

Daily Journal

Creative Negotiations

Neutral Jan Frankel Schau uses innovative approaches to help opposing parties find common ground.

By **Catherine Ho**, Daily Journal Staff Writer

Jan Frankel Schau remembers vividly the day an attorney walked into a mediation holding a plastic bag filled with bedbugs to show the defendant, a landlord, just how skin-crawlingly revolting the insects could be.



Jan Frankel Schau

ADR Services, Inc.

Age: 54

Location: Southern California

Areas of specialty: Employment, business, personal injury, professional negligence, torts.

The plaintiffs, a young couple, had brought a habitability lawsuit against the landlord because of their bedbug-ridden apartment in Los Angeles. After drawing up a potential settlement that the couple and their lawyer felt did not go far enough, Schau suggested having the landlord take the bedbugs home as part of a nonmonetary settlement.

"Because the client wasn't satisfied with the settlement, perhaps the only thing to satisfy him was retribution from knowing the property owner had to hold that bag of bedbugs the same way [the couple] had to sleep with them," Schau said.

That unlikely solution is just one example of how Schau, who joined ADR Services, Inc., in 2007 after years as an independent mediator, gets creative in

settling cases.

Schau has keen judgment when it comes to predicting where a case will likely end up, said David Jones, a partner at Santiago Rodnunsky & Jones in Woodland Hills.

"She has good vision on where a claim will settle and where she can get people to," he said. "She's able to angle it in a way that settles the claim."

Jones, who has represented plaintiffs in several employment cases before Schau, added that she is particularly effective in settling smaller claims.

"She maximizes small- to mid-size cases while finding a range that all parties can be happy with," he said. "She's really effective in getting the institutional client to pay money that's not out of bounds but is a fair resolution of the claim. She's got a really good personality for dealing with both sides."

Schau's rule is "no BS," and she doesn't shy away from being blunt or freely sharing her qualms with attorneys about how their cases would be perceived by a judge or jury. Despite a certain level of tension, she tries to make lawyers and their clients feel at ease.

"I love to entertain, and I treat people like they're coming to my house," she said. "I try to make everyone feel comfortable."

At ADR Services, Schau handles mostly mediations but also arbitrates through the American Arbitration Association.

The Culver City native graduated from Loyola Law School in 1981 with visions of going into politics and becoming the first female U.S. senator from California.

Instead, she dove into civil litigation and, for the next 20 years, specialized in employment defense, business, personal injury, construction defect law and homeowners association law at firms in Southern California, eventually opening a solo practice in Sherman Oaks. Then she hit a career plateau.

"I was happy practicing law, but it wasn't where I wanted all my energy and intellect to go," she said. "It was the outcome - always taking such a chance to represent clients who didn't always get what they wanted, at a huge expense."

In 2000, she underwent mediation training. As a mediator, Schau gets to "help people make peace in a broader way," instead of working toward an outcome in which at least one party loses.

Lyne Richardson, managing partner at the Los Angeles office of Ford & Harrison, said Schau is "tenacious" without being overly aggressive.

"She doesn't let you go," said Richardson, who represents employers, and has brought several wage-and-hour and discrimination cases to Schau for mediation. "She doesn't give up; she keeps trying, keeps calling you back. ... She's a pleasant person to deal with, and is effective and knowledgeable about employment issues."

Schau and her husband, Michael Schau, have three adult children.

Here are some attorneys who have used Schau's mediation or arbitration services:

Joseph Lovretovich, Law Offices of Joseph Lovretovich, Woodland Hills; William H. Ford, Ford & Serviss, Tarzana; David Jones, Santiago Rodnunsky & Jones, Woodland Hills; Michael DesJardins, DesJardins & Panitz, Riverside; Mark Weidmann, Weidmann Franck & Yun, Los Angeles; Robert Young, Wilson Elser Moskowitz Edelman and Dicker, Los Angeles; Lyne Richardson, Ford & Harrison, Los Angeles; Andrew Jaramillo, Ogletree Deakins, Costa Mesa; Phillip Baker, Baker Keener & Nahra, Los Angeles, and Jeffrey Lenkov, Manning & Marder, Kass, Ellrod, Ramirez, Los Angeles.