

VERDICTS & SETTLEMENTS

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Soaring Experience

Settling cases is like docking a spaceship, says Signature Resolution mediator Roger Clark.

By Shane Nelson

Special to the Daily Journal

Longtime aviation attorney Roger W. Clark likes to tell people the work he's doing as a mediator is a lot like flying a spaceship.

"It's a little bit like a couple of space capsules in orbit," Clark said of mediation. "You're trying to maneuver them into a space dock, but it takes small moves, and as you get closer and closer, those moves become smaller and more delicate. And you hope by the time you reach the end of the mediation, you're able to finally reach that space dock with a very careful last boost of energy to bring the parties together."

Clark's father flew jets for the U.S. Air Force, and as a boy, Clark said he wanted to follow in those footsteps, but his eyesight ultimately wasn't good enough to fly for the military.

A 1978 Rutgers Law School graduate, Clark did eventually get his pilot's license, however, and he flew planes for fun for many years. The bulk of his 45-year career as a litigator also involved representing either plaintiffs or defendants in aviation matters – many of them plane crash lawsuits.

Clark has also taught an aviation law course at Rutgers Law School in the fall for the past 15 years.

"In reality, it's a course in complex litigation," he explained. "As I always tell my students, if you want to understand complex litigation, there's no better way to start than with aviation. ...

"It's rare for an aviation case – if we're talking about a wrongful death or a personal injury case – not to be heavy in products liability, not to be heavy in terms of negli-



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gence, reasonable care or recklessness," he elaborated. "You often also get involved in very heavy procedural issues – whether this case belongs in federal court versus state court, for example."

While still representing clients as a litigator, Clark first started mediating in 2017, and he joined Signature Resolution a year ago. Having since retired from his legal practice, Clark said he focuses full time now on mediations, and while many of the cases he works to resolve do involve aviation law, he also handles personal injury, real estate, employment and trademark disputes.

Clark said he prefers to receive briefs at least a couple weeks before a mediation, and he also tries to speak over the phone with attorneys at least once beforehand. Clark also noted that he encourages plaintiffs to exchange the dollar amount they're seeking from the defense before a mediation.

"One thing that's almost guaranteed to cause a mediation on a particular day to run up on the shoals is if there hasn't been a number conveyed," he explained. "Insurance companies need to know in advance what the number is that the plaintiffs are talking about. If there is a number that's popped on them on

Roger W. Clark

Signature Resolution
Los Angeles

Areas of Specialty:

Aviation
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Employment
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the day of the mediation, insurance companies have a very difficult time reacting to that. ... So I like for the parties to know what the numbers are in advance, so there's no surprises and everybody has a general feel for what the expectations are."

Clark said he prefers to begin mediations by asking questions and doing his best to listen, trying to make sure he hears each of the disputants' stories. But he also doesn't hesitate to employ a more evaluative approach when the timing is right.

"Usually, it's not helping them evaluate their strengths because my experience is that each attorney has a pretty good idea of their strengths," Clark said with a chuckle. "But they may not have such a good idea about their weaknesses. Helping them understand what their weak spots might be is just part of the teaching process I find that mediation features."

Los Angeles plaintiffs' attorney Mark H. Aprahamian used Clark

recently to resolve a personal injury dispute, and said the Signature neutral was terrific with his client during the mediation.

"Our client was a very difficult client – very wishy-washy," Aprahamian said. "She couldn't make a decision, so he was extremely patient and really explained to her all the consequences of her decision and persuaded her, and we were able to close the case at a very reasonable amount of money."

Covina plaintiffs' attorney Franklin J. Love used Clark to resolve a difficult hospital collections case, and said the mediator was tremendously skilled.

"I think he really got the essence of where the problems were, and he really sensed there was a lot of emotion – particularly on the defendant's side of the case," Love said. "He was able to work out a settlement because he was able to calm the emotions. ... I think that is the skill of a good mediator – to re-

ally assess where the gap is to getting people to come to an accord – and he grasped that very quickly, and he handled it masterfully."

Long Beach defense attorney Tina I. Mangarpan has used Clark to resolve a number of aviation cases, and she agreed that the neutral does a terrific job bringing parties together.

"He is knowledgeable, patient, intently listens to both sides and works tirelessly to help achieve a reasonable resolution," Mangarpan said. "And he has the gift and experience of bridging the gap and getting both sides to see the strengths and weaknesses of their respective case."

Los Angeles plaintiffs' attorney Daniel T. Pierson used Clark recently to settle an aviation related personal injury complaint, and said the neutral's personality is well suited for mediation.

"This guy's made for it," Pierson said. "He's even keeled, patient,

listens. He reasons with you."

Describing Clark as an incredibly nice guy, Pierson noted that his extensive familiarity and experience within the aviation industry, including his knowledge of the insurance companies working in the field, was especially helpful in resolving the case.

"Listen, there's a lot of good people out there," Pierson said. "But at the end of the day, we've got to settle these cases, and he got it done for me. He saved everybody a ton of money, saved the court a great deal of time, and we ended up having a good resolution."

Here are some attorneys who have used Clark's services: Mark H. Aprahamian, Law Office of Mark H. Aprahamian; Daniel T. Pierson, Law Offices of Daniel T. Pierson; Franklin J. Love, Law Office of Franklin J. Love; Tina I. Mangarpan, Ford, Walker, Haggerty & Behar LLP; Lawrence R. Gund, Kann California Law Group Inc.