

Mediator Sees the Settlement as Her Real Client

By Maya Meinert
Daily Journal Staff Writer

Linda B. Bulmash likes a challenge. The 63-year-old ADR Services mediator has been challenging herself all her life — with success. She was the only female math-science major at her high school. She went back to school as a single mother of two, earning her law degree 20 years after graduating from college. She became a litigator, first on the defense and then on the plaintiffs' side.

ADR Profile

And when she saw how well mediation worked for her own cases, she switched gears and became a full-time mediator, taking on highly emotional cases, including those involving sexual harassment, employment discrimination and wrongful death.

"It really challenged my creativity and my people skills and my negotiation skills," Bulmash said. "It just had all these fabulous elements. And at the same time, it challenged my legal brain. I thought, this is like the perfect career. And I was hooked.

"This gives me the opportunity to do things I couldn't do when I was just a litigator, to work with people in different ways," she said.

She said she especially enjoys the creativity involved in mediation, adapting to each situation to connect with lawyers and clients. In addition to mediating emotional employment and personal injury-related cases, which make up the largest and smallest parts of her workload, respectively, she takes on business, real estate, insurance, and professional and legal malpractice cases. She also arbitrates a small number of cases.

"I see myself as a big picture person," she said. "I read the briefs, I create time lines. But in a highly emotional case like wrongful death, I don't say, 'I read your brief, here are the facts as I understand them, fill in the blanks.' Because these people are here to be able to be heard, and be heard in a safe atmosphere. I have to create a place where they can feel safe."

Attorneys she has mediated for cite her ability to connect with their clients and understand their points of view.

"She makes sure they understand someone is listening to them," said Jeffrey L. Cohen, a name partner with Pavone & Cohen in Encino who practices business and employment law. "I'm surprised at times at the questions she's asked that have gotten the better settlements. She can perceive personal relationships that might have been between parties that may not have been on the surface."

Bulmash said she will sometimes bring into a mediation the significant other of a client if she thinks that person is integral to reaching a settlement. She said she doesn't tell people what to think so much as guides them in figuring it out for themselves. And sometimes just something as simple as touching someone's hand can make all the difference.

"She doesn't use the same technique in every mediation," said Cohen, who has used Bulmash's services about five times. "That impresses me tremendously



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Bulmash said her mediation style is chameleon-like.

"My style depends on what is needed," she said. "I can do facilitative, and I can do that well. But I think all cases get down to the evaluative, and I think that that's what the attorneys want."

Michael S. Kun, an employment defense attorney with Epstein Becker & Green in Century City, pointed out Bulmash's ability to effectively explain tough issues to his clients.

"I know a lot of mediators who make a handsome living by just being a messenger, going back and forth between the parties," Kun said. "But I think Linda goes beyond that. She is able to tell each side the strengths and weakness of their case and get movement. And she can be tough. She's not afraid to step on toes. She won't embarrass anybody, but at the same time, she can shoot straight with people."

Bulmash knows she can be tough, but sometimes it's necessary.

"If they think that I'm being hard on them, I say, 'Don't worry — I'm equal opportunity in the other room,'" she said. "My real client is the settlement. But I make it a practice not to get so married to the idea of settlement that I can't stop the process and say, 'You guys need to do more litigation, or more discovery.'"

Lawyers she has worked with said that she is exceptionally knowledgeable about employment law.

Virginia Keeny, a partner with Hadsell & Stormer in Pasadena who handles employment cases on the plaintiffs' side, mediated an employment discrimination case with Bulmash. Keeny represented a transgender employee who was terminated from a well-known hotel in Los Angeles, and Keeny was impressed with Bulmash's knowledge of this new area of the law.

"She is more knowledgeable about employment law and cutting-edge issues than most mediators or arbitrators we interact with," said Keeny, who has also participated on panels with Bulmash. "Linda does a better job than most in terms of keeping herself abreast of the law."

Bulmash grew up in the 1950s on the Westside of Los Angeles, with an engineer father who supported her "striking out into uncharted territory."

"He wanted me to be something that most women never became," she said. "I was very lucky to have a father who was supportive of women having their own careers."

Since she was specializing in math and science in high school, her father wanted her to become a scientist, but she majored in political science and international relations at UCLA instead.

After graduation in 1965, and with limited professional options for women at the time, Bulmash taught third and fifth grades in Los Angeles city schools. She married young and soon quit working. As her children got older, she went back to work part time, selling real estate and negotiating contracts for Rocketdyne, a rocket engine company.

But she didn't feel like any of her previous jobs were the right fit, and taking a cue from her lawyer husband, whom she was divorced from by this time, she decided to try law school.

"I figured that if I didn't like it, I could leave," she said. "But within a month, I

felt like I had finally come home. I finally found a place that fit the way my mind works, rather than me trying to massage my mind into fitting someplace else."

At the end of the first year, she was third in her class at Whittier Law School. She graduated in 1985.

She then went to work for Susan A. Grode, who is known for her entertainment practice. It took Bulmash less than a year doing transactional work to realize she would rather be in a courtroom.

She went on to work for Marrone, Robinson, Frederick & Foster in Burbank, working in civil defense for eight years there. In 1993, she decided to try plaintiffs' work and joined Kiesel & Larson — now Kiesel, Boucher & Larson — in Beverly Hills. Bulmash and name partners Paul R. Kiesel and William L. Larson were classmates at Whittier.

She opened her own practice in Encino less than two years later.

An impressive encounter with mediation, though, came in the early 1990s. She was working at Marrone Robinson on an insurance coverage case related to a landslide that had about 200 plaintiffs and 13 insurance companies involved.

Marrone Robinson was chosen to facilitate resolution of the case.

"We were in effect mediating this case for everybody," Bulmash said. "No one went to trial. We were able to negotiate a settlement [for all the insurance companies]. To have that many people you're dealing with, and that complex a case and to be part of the process, I said,

"This is great."

As more of her own cases began to settle, and after having her first case as a sole practitioner mediated by retired Superior Court Judge Eli Chernow, Bulmash said, she became a complete convert to mediation. She started mediating cases in 1996 and went full time two years later. She joined ADR Services in 2001 and handles close to 100 cases a year.

She has taken to mediation so enthusiastically that she created the first alternative dispute resolution section for the San Fernando Valley Bar Association in 1996, and she is currently co-chair of the labor and employment section for the Beverly Hills Bar Association. She serves as a panelist and speaks at seminars about alternative dispute resolution, and the Los Angeles County Bar Association created a monthly newsletter, "One Minute Negotiation Tips," based on Bulmash's own database.

She has even started a program to bring mediation and negotiation skills to children called Conflict Resolution Education Works for Kids, or crew4kids.org. The organization's aim is to instill these skills at an early age to stem the growth of school violence.

"If we could make conflict resolution skills part of the core curriculum in the schools, we could change a culture," Bulmash said. "I'm giving back and putting back into the dispute resolution community something that I feel is valuable."

Since starting the program almost a year ago, she said, a few Los Angeles-area schools have expressed interest. She said she devotes almost a quarter of her time to the project and is currently funding it herself.

In the meantime, she is enjoying her work as a mediator, whether it's steering the highly emotional cases she's known for or the straight-forward business ones.

"We all find our niche," she said. "For me, it's because I can do [emotional cases] well. Those kinds of cases came in, I found that I can relate to people, people can relate to me, they feel comfortable, and we can make that kind of movement. I like the others as well because you need a little variety in your life, but I got a reputation for [emotional cases], and I enjoy doing that."

Some of the lawyers who have used Bulmash's services are:

Rebecca M. Aragon, Parker, Miliken, Clark, O'Hara, Samuelian, Los Angeles; Robert S. Blumberg, Littler Mendelson, Century City; Jeffrey L. Cohen, Pavone & Cohen, Encino; Patrick A. Fraioli, Moldo Davidson Fraioli Seror & Sestanovich, Century City; Mika Hilaire, Appell Hilaire Benardo, Sherman Oaks; Virginia Keeny, Hadsell & Stormer, Pasadena; Michael S. Kun, Epstein Becker & Green, Century City; D. Jay Ritt, Bensinger, Ritt, Tai & Thvedt, Pasadena; Steven E. Young, Freeman, Freeman & Smiley, Los Angeles; Andrew J. Waxler, Waxler Carner Weinreb Brodsky, El Segundo.