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'Bully-Slayer' Trial Attorney Turns Negotiator

By Rebecca U. Cho
Daily Journal Staff Writer

These days, when respected trial attorney Steven J. Rottman bends over a defendant, blasting pointed questions to the unsuspecting recipient of his injury, he may not be in the courtroom. He could be role-playing in a mediation session, trying to help the parties involved understand the realities of a trial.

The unusual approach is effective, said Rottman, 43, a neutral with the employment law boutique Rottman Kaplan in Beverly Hills, who has built up a reputation as an aggressive plaintiff's lawyer during his 16 years in employment law.

"I do it just as I'd do in a trial as a trial attorney," Rottman said. "I want them to get a sense that this is not going to be an easy road, because it's not." But Rottman, who has been mediating since 2000, did not always like the idea of being a neutral. In fact, he was infatuated with the courtroom battle.

Growing up in New Rochelle, N.Y., he often got into fights with kids who thought it was fun to pick on the little guys, Rottman said. Years later, when he found himself taking a negotiations class in Harvard Law School that advocated resolving conflicts over going to trial, he dropped the class. "At that time, I wasn't interested in getting to yes," Rottman said. "I didn't want to be a conciliator or a facilitator. I wanted to be a bully-slayer, a trial lawyer."

Rottman graduated from law school in 1990 and moved to California to clerk for Judge William D. Keller of the U.S. District Court for the Central District - in large part because he wanted to learn to surf. He worked at Kaye Scholer for two years before opening up a solo practice in 1993.

Over the years, Rottman accomplished his dreams of bully slaying, mainly as a plaintiff's lawyer. He returned a \$2.4 million verdict in a 1998 sexual harassment and wrongful termination case on behalf of former waitresses of the defendant, Birraporetti's Restaurant, in Costa Mesa. *Barklage v. Birraporetti's Restaurants, LP et al*, 771138 (Orange Super. Ct., filed 1998).

In a case filed in 2000, Rottman obtained a \$1.9 million verdict in a commission dispute against the Netherlands' Baan software in federal court. *Ashkenazi v. Baan Software, CV 03-1556 (C.D. Cal., filed 2000)*.

About two decades after law school, in his spacious Beverly Hills office, surrounded by clients' gifts from his trial victories, Rottman reminisced about his initial eagerness to take cases to trial and called himself a "foolish young man." The change in his lawyering philosophy occurred in 1999 after he took a mediation training class at the Los Angeles Superior Court. He didn't drop the class this time. He said he became a mediator after realizing he loves the role.

"It called upon all your skills as a trial lawyer, fact finder, friend who is a good listener, an adviser - all the qualities you hope you have as a good lawyer are the qualities one needs to be an effective mediator," he said.

He said he came to liken litigation to a 12-round boxing match, at the end of which the two pummeled prize fighters stand, and it's impossible to tell who the winner is.

"As I got older, I questioned whether [trying cases] was always in the best interest of my clients," he said.

In 2003, he merged his practice with that of employment lawyer Steven Kaplan to create Rottman Kaplan. For two years, Rottman has spent the majority of his time as a mediator, but maintains a strong practice in employment law.

Linda Miller Savitt, an employment attorney at Ballard, Rosenberg, Golper & Savitt, said Rottman's creativity helped her resolve an emotionally charged sexual harassment case for her client, the defendant. She said partway through the mediations, in an unusual move, Rottman, with the agreement of both parties, arranged for Savitt to speak with the plaintiff apart from her client. "It worked for that case," Savitt said. "It really helped bridge the gap for everybody."

Sole practitioner Gail Solo said Rottman has a passionate, straightforward approach that is effective in allowing the parties to get to the heart of a case. She said Rottman is unafraid of telling parties his thoughts on a case, even infuriating the people on the other side of a case during one mediation.



"Each party realizes they are being listened to, and he enables people to cut back the ego," Solo said. "I think he's a more aggressive mediator than most, which doesn't mean he doesn't listen, but you're going to know his view of a position."

John Barber, a labor and employment attorney at Lewis Brisbois Bisgaard & Smith, said Rottman's reputation as a "phenomenal" plaintiff's attorneys gives weight to his opinion of cases.

"He commands enormous respect pertaining to his command of the issues and his ability to evaluate meaningful evidence versus extraneous evidence," Barber said. "I'd say Steve is one of the finest mediators in the employment field, even when he's telling me how wrong I am and presenting my case back to me or the other side's case back to me better than the other side's lawyer can."

Dan Stormer of Hadsell & Stormer said he appreciated Rottman's steadfastness in mediating the settlement of an employment case for him that involved high-profile clients. He said Rottman pursued the case, contacting him about 30 times after the disagreement was not resolved during mediation sessions. The case is now settling, Stormer said. "Both sides were very firmly entrenched in their positions," Stormer said. "His tenacity and skillfulness has brought us to a resolution when many other mediators would have given up."

When Rottman is not litigating or mediating, he's on the ski slopes, motivating and teaching disabled skiers to "fly on the mountain" at Colorado's Crested Butte Adaptive Sport Center. Rottman, who also fly fishes, kayaks and mountain bikes, said the intensity and focus his sports require from him are the same qualities he enjoys about mediating.

Becoming a mediator has made him a better attorney, and he no longer charges into trials, he said. "My partner accuses me of getting soft because I'm always looking for ways to negotiate the solution," Rottman said.

But he's a long way from packing away the boxing gloves. "I still love a good brawl," Rottman said.

Biographical Information

Age: 43

Affiliation: Rottman Kaplan (Independent)

Location: Beverly Hills

Areas of specialty: labor and employment, construction, aviation, real estate, business disputes

Rate: \$5,000 per day

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

Dan Stormer, Hadsell & Stormer, Pasadena; John D. Weiss, Law Offices of John D. Weiss, Encino; Toni Jaramilla, Law Offices of Toni Jaramilla, Los Angeles; Gail Solo, Law Offices of Gail D. Solo, Beverly Hills; Laura Horton, Horton & DeBolt, Chatsworth; Geoff Lyon, Lyon Law, Long Beach; Linda Miler Savitt, Ballard, Rosenberg, Golper & Savitt, Universal City; John Barber, Lewis Brisbois Bisgaard & Smith, Los Angeles; Jamie Katzman, Silver & Freedman, Los Angeles; Belle Mason, Silver & Freedman, Los Angeles; Jeff Ranen, Lewis Brisbois Bisgaard & Smith, Los Angeles; Michael Miller, Law Offices of Michael B. Miller, Beverly Hills.