

VERDICTS & SETTLEMENTS

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‘Blunt Assessor’

Working as a neutral has enabled retired Judge Dalila C. Lyons to be more informal.

By Shane Nelson

Retired Judge Dalila C. Lyons' last assignment on the Los Angeles County Superior Court was handling mandatory settlement conferences (MSC), a role she said felt a little more natural.

"I was able to be myself more," Lyons said. "In an MSC, I could be much more informal, and I found I could speak to the parties directly, which you can do in an MSC. In a trial, you really don't speak to the parties. And I found I really enjoyed that, and connecting with the litigants, with attorneys, with the parties - it worked for me for settling cases."

A 1984 UC Berkeley School of Law graduate, Lyons spent six years in private practice after passing the bar, tackling business and entertainment litigation. She then joined the Los Angeles County Counsel's office in 1990, working first in the general litigation department and later serving as chief legal advisor for the LA County Sheriff's Department.

Lyons was appointed to the superior court bench in 2005 and spent 10 years handling criminal matters - including felony trials - before taking over a civil calendar for five years and spending three years focused on MSCs until her retirement in the spring of 2023.

"And I said, 'Well, this is not only fun - I'm enjoying it - but it works. I'm settling cases being myself,'" Lyons said of her time handling MSCs on the bench. "So, I said, 'Why not continue something that I thoroughly enjoy?'"

Lyons joined the Signature Resolution panel of neutrals last May and has since been working to re-



Justin L. Stewart / Special to the Daily Journal

solve disputes as a mediator and arbitrator, tackling a wide variety of eminent domain, employment, commercial, personal injury and legal malpractice cases.

"I think the magic word for arbitration is how to streamline the process to make it efficient and cost-effective, unlike the protracted court proceedings," Lyons said, noting she hasn't reached the ruling phase in any of the arbitrations she's working on. "If I could get one thing across, it's that I like the parties to cooperate, to mutually agree with creative approaches toward streamlining the process."

Before her mediations, Lyons likes to receive briefs from all par-

ties and to speak over the phone with counsel.

"That gives me the opportunity to really learn the issues of the case," she said of those pre-mediation calls, "to see if there's any particular issue that could be resolved prior, ... so I can be more effective and efficient during the mediation."

Los Angeles defense attorney Joanna E. MacMillan used Lyons recently as a mediator for a contentious employment dispute, and she said the pre-mediation phone call with the retired judge was terrifically helpful.

"She asked if there's anything she should know about my client,

Dalila C. Lyons

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Legal Malpractice

or if there are any sticking points she should maybe stay away from - because defense-side clients can be difficult when you're representing a corporation," MacMillan said. "I feel like with some mediators much of the mediation is spent on educating the mediator on the facts of the case. Instead, she already knows them backwards and forwards, and she's ready to hit the ground running."

Lyons noted that she rarely makes use of joint sessions, but she will employ that approach on occasion if she feels it may be helpful, and she often begins her mediations with plaintiffs.

"A lot of my time I spend basically listening and understanding the parties' interests and motivations and trying to understand what it will take to settle the case," Lyons explained. "A lot of times it's not necessarily just the monetary issues. Sometimes there are other issues involved between the dynamics of the parties - especially if the parties have an existing relationship they want to maintain after the settlement."

Lyons mentioned business partners, family members and even neighbors as examples of disput-

ing parties she's worked with who continue to interact after their case is settled.

"So, then it's important that I really understand how we can craft a very customized settlement to preserve the relationships," Lyons said.

The retired judge said that while she often employs a more facilitative approach in her mediations, she will turn to increasingly evaluative strategies when she believes they will be effective.

"Because I was in the court for 18 years as a judge, the parties often want to hear my thoughts," Lyons explained. "So, I do share wisdom and discuss the strengths, the weaknesses, how I see the case. If it's appropriate at the right time and the right context and if I think it will move the ball forward toward settlement."

Laguna Beach defense attorney Wendy A. Sugg used Lyons recently to settle a wage-and-hour dispute, and she said the neutral was very good with her clients.

"On my side - with the employer - it's not as emotional. It's more of a money decision rather than a feelings decision," Sugg said. "But my clients enjoyed speaking with

her, felt that she understood their position and was relaying their arguments and concerns adequately. And that she also raised fair points for them to consider about potential damages, about the effect on their business. I felt like she was really good about connecting with them about their concerns."

Sugg also said Lyons wasn't shy about sharing her opinions on the matter.

"She is blunt with her assessment of the case, which I appreciate," Sugg said. "I suppose some clients may not always want to be told what all the bad things are up front, but I appreciate that she's blunt in her assessment."

Lyons mentioned, meanwhile, that unlike when she handled MSCs on the LA County Superior Court, the parties she's working with these days as a private mediator take part voluntarily.

"I do like the fact that the parties are invested in the process, and they're motivated, and they're there on their own," she said. "That really helps me in making the mediation successful."

Los Angeles plaintiffs' attorney Bryan T. Kirsh used Lyons to settle

a wrongful termination dispute last fall, and he agreed that the retired judge is terrific with clients.

"I think she does a really good job of developing a relationship with the client," Kirsh said. "So, by the end of the mediation, the client feels really comfortable with the process, and they trust her."

Kirsh said Lyons is also a mediator that he can trust.

"I don't feel like I need to protect the clients," Kirsh explained. "I know going into the mediation that I'm going to be ok, and I can kinda let my guard down because I know she's not going to do anything outlandish to either me or the client - other than to push me to get the case resolved, which I think is totally fine."

Here are some attorneys who have used Lyons' services: Wendy A. Sugg, Sugg Law Group APC; Bryan T. Kirsh, Shegerian & Associates Inc.; Joanna MacMillan, Joanna E. MacMillan, Constangy, Brooks, Smith & Prophete LLP; Andrew L. Alexis, Alexis Law Firm; Regina A. Petty, Fisher & Phillips LLP

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