

Direct Approach

Neutral Jonathan Andrews expertly toes the line between empathy and realism, lawyers say.

By Shane Nelson

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Signature Resolution neutral Jonathan D. Andrews doesn't shy away from emotion.

"I think some mediators believe the whole purpose is to defuse emotion and keep it out of the process," Andrews said. "But I'm someone who is not uncomfortable with emotion if it has to come up. ... I think as a mediator you have to be comfortable dealing with that emotional space and allowing the parties to have space to express those emotions."

He added, "It's just part of that transformative healing phase that allows us then to start talking about the nuts and bolts of what an actual resolution may look like."

A 1998 University of Michigan Law School graduate, Andrews spent 24 years as a trial attorney, frequently representing employers in labor and employment disputes. But in the later years of his career, Andrews found himself increasingly drawn to alternative forms of dispute resolution.

"I just realized my love of trying to facilitate resolution really eclipsed my passion for the conflict," explained Andrews. He completed a masters of laws degree in dispute resolution at Pepperdine University Caruso School of Law in 2018.

"It's not that there was anything wrong with litigation, but I just discovered I had a passion for trying to resolve conflict, trying to bring people together," he explained. "Helping people to shed the toxicity of litigation and to move on with their lives in a meaningful way just was something that spoke more to who I think I am than litigation did."



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Andrews joined Signature in San Diego in November 2021 and focuses almost exclusively on employment related mediations or arbitrations.

His stance on joint caucuses in a mediation distinguishes him from many of his private neutral colleagues. "I think I'm in the minority on this, but I am a mediator who is not uncomfortable with joint sessions," Andrews said, noting that he only applies the approach if both sides agree beforehand.

"They have to be handled correctly, but I think they can be incredibly helpful if done at the appropriate time, and often with

employment cases, doing them at the outset isn't always the best time," he explained. "But it is something that I found can be really, really useful in bridging emotional gaps, where one party, maybe, feels they just need to share with the other side how a particular personnel action, or whatever may be the case, affected them."

San Diego plaintiffs' attorney Hali M. Anderson recently used Andrews to resolve an employment discrimination lawsuit, and she said he was extremely patient and understanding with her client, who became very emotional at one point during the mediation.

Jonathan D. Andrews

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“In those situations, I think it’s really hard not to cut someone off because you want to get the mediation progressing and a lot of times someone who is emotional is going to bring emotions that don’t necessarily translate over to legal liability,” Anderson said. “So being able to make sure that the person can feel truly heard and then trying to corral them back into ‘Hey, I’m listening to everything you’ve said, I have heard you. I’m sorry that happened, but looking forward here, this is what’s going to matter in the other room.’ That takes a really skilled and empathetic mediator, and I think he was really able to do that.”

Andrews noted, meanwhile, that patient and clear communication is also an important part of his work as an arbitrator.

“As long as it’s consistent with the party’s arbitration agreement, a good arbitrator is going to allow the parties to really craft something that really fits that particular case,” he explained. “That really starts with communication between coun-

sel and really assessing what do we have here as a case, what are the claims, and what do we really need in order to bring this to a hearing, and then how do we get there. Then the arbitrator can help shepherd that process.”

Los Angeles plaintiffs’ attorney J. Bernard Alexander III first encountered Andrews as an opponent in April 2021.

“He beat me at trial in a case I thought I was going to win,” Alexander said with a chuckle. “I thought he rescued the case at the end with a good closing argument, but he was always professional throughout the litigation.”

Alexander has since used Andrews as a mediator to resolve a seven-figure employment disability discrimination dispute.

“Not everyone analyzes cases the same way, so you have to get both sides to agree on what the building blocks of the case are, so you can establish why there’s a disagreement,” Alexander explained. “And that’s one of the things he was really good at.”

Alexander added that Andrews’ demeanor was particularly effective with the disputants.

“His ability to communicate well with people is especially important for clients that are difficult,” Alexander explained. “He was really effective where the clients needed to be persuaded to come down off the numbers that they thought their case was worth in order to reach a resolution.”

New York City plaintiffs’ attorney Melissa E. Washington has used Andrews to settle several employment discrimination cases, and she described the former defense attorney as one of the most impartial and unbiased mediators she’s ever worked with.

“He can also speak the employer-side language because he used to represent employers,” Washington said. “And he’s able to adequately lay out how the facts and the law would either play for them or against them on various points because he’s an experienced employment lawyer. So he has that extra layer of credibility.”

Like Anderson and Alexander, Washington said Andrews is terrific with emotional cases and clients.

“He expertly toes the line between empathy and realism,” Washington said. “Emotion without facts – or emotion without the experience of a mediator letting clients know how it would actually play out in litigation is valueless. So, I think Mr. Andrews does a good job at being empathetic with what our client feels they experienced but also being very rational and laying out how courts will view the same set of facts and what a possible outcome would be if plaintiff decides to take it further.”

Here are some attorneys who have used Andrews’ services: J. Bernard Alexander III, Alexander Morrison Fehr LLP; Hali M. Anderson, GrahamHollis APC; Melissa E. Washington, The Washington Law Firm PLLC; Gary T. Lafayette, Lafayette & Kumagai LLP; David A. Yudelson, Constangy, Brooks, Smith & Prophete LLP.

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