

The Sculptor

By Justin Kloczko | Mar. 6, 2020

Lance LaBelle is skilled at getting rid of excesses in cases, attorneys say.

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IRVINE — Lance A. LaBelle likes to tell parties to expect lot of bravado and posturing in mediations, but it's not something that should intimidate them.

"One party might be in the stratosphere, and the other party might be in the basement," Labelle said, who's been with ADR Services Inc. for about two years. "It is best not to overreact to what you're hearing because there is posturing going on. You have to let the process play out because you won't know if a case will settle until later in the day."

He's had to chase down parties in elevators and parking lots and lure them back to the negotiation table.

"It is a matter of trying to find out where you can build a bridge and find areas of agreement," Labelle said.

So how does he do that? The neutral, who primarily does mediations involving insurance coverage, landlord-tenant and commercial disputes, said it mostly involves showing parties how much in control they actually are.

"When they go to court, they lose that control because it is what a judge or a jury will decide. The relief we create is something they cannot get in a courtroom," Labelle said during an interview in an ADR Services conference room facing John Wayne Airport. "In a mediation, parties can agree to almost anything so as long as it is not illegal," he said.

Not settling leads to a lot of time and money and uncertainty, according to LaBelle.

He conducts siloed mediations and will bring parties together only if it is productive and the dynamics are right.

"There is a lot of intelligence you can gather just talking one on one about the case," Labelle said.

He's a fan of using a double blind bracket, where each side writes a number on a piece of paper which the parties can accept or reject. If they say yes, there is a new set of numbers. If no, it is back to the drawing board.

"Sometimes I have a feel for a case even before I get to a mediation and see where the points of departure and points of agreement are and what buttons need to be pushed. I rely on attorneys to educate me because they know the case better than I do," Labelle said.

The most important aspect of mediation is sharing information with the other side and getting the other side to understand one's strengths and weaknesses, Labelle said.

Sometimes a client will have an overzealous advocate in his or her corner or someone who doesn't have experience in the case at hand. LaBelle said he will recognize when advice is not on target and bring it up.

"You have to be careful as a mediator to not undermine the attorney-client relationship while on the other hand there are times when you can take the attorney aside and say, 'Have you thought about this?' and get the case back on track," LaBelle said.

Irvine attorney Michael E. Lopez, whose firm Lopez, Bark & Schulz LLP has used LaBelle a handful of times, described LaBelle's approach to mediating cases as that of a sculptor.

"Lance approaches mediations the way that a sculpture approaches a piece of marble and says, 'The statute is already there. I just have to get rid of the excess,'" said Lopez.

His law partner, Brian Z. Bark, said LaBelle was the most effective mediator they have used out of dozens.

"In insurance coverage, you can spend eight months litigating and be right back in mediation. Lance has a feel for where a case will end up," said Bark.

Grant Riley of Riley Law Group in Beverly Hills is just as laudatory of LaBelle's work.

"I have been doing this for 35 years, and Lance is probably the best," said Riley, who estimates he has used about 50 neutrals.

LaBelle is honest, facilitative, and very affordable, Riley said.

"He works the problem," Riley added.

LaBelle practiced for 30 years as an insurance coverage specialist at Berger Kahn. He eventually realized he enjoyed getting cases off his and his clients' desk rather than litigating each case tooth and nail. LaBelle then became a panelist at the American Arbitration Association before starting his own neutral shop. But running his own business proved to be too taxing, and he decided to join ADR Services in 2018.

His shortest mediation was done in under a half hour, LaBelle said. It was a real estate case in which the parties did not want to be there but were contractually obligated to give mediation a shot.

"So they scheduled the mediation just to fulfill the requirements saying they went to mediation," LaBelle said.

Much to the parties' surprise, the case settled.

"I come to every mediation with some optimism that we're going to do that. I am probably more evaluative, in a way that is politically correct and doesn't destroy trust," LaBelle said.

He said a lot of attorneys use a mediator the other side chooses because the attorney wants the opponent to listen to the mediator.

"If you feel the mediator is going to do a good job with the other side that could be an advantage," LaBelle said.

Some 40 years ago, prior to law school, LaBelle was a serious jazz keyboard player in Minneapolis, Minnesota. He once jammed with the musician Prince in his father's basement, LaBelle said.

“Prince played the drums, and I played the keyboards. He was just forming his band, which ultimately became The Revolution,” Labelle recalled. “I didn’t think the kid was going to make it.”

Here are some of the attorneys who have used LaBelle’s services: Eric Little, Little & Karzai; Kere Tickner, Tickner McLiman; Gerald S. Ohn, Law Offices of Gerald S. Ohn; David E. Libman, Law Offices of David E. Libman.

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