

VERDICTS & SETTLEMENTS

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Fast Start, Strong Finish

Rebecca Callahan works toward settlement from 1st phone call and keeps at it at every stage.

By Don DeBenedictis
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Rebecca Callahan starts working to get a lawsuit settled right away during the first phone call she has with a lawyer who has asked her to mediate.

“What kind of a case is it?” she asks. “Where are you in your litigation process? Any chance I can see your pleadings? Have any motions pending?”

One attorney who has mediated a case with Callahan said that approach sets her apart. “She takes the time and effort to contact the lawyers before the scheduled mediation. That helps her understand ... the dispute, the facts and the law, and the personalities of the lawyers and parties,” said Jeffrey S. Crowe of Sheppard, Mullin, Richter & Hampton LLP. “That’s a key component of her practice that is different from many other mediators.”

Callahan’s goal is to assure the attorneys and parties that she understands their dispute and positions when they arrive for their mediation.

The result is that she can jump right into talking settlement, she explained, rather than focusing on what she calls “storytelling” — the reciting of facts, law, arguments and demands that some other mediators begin with.

“By the time we’re together, I’ve usually got a game plan on how to get them making that first offer,” she said.

To open her mediation sessions, Callahan reminds the lawyers and litigants that they have come to her precisely for a settlement.

“I know we’re going to talk about the legal merits, and I know we’re going to talk about what’s reasonable,” she tells them. “But I’m going to keep bringing it back to how are we going to settle this case.”

To hear her tell it, Callahan’s journey to becoming a highly regarded mediator and arbitrator was largely unintentional. “It isn’t like I could say I have this passion, that I always wanted to do this,” she said. “I’m an uninvited guest or something.”

Rather, she is “a really simple person” who grew up in a small town with “5,000

people and a bunch of cows” near the California mother lode.

Her family moved to the big city of Fresno when she was in junior high. She went to USC for college.

It was there she took some classes at the law school designed for undergraduates. With that background, she got a job as a paralegal for Robert Mangels, who was then at Manatt, Phelps, Rothenberg & Tunney. After they worked together on a number of large cases, he pushed her to go to law school. His encouragement was “the only reason I became a lawyer,” she said.

After graduating from UC Berkeley School of Law in 1982, she joined Kindel & Anderson back in Los Angeles. She moved to the firm then called Allen Matkins Leck Gamble & Mallory in Orange County the following year.

In 1985, Callahan joined Buchalter, Nemer, Fields & Younger, where she worked closely with banking litigator Jeffrey Broker.

When the next year he announced he was changing firms and invited her along, Callahan immediately and unhesitatingly said yes. “I didn’t call my mother; I didn’t call my husband.”

Only then did she learn they would be moving to a new firm to be called Lobel Winthrop & Broker, where they would take on a new kind of work for them, Chapter 11 bankruptcy matters.

Yet soon Lobel Winthrop became known as the “it” firm for those cases in Orange County, Callahan said. “It was a magical time” when Chapter 11 was being recognized as a legitimate business tool. “We just had wonderful work.”

Then in 1995, U.S. Bankruptcy Judge Barry Russell launched a court-annexed mediation program and called on bankruptcy lawyers to help. To her surprise, Callahan loved being a mediator.

“I loved the process because it gave my clients some other options and it gave me some other skills,” she said. Eventually, she also volunteered for other courts’ mediation programs.

By 2005, she had entered the master of laws program at Pepperdine Univer-



Nicole Tyau / Daily Journal photo

Rebecca Callahan

Callahan Dispute Resolution, Newport Beach

Areas of specialty:

Complex commercial, bankruptcy, wills, trusts, financial elder abuse

sity School of Law’s Straus Institute for Dispute Resolution to become better at mediation.

As a litigator, she had no interest in arbitration, but it was a required course. To her surprise, she loved the class, and soon her professor became her thesis adviser. He also advised her that with her business and bankruptcy experience, she should join the American Arbitration Association’s commercial litigation panel, which she did a while after earning her degree in 2007.

“I’ve been super lucky in getting some super assignments that forced me to learn the arbitral process sitting in an arbitrator’s chair,” Callahan said about working with the association. “And one thing has led to another.”

Fairly quickly, she sidelined her law practice and went into business as a neutral. A few years later, she joined the adjunct faculty at the Straus Institute and also began teaching for the association.

As her new practice evolved, roughly two-thirds of her matters were mediations and one-third arbitrations. But in the last few years, that ratio has flipped.

Attorneys who have worked with her in arbitrations sing her praises. “If anybody were to ask me who is the best arbitrator in Southern California, I’d say Rebecca Callahan,” said Thomas R. Malcolm, the former star litigator with Jones Day LLP.

The two served on a three-member arbitration panel hearing an extremely complicated case involving multiple properties. In addition to leadership, legal knowledge and attentiveness, Malcolm said Callahan “has a work ethic you would not believe.”

Each morning, she would present her other panelists with detailed notes on the

previous day’s testimony, he said. She also is a superb writer who wrote a thorough final award on the case that ran about 175 pages.

Another arbitrator, Deborah J. Rothman, said a panel she was on turned to Callahan when they needed a discovery referee to examine a mass of documents for privilege problems.

“She got the whole thing done timely, and such a spectacular report,” Rothman said. “She’s fabulous. ... She’s the most diligent of the diligent.”

Last year, Callahan added a new type of work to her practice, as a consultant to law firms taking a complex dispute to mediation. In that role, she helps plan the mediation strategy and then presents the client’s case during the mediation.

Thomas Garrett of Garrett Carchidi LLP has used her several times as a consultant. “She can advise us how she thinks the matter needs to be presented to the neutral,” he said. “She knows what’s going through the neutral’s mind.”

Consulting also allows Callahan to be an advocate again while staying within the dispute resolution field.

“It’s really fun work,” she said. “You get to be an advocate for settlement.”

Here are some attorneys who have used Callahan’s services or worked with her professionally: Sheppard, Mullin, Richter & Hampton LLP; Jeffrey S. Crowe, Colrena Johnson; Garrett Carchidi LLP; Thomas B. Garrett; George Rudolph APC; George C. Rudolph; Theodore I. Wallace Jr.; Thomas R. Malcolm; Fennemore Craig PC; Nickolas J. DiBiao; Arnold & Porter Kaye Scholer LLP; Sol Rosenthal; Deborah Rothman; Turitz Dispute Resolution, Gilda Turitz.