

Advice from a Wage Wonk

Steven Pearl, a neutral at ADR Services Inc., uses his expertise in wage-and-hour laws to resolve labor and employment disputes.

By Ryne Hodkowski
Daily Journal Staff Writer

At first glance, Steven Pearl of ADR Services Inc. could be described as an “attorney’s mediator” — a neutral who doesn’t force his procedures or timetables down the parties’ throats and instead lets them control the process.

Upon closer examination, however, Pearl clearly prides himself on a reputation for being as tenacious, persistent and frank as he is facilitative.

A graduate of UC Hastings College of Law, Pearl briefly joined Orrick, Herrington & Sutcliffe LLP as an associate before forming the Pearl Law Firm in 1994. As principal of his own firm, Pearl specialized in employment law. In 2011, he parlayed that expertise as a plaintiffs’ attorney into a full-time mediator position with ADR Services.

“He knows wage-and-hour law better than anyone else out there,” said Randy Renick, a partner at Hadsell, Stormer, Keeny, Richardson & Renick LLP, who had a wage-and-hour mediation with Pearl. “He was quite good at using his knowledge of the law to educate the defendant and even myself.”

“He has such an expertise in the field of wage-and-hour,” said John L. Barber, vice chair of Lewis Brisbois Bisgaard & Smith LLP’s employment, labor and worker’s compensation department. “There’s no need for you to educate him, and in fact, he’s often able to teach you something about the law.”

Two decades ago, when Pearl was finishing up law school, mediators were mostly retired judges. Now, Pearl estimates that ADR Services is a “seventy-thirty” split between retired judges and attorneys like himself.

“He was a good plaintiffs’ attorney, so he brings a very practical, no-nonsense approach to the table,” Barber said.

Pearl currently writes an employment law newsletter with nearly 1,000 subscribers on both sides of the bar and has co-authored two books. He also maintains an online site called the California Employment Law Blog, with reviews and analysis of labor law cases.

“He’s very generous in sharing ideas and briefs through his blog,” said Jennifer Kramer of Jennifer Kramer Legal APC, who praised Pearl for “coalescing wage-and-hour practitioners from both sides.”

Of course, simply having an encyclopedic knowledge of the law doesn’t make one a competent mediator, much less a terrific one.

But it’s Pearl’s sympathetic, yet blunt and evaluative style that attorneys say they find so effective.

“He’s modest and patient,” said Renick. “He doesn’t make threats, and he doesn’t clobber anyone over the head.”



Steven G. Pearl

ADR Services, Inc.
California
Specialty: Employment Law

Robert Levins / Daily Journal

“In employment cases, it’s useful to have a level of empathy and connection between the mediator and the plaintiffs,” said Bert Voorhees, founding partner of Pasadena-based Traber & Voorhees. “[Pearl] can ask questions and probe them without doubting them or having them feel like their human experience doesn’t matter.”

Pearl reiterates that although he attempts to leave the process up to the attorneys, he isn’t afraid to be evaluative and inculcate them with the facts of the case.

“I had a case where the attorney was on the wrong track and I pulled him aside and asked him if he really thought the other side was going to settle the case at his number,” explains Pearl.

When the attorney replied that he was optimistic the other side would settle, Pearl said he replied bluntly: “You’ve got to be kidding me.”

The two were then able to sit down, re-trace their steps and come up with a more reasonable figure that both parties could live with.

“The thing I’m proudest of, the thing I do consciously, is that if I ever catch myself thinking ‘this is not going anywhere, this is going to end,’ then I turn my thoughts to: ‘what other avenues can I explore?’”

“What I want to be known for as a mediator is that I’m someone who is relentless as hell and will not give up on a settlement,” Pearl said.

“It’s very important to know you’re going to have a mediator that keeps following up with you until the case is resolved,” said Kramer, who has mediated with Pearl on more than one occasion, and at least once, the case did not settle in one day.

“Some mediators may say, ‘This isn’t the right

time to get the case settled,’ and then won’t follow up. [Pearl] kept the parties engaged by staying in contact with myself and the defense counsel and spent time outside of the hours he had been paid for.”

Some attorneys said they viewed their cases as lost causes.

“The case I was involved in I thought was going to be impossible to settle,” said Renick. “I’ve since recommended Steven to two others and they said the same thing — that he settled cases they did not think were possible to settle.”

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— Randy Renick

“We picked [Pearl] because after speaking to other employment counsel, one thing they said was that he really dug in and was determined to get to ‘yes’ and to put in the level of work and thoroughness that, in at least one instance, settled a case the attorneys thought was impossible to settle,” said Voorhees.

“I never try to take shortcuts with people,” said Pearl, who added that while a mediator’s proposal is within the realm of possibility, it remains a shortcut and an absolute last-ditch effort that requires the utmost of confidence in its success.

When Pearl isn’t mediating or writing, he’s speaking. Pearl said he averaged more than one speaking engagement per month in 2012 on topics including the Brinker case, discrimination and harassment, wage-and-hour and, of course, mediation.

“I love speaking. I have so much fun going out and addressing an audience,” Pearl said. “I guess it’s just part of my nature to want to help people and to be of some service.”