

## Daily Journal

# VERDICTS & SETTLEMENTS

# Don't Quit Your Day Job

Louise LaMothe prepared for eight years before leaving her practice to become a fulltime arbitrator and mediator.



By Susan McRae

Daily Journal Staff Writer

**L**OS ANGELES — After 18 years at Irell & Manella LLP, Louise LaMothe said she wanted a less frenzied career, one that allowed her to spend more time with her husband and their young son yet still use her legal skills.

She decided on a career as a neutral, but it took another eight years of planning to get there.

## ADR Profile

Heeding the advice of a colleague who told her not to quit her day job, she began by trading her partnership at Irell for litigation work at Riordan & McKinzie (now Bingham McCutchen LLP), where she focused on employment law. Several years later, she took an of counsel position at what now is Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Licenberg, which she said gave her more flexibility to pursue her ultimate goal.

At the same time, she signed with the American Arbitration Association for arbitration cases and Los Angeles County Superior Court's pro bono panel for mediation work.

"I had to develop a separate reputation as a neutral," she said. "It helps if you've got a good reputation as a litigator, if you're perceived

as fair and reasonable ... but then you've got to develop a reputation for seeing both sides of a case, for being tenacious if you're working as a mediator and well prepared, thoughtful and thorough if you're working as an arbitrator."

Her diligence has paid off.

Since 1999, she's sustained herself as a full-time neutral, splitting her time between mediation and arbitration.

Working from her home office in Santa Barbara and through affiliation with several neutral providers in Southern California, she focuses on complex business and commercial litigation and employment cases, specialties from her practice days. She has also mediated several civil rights claims.

In addition, she's published and taught extensively on alternative dispute resolution, developed videotaped materials for training lawyers in mediation skills and writes semi-annual updates in the California Civil Practices' business litigation volumes, work she credits for keeping her informed about the latest commercial cases and trends.

Lawyers who've used LaMothe for mediations and arbitrations describe her as practical and professional and say she has a good understanding of legal issues driving a case.

In a three-day arbitration several years ago to decide class certification in a wage-and-hour case, law-

yers for both sides said she allowed them ample time to put on their case, including letting witnesses testify fully.

In the end, LaMothe granted certification to drivers employed by a residential appliance delivery service, with the exception of workers that the drivers hired to assist them or drive for them. *Chavez v. 3P Delivery Inc.*, 11-145-Y-1839-07 (American Arbitration Association).

"It was a big case, a complex case," said plaintiffs' lawyer George DeLaFlor of La Mesa. "Not everything went our way but I had no problem with her rulings. She was competent, professional and had a good command of the law."

Respondent's lawyer Eric L. Barnum of Schiff Harden LLP in Atlanta representing employer 3P

Delivery Inc. described LaMothe as patient, adding that she "allowed all witnesses to testify fully, allowed full cross examination and certainly let the lawyers do their best to present [their] cases."

Alfred Klein and Anne Edwards of Rodi Pollock Pettker Christian & Pramov ALC in Los Angeles used LaMothe for a mediation in a contract dispute, selecting her from the U.S. Central District Court's panel in Los Angeles.

# Neutral kept her day job before career change

They said she told them she wouldn't charge extra for driving to Los Angeles from Santa Barbara if they agreed to a full-day mediation. They said she worked tirelessly for 10 hours to help parties reach a resolution.

"She was good at diffusing the emotions and getting the parties to communicate with each other," Klein said. "She has a terrific demeanor."

LaMothe also recently mediated a civil rights case to resolution. The dispute included allegations of First Amendment violations, retaliation, wrongful arrest and excessive force involving an altercation between police officers and a couple attending Santa Barbara County's Strawberry Festival in Santa Maria. *Madrigal v. City of Santa Maria*, CV10-4479 (C.D. Cal., filed Dec. 27, 2011).

San Luis Obispo-based Joshua M. George of Adamski Moroski Madden Cumberland & Green LLP, the firm representing Santa Maria, credited LaMothe's diligence for helping parties reach a settlement after two mediation sessions.

"One thing Louise did that I thought was particularly helpful after the first mediation was that she continued to monitor court filings so that she was up to speed when the second mediation took place," George said. "She had a practical, common sense approach and was flexible and willing to switch courses when one direction didn't work out."

A 1971 Stanford Law School graduate, LaMothe said she became interested in law during that time because of her perception of gender and racial inequality in the workplace — something she said she experienced firsthand.

As a third-year associate at Irell, she said that when a firm partner submitted a motion to admit her to practice before the U.S. Central District Court in Los Angeles that

the judge looked down at her and asked, "Why did you pick me to get admitted before? Everyone knows how I feel about women practicing law."

"You can imagine how humiliated I was," LaMothe said in a 2001 interview with the Daily Journal. "I couldn't do or say anything because I didn't want what I said to [lead to] the detriment of our client. So I just had to take it."

From then to now, she said she's seen a sea change in the profession, not just for women but diversity in general. Although she said she'd like to see more young people entering the ADR field, she said the reality is that lawyers are looking for neutrals with a track record that only comes "with years of experience and gray hair."

But, she added, it's not a profession for people looking to slow down.

"I think younger lawyers using our service are looking for people who are alert, tenacious and well prepared, in other words not people who are resting on their laurels," she said. "This is an area that requires a lot of energy."

*Here are some lawyers who've appeared before LaMothe in mediations and arbitrations:* Peter Dolan, The Dolan Law Firm, Los Angeles; Eric L. Barnum, Schiff Hardin LLP, Atlanta; George DelaFlor, La Mesa; David Emerzian, McCormick Barstow LLP, Fresno; Anne Edwards, Alfred Klein, Rodi Pollock Pettker Christian & Pramov ALC, Los Angeles; Kevin P. Gerry, Santa Barbara; David Cumberland, Joshua M. George, Adamski Moroski Madden Cumberland & Green LLP, San Luis Obispo

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## Louise A. LaMothe

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