

VERDICTS & SETTLEMENTS

FRIDAY, MARCH 8, 2024

Persuasive, not confrontational

Lindsey Bayman learned conflict resolution skills as an entertainment industry executive.

By Shane Nelson

Special to the Daily Journal

Lindsey J. Bayman spent more than 20 years working in the entertainment industry, tackling a recurring pair of challenges that she said first sparked her interest in mediation.

“I was a business affairs executive, and basically, the job there is twofold,” Bayman explained. “You’re negotiating deals all day, which gave me a really good sense and an interest in situational dynamics and messaging in the context of a negotiation. And then the other role is problem solving, which a lot of time in the entertainment industry involves conflict resolution. ... It’s really that background and doing those two functions day in and day out that led me to mediation as a career.”

Raised in Hong Kong and educated in England, Bayman first came to Los Angeles in the summer of 1989, passing the bar later that year while working for what is now Dentons.

Bayman spent roughly six years in Southern California handling transactional work in the industry before moving in house as head of business affairs for a Los Angeles movie and television company. Over the next two decades, Bayman worked as an executive at a few entertainment businesses, including nearly a decade as executive vice president of motion picture business affairs for Paramount Pictures.

She changed gears significantly, however, in 2018 when she joined



Justin L. Stewart / Special to the Daily Journal

the plaintiffs’ trial team representing people harmed by the 2015 Aliso Canyon natural gas well blowout in Northridge.

“It was a sea change in my career,” Bayman said, noting that an attorney friend involved with the matter asked her to join the plaintiffs’ team. “It was a huge case, and being lucky enough to work with elite plaintiffs’ lawyers, doing hundreds of depositions - it was a really great experience, and it was very different to anything I’d done before.”

After the Aliso Canyon case wrapped up in the late summer of 2021, Bayman committed herself

to fulltime work as a mediator, and since then she’s handled a wide range of personal injury, employment, business and professional negligence disputes.

Before mediations, Bayman said she likes to receive briefs from all the parties and speak over the phone with counsel. “It helps me calibrate my style to get a better sense of the dynamics at play,” she said. “It’s also very efficient because it helps me know what areas to focus on.”

Bayman doesn’t like to have the parties together during mediations, but she does typically start off with a brief introduction about

Lindsey Bayman

Lindsey Bayman Mediation
Los Angeles

Areas of Specialty:

- Personal Injury
- Employment
- Business / Contracts
- Professional Negligence
- Intellectual Property

www.lindseybayman.com

herself and the process. She noted that she will sometimes spend a little extra time early on with litigants on the plaintiffs’ side, who often find themselves experiencing mediation for the first time.

“Sometimes, they might have been set for a deposition and been really prepped for a depo,” Bayman explained. “And they can bring that guardedness into a mediation. I think one of the great things about mediation relative to litigation is that it’s an informal process. And I really like to try and put people at ease as much as possible.”

Bayman described listening attentively as fundamental to her

process, and said she pays careful attention not only to what's being said but also how a litigant is speaking - the tenor they use, for example, as well as what they're not saying.

"Sometimes even what's unsaid can be very telling," she explained.

Bayman said allowing litigants a chance to share their stories can at times be cathartic, but she noted that too much venting can at times interfere with the resolution process.

"It's a fine line because sometimes you can get a plaintiff too invested," she said. "You don't want them to entrench or dig themselves into a position in a way that might impede settlement. ... I try to manage that quite carefully."

Bayman will make use of mediator's proposals if both sides agree beforehand. While she will weigh in with a more evaluative approach about a case's strengths and weaknesses, she noted that she tries to apply that perspective delicately, taking her cues from the attorneys she's working with.

"I think it's important as a mediator to remember that you're there

to mediate the case. You're not an advocate; you're not advising the parties as their lawyer," she said. "They have lawyers - usually, very capable lawyers - representing their interests. ... You have to be very, very aware of being respectful to the lawyer and the lawyer's relationship with the client. I really do take my lead from counsel a lot of the time."

Los Angeles attorney Mark J. Geragos has used Bayman as a mediator in a medical malpractice case, and he said she's become a top tier mediator relatively quickly.

"She's very good at allowing clients to feel as though they've been heard," Geragos explained. "And she will dig into the facts. There are mediators who will kind of just pass through the facts and just get to numbers, but she's got a nice way about her in terms of giving you input as to what the weaknesses of your case are to help you evaluate your position in real time."

Geragos noted that settlement efforts with Bayman are ongoing in his medical malpractice case.

"But I've really found her so far to be worth the money even if we

don't settle," he explained. "I like getting somebody else's eyes on it if I think they're giving me an honest appraisal, and she fits into that category."

Los Angeles plaintiffs' attorney Demetrios Papanikolas has used Bayman to settle a personal injury dispute, and he agreed that the mediator is good with litigants.

"She was able to explain the issues in a way that my client could grasp them but also at the same time was empathetic," Papanikolas said.

Describing Bayman as well prepared, knowledgeable and efficient, Papanikolas said he felt the mediator pushed both sides equally in her effort to reach a resolution.

"She tried to get right to the point," Papanikolas explained. "It seemed like she had a focused plan for how she wanted to go about discussing the case - at least with our side. And in the end, that really seemed to bear fruit."

Huntington Beach defense attorney Robert L. McKenna has used Bayman as a mediator in a medical negligence case and described her as "persistent without being pushy."

"And she clearly put in a lot of time getting up to speed on not only the facts and the law but also the medicine," McKenna said. "She was conversant with the medical concepts and terms, and that was impressive. It was clear she spent a great deal of time on the case before the mediation."

McKenna added that Bayman often employed an approach that he felt was "persuasive but not confrontational."

"If she has a different view of the case than you and your client, she'll take a very soft, diplomatic approach to it," McKenna said. "She's not too forceful in terms of alienating people or pushing people away. ... She's just really interested in getting a case resolved."

Here are some attorneys who have used Bayman's services: Mark J. Geragos, Geragos & Geragos; Robert L. McKenna, Kjar, McKenna & Stockalper LLP; Demetrios Papanikolas, Jacoby & Meyers LLC; JoLynn M. Scharrer, Hunt Ortmann Palfy Nieves Darling & Mah INC; David A. Shimkin, Cozen O'Conner.

shane_nelson@dailyjournal.com

Reprinted with permission from the *Daily Journal*. ©2024 Daily Journal Corporation. All rights reserved. Reprinted by ReprintPros 949-702-5390.



LINDSEY BAYMAN
MEDIATION