

Mediation attorney helps parties resolve claims on their terms

By DOUG SHERWIN
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Lawrence Huerta sees himself as a problem solver.

It's a philosophy the San Diego attorney adopted from a mentor and former colleague, Judge Ron Styn.

"He was one of best lawyers I've ever worked for in my career," Huerta said. "I have an enormous respect for him, too. He's a man of integrity, a really bright man, and his philosophy was: As lawyers we're problem solvers. I thoroughly embraced that.

"I've always seen myself more as a counselor-at-law than a litigator, even though I've spent my time in the legal business as a litigator."

Huerta is currently putting his philosophy to good use as the head of his own mediation and arbitration law firm, **Huerta & Associates**.

The former fulltime litigator has focused on mediation since 1996, when, as counsel for the Resolution Trust Corp., he attended a mediation conducted by retired judge and noted mediator J. Lawrence Irving.

"That kind of lit my passion for the process," Huerta said. "From that point on, the self determination aspect of mediation really appealed to me. It's a wonderful process for evaluating and controlling (your) own risks."

A 1983 graduate of the University of Michigan Law School, Huerta started his career as a litigator with the Los Angeles firm **Ball, Hunt, Hart, Brown & Baerwitz**. Legendary trial attorney Joe Ball, a member of the Warren Commission, was still trying cases at the age of 83 when Huerta was with the firm. Huerta also worked at the Los Angeles firm **Buchalter, Nemer, Fields, Chrystie & Younger**.

He ventured to San Diego in the mid-1980s to work at Styn and Garland. After a brief return to Los Angeles, Huerta came back to San Diego for good in 1989 as an attorney with Schall, Boudreau & Gore.

He opened his own law firm two years later and eventually earned his mediation credential from the San Diego Mediation Center (now known as the National Conflict Resolution Center) in 1996.

Huerta focuses the majority of his practice on labor and employment mediation. He conducts regular employment mediations for the U.S. Postal Service and the U.S. Forest Service and has overseen more than 100 Equal Employment Opportunity Commission mediations.

When the post office rolled out its new "redress mediation training" program in 1997, Huerta was among the first people chosen for it. He subsequently was selected for its "redress II" training.

"They were clogged up with a lot of grievances and EEO (equal employment opportunity) disputes," he said, "so they



Photo: J. Kat Woronowicz

Lawrence Huerta is the head of his own mediation and arbitration law firm, Huerta & Associates.

rolled out this mediation program to address that. It's been very successful in terms of increasing the harmony in the workplace there."

Huerta has developed a pair of one-hour courses, titled "Why Mediation Works and What Works Well in Mediation" and "Why Mediation Works and What Works Well in Employment Mediation." They are approved for MCLE credit by the state bar.

He likes mediation because of its efficiency and its less adversarial nature.

"For relationship-based disputes, it's a fantastic method of resolution," he said. "When you want to see something of a relationship preserved at the end of the dispute, you're much better off with a self-determined, collaborated outcome than a third-party decided outcome, where you have a winner and a loser.

"In mediation, everybody comes out a winner to some degree."

The key qualities a neutral party needs to bring about a successful negotiation and resolution are the ability to listen and to be trusted.

"If the parties and counsel learn to trust the process and trust the mediator — and the mediator's a good listener — a lot of great things will happen in that process," Huerta said.

Huerta himself places a high value on trustworthiness.

"In fact, that's probably why I went to law school in the first place," he said. "If there was one thing that appealed to me about being a lawyer it's that people trust the idea of a lawyer-client relationship."

Huerta has mediated and facilitated more than 750 commercial, real estate and employment cases. Additionally, he arbitrates cases for the American

Arbitration Association, the Financial Industry Regulatory Authority, the San Diego County Superior Court Mediation Panel and the California Department of Insurance Mediation Panel.

He also was a member of the Duke University Private Adjudication Center, and he occasionally handles civilian employment cases for the U.S. Navy.

Like most everyone, the recession is affecting Huerta's practice. With companies forced to make cutbacks, it puts a strain on the employee-employer relationship. It can increase the number of termination cases.

"I think affordability of litigation is increasingly an issue (today), and makes mediation a better and better alternative," Huerta said.

He said mediation is a great way to preserve relationships, even in employment cases involving termination.

"I think there's a lot of personal and deep feelings about employment relationships that can be harmonized through the mediation process," he said. "The parties get a sense of closure with dignity rather than a sense of victory or defeat."

And he said it's as perfect a forum for resolving issues as you can get.

"Parties get everything in mediation," Huerta said. "They get the opportunity for self-determined outcome; they get their 'day in court'; they get heard; they get the opportunity to stand for a principal that was important to them; and (they get to) bring the matter to a close, all in a lot more efficient, expedited timeframe at a great deal less personal toll and financial toll to everyone involved."

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