Angeles plaintiffs' attorney Siamak Vaziri said he's used Searle to resolve roughly 50 personal injury disputes, and he described the Judicate West neutral as "one of the most effective mediators out there."

"I've used him in smaller cases,

I've used him in medium cases and I've used him in large cases, and I find him equally effective across the board," Vaziri said. "I think Peter does a fantastic job of not passing judgement and just evaluating and seeing how he can be a resource and neutral to help assist in the settlement dialogue."

Searle said about 90% of the cases he mediates these days involve a personal injury dispute of some kind, but the Judicate West neutral also tackles professional malpractice, business, construction, toxic tort and maritime cases.

### Peter J. Searle

Judicate West  
Santa Ana

**Areas of Specialty:**

Personal Injury  
Insurance  
Professional Malpractice  
Business  
Construction Defect

Searle noted, meanwhile, that he likes to receive briefs from all of the parties beforehand, but he doesn't insist on having a pre-mediation phone call with counsel.

"The reason I don't is because I find that a lot of those calls are not really that necessary," he said. "It's often just one or more of the lawyers trying to get a leg up on the process."

Searle said on the day of mediation, he typically begins with the plaintiffs, but he was quick to explain that he really wants to get to know all the parties.

"I try to see if I can connect with everyone personally," Searle said. "I share things about myself, talk about current events - just anything to try to get us off of the professional level and onto a more human side. ... I think building that free and open communication line is something that ultimately serves me well."

Vaziri said Searle has been very kind and compassionate with his clients, adding that the mediator's

approach can be especially effective in cases involving a wrongful death allegation or significant injuries.

"He's just got a very charismatic way about him - very calming," Vaziri said. "He sets a tone that just calms the room down. And I find that to be very effective because when you have a plaintiff that's calm, they're able to make good decisions. They're able to be pragmatic and listen. It's when they're worked up and emotional that it becomes an extra layer of challenge associated with mediating the case."

Searle will eventually move into a more evaluative position, weighing in on the strengths and weaknesses of a case, and he also noted that he doesn't shy away from discussing case values.

"A large part of the skill of being a mediator is asking the question, ... and the question comes in many forms, but it's really the same question: 'Will you consider X?'" Searle explained. "You have to not be afraid to ask the question, 'Will you consider this?' Because often-

times, if you're afraid to ask that question, the mediation stalls, and you get an impasse. So it's having the courage to stick your neck out to everyone and tell them, 'This is where the case could and should settle, and will you consider it?'"

Sherman Oaks plaintiffs' attorney Michael Alder has used Searle to resolve several personal injury disputes, and he said the Judicate West mediator is "a great analyzer of case value."

"He's very knowledgeable, so you can rely on his advice without a worry that he's slanted too far to one side or the other," Alder said. "I think both sides trust that he's not BS-ing about value. ... And having someone who is knowledgeable about the inner workings of an insurance company process is really critical. So for a mediator to say, 'Look, that's not gonna work because x, y and z at the company has to do this,' and 'This has to happen first,' that's very helpful."

Costa Mesa defense attorney Asir Fiola said he's used Searle a

number of times over the past 15 years to settle personal injury disputes, and he agreed that the mediator is respected by both sides of the bar.

"He truly is neutral when he's coming into a case," Fiola said. "And once he digs into the facts, he will work on both sides to achieve a resolution, but in a way that's fair."

Fiola added that Searle has always been tremendously well prepared.

"He doesn't just shuffle numbers back and forth," Fiola explained. "He digs into the case, knows the cases well, and he actually listens to the parties and will say, 'Hey, let's talk about these medical records,' and will actually dig into the facts of the case, which is refreshing. ... He's just an excellent neutral."

*Here are some attorneys who have used Searle's services:* Siamak Vaziri, Vaziri Law Group APC; Michael Alder, Alder Law PC; Asir Fiola, Wilsom Elser Moskowitz Edelman & Dicker LLP; Joshua Bordin-Wosk, Bordin Semmer LLP; Eric V. Traut, Traut Firm