

Jan. 26, 2007

Neutral Follows Science to Heart of Mediation

By Anne Marie Ruff
Daily Journal Staff Writer

Sometimes, Lynne Bassis finds too many amygdalas in the mediation room.

Most people have no idea what their amygdala is, much less how to control it in the interest of settlement.

But Bassis, a keen student of neuropsychology knows that often our primitive brain, our amygdala, spurs us on in a conflict, heightening emotions, preventing us from making rational judgments about what is said or what is happening.

"I have seen men in three-piece suits acting like little kids, calling each other names," Bassis said.

So she tries to make sure that everyone in her mediations uses their modern brains, their cortexes, to facilitate more reasoned and less inflammatory communication. And that requires a little more time, a few seconds to think before speaking.

It is unlikely that anyone in the room besides Bassis is aware of the scientific basis that underlies her mediation.

But lawyers who have worked with her just know that her style works.

"She shows a great deal of interest and attention to what's happening, and that's contagious," said Rick Harmon of Harmon & Davies in Lancaster, Pa., a labor and employment defense firm.

"She also does a decent job of controlling the posturing and reactions of both sides," he said. Harmon has used Bassis for several disputes. All have settled.

Bassis said that a scientific understanding of conflict and the brain is only part of her strategy. There is also an art to mediation that requires fluidity and flexibility, really listening to the

parties and their counsel and coming up with different approaches if necessary.



ANNE MARIE RUFF / Daily Journal

"I have seen men in three-piece suits acting like little kids, calling each other names. I give my thoughts and analysis. I do it kindly, but I do it," neutral Lynne Bassis said of her approach to her mediation practice.

David Nye of Nye, Peabody & Stirling in Santa Barbara said of Bassis, "She relates better to clients than a lot of mediators do. It's not a mechanical process for her. She has a lot of compassion, but it doesn't affect her neutrality."

"I give my thoughts and analysis," Bassis said. "I do it kindly, but I do it."

She received her first training in mediation in 1989, but her affinity for the process started long before that.

When she was in high school in Inglewood, tensions around racial integration escalated to threats of violence between rival racial gangs on campus. The school convened emergency meetings over an entire weekend with a member of the Los Angeles County Commission on Human Relations. Bassis, who was on the Student Council, participated.

"I recall how the process [of crafting a solution] made sense, how intuitive it was to me and how, through dialogue and negotiation, a highly charged conflict situation was quelled," she said.

Bassis describes her areas of specialty not according to practice areas but rather as those conflicts in many areas of the law that take place at "the intersection of the law and human emotion."

Throughout her 14 years as a litigator, she said, she always had a sense of the other side and felt very comfortable in the middle of conflicts. She mused that she might have been a psychologist but loved the academic discipline of the law.

Bassis became a full-time mediator by 1991. Since then, she has been very active in the mediation community.

Harmon said, "She is someone who embraces not just the science of mediation but the cause of mediation."

By 1993, Bassis became a mediation trainer for the Los Angeles County Bar Association. She has continued to teach for the group while teaching courses for high school students, UCLA extension, the U.S. Postal Service, Southwestern University School of Law, University of California, Riverside and, recently, the U.S. Air Force at bases throughout the country. Bassis is a member of the International Association of Mediators, and she publishes frequently on the topic.

She said the variety of work keeps her from getting bored, but within each mediation, she does not lose her focus.

Craig Staub, a labor and employment defense attorney at Littler Mendelson said Bassis, "works very hard and exhausts all opportunities for settlement."

Bassis was able to mediate settlements for both of the employment cases Staub brought to her.

Bassis does not keep statistics but said her settlement rate is very high; most of her mediations settle.

Bassis described one of the ways she can keep people at the table to work through all the options.

"I make people promise that they will tell me if they feel like quitting or giving up before they actually leave or give up," she said. "That gives me an opportunity to do a course correction."

Bassis has seen the whole field of mediation mushroom in the last 17 years, and she has seen more and more attorneys recast themselves as mediators. But even if lawyers do not become mediators, she believes it is increasingly important for them to be comfortable with mediation.

"More often than not, they will be facing mediators, not a judge," she said. "So the real skill set is being able to negotiate with opposing counsel."

Here are some attorneys who have used Bassis' services:

Debora S. Vierra, Ventura; David L. Nye, Nye, Peabody & Stirling, Santa Barbara; Patricia L. Kasschau, Toyota Motor Sales, USA Inc, Torrance; Daniel T. Hogue, Pasadena; Craig G. Staub, Littler Mendelson, Century City; Rick Harmon, Harmon & Davies, Lancaster, Pa.; Alfred Klein, Rodi, Pollock, Pettker, Galbraith & Cahill, Los Angeles; Daren H. Lipinsky, Brown & Lipinsky, Chino Hills; Steven R. Yee, Yee & Belilove, Pasadena; Scott E. Wheeler, Claremont; William M. Betley, Atkinson, Andelson, Loya, Ruud & Romo, Riverside; Charles E. Slyngstad, Morris, Pollich & Purdy, Los Angeles.

© 2007 Daily Journal Corporation. All rights reserved.