

# VERDICTS & SETTLEMENTS

FRIDAY, JUNE 13, 2018

## Wrangling Rage

*Former defense litigator Marisa Ratinoff loves bringing people together.*

By Blaise Scemama  
Daily Journal Staff Writer

**E**NCINO — Marisa Ratinoff said she decided to pursue alternative dispute resolution full time after seeing her father work long hours as a pediatrician until he was 80.

“I was looking at my father and looking for something that I wanted to do well into my old age,” said Ratinoff, who handles arbitration and mediation.

After practicing as a defense litigator in employment matters for 25 years, Ratinoff asked herself, “What aspects of the job do I love the most?”

Bringing people together in resolution was her answer.

Since opening her private alternative dispute resolution practice full time in 2016, Ratinoff said she has been a huge proponent of the theory that all cases can be mediated.

“I have yet to see a dispute that I think would not be effectively resolved through mediation,” Ratinoff said.

Jacqueline Wagner, assistant general counsel for the Los Angeles Unified School District, met Ratinoff when she conducted free mediation in federal court.

“I worked with her on a very difficult case,” Wagner said. “The plaintiff was bombastic, very emotional, angry and charged. She managed the plaintiff, managed his fit and rage and responded very Zen.”

Wagner said Ratinoff is tough yet skilled at distilling plaintiffs’ emotions and effectively communicating them to defense counsel. Ratinoff, who has worked with Wagner four times in the last two years, said she is not influenced by repeat business and stressed the importance of disclosing information pertaining to work history to future counsels. She said she will disclose background on her husband and siblings to attorneys.

“I’m a huge believer in disclosures,” Ratinoff said. “I think, as a neutral, if you work with a law firm more than once, you



Emilio Aldea / Daily Journal

should disclose it and let the counsels decide if it makes a difference to them.”

Los Angeles attorney Dan Jett, from The Jett Law Firm APC, once worked with Ratinoff on a 10-hour mediation session regarding an employment dispute over alleged age and disability discrimination. After Ratinoff was able to successfully help the two parties come to an agreement, Jett said he had never seen a mediator so focused on the detailed information regarding a case.

“Other mediators usually don’t spend so much time getting into the facts, just the numbers,” Jett said.

Ratinoff later said that while mediations can oftentimes be focused on money, it is important to consider people’s emotions, especially in labor and employment disputes.

“How do you work with a harasser after you’ve brought a lawsuit?” Ratinoff said. “How do you go back to work when you need an accommodation and had a dispute? These factors are not monetary and tend to have an emotional component.”

### Marisa Ratinoff

Ratinoff Dispute Resolution  
Encino

**Areas of Specialty:** employment,  
consumer protection, fee disputes

When it comes to dispute resolution, Ratinoff said relating to people quickly is critical.

After one year at the University of Cambridge, Ratinoff continued her education in California at UC Berkeley and Hastings College of Law and the Straus Institute for Dispute Resolution at Pepperdine School of law.

She has been a full-time mediator for the last two years, but Ratinoff previously practiced alternative dispute resolution alongside her litigation practice for 15 years, when she was a partner at Epstein Becker & Green PC.

Ratinoff said one of the biggest mistakes counsel can make is to threaten to go to trial at the beginning of a mediation.

“There are ways to convey that you believe strongly in your case and that you are willing to go to trial without losing credibility,” Ratinoff said. “But digging in at the very beginning of mediation is not productive, and I think it can backfire.”

Ratinoff said although a trial date shouldn’t be the first tool used, it can be useful when necessary.

“Counsel and the parties know the cost and risks of going to trial and the level of work involved and the unknown of a jury,” Ratinoff said. “It gives the parties more incentive to reach a resolution.”

Brian Hafter, a partner at Rimon PC with a focus on complex business litigation matters, said he first worked with Ratinoff on an employment dispute involving three plaintiffs in which Ratinoff was the sole arbitrator. In the case, which lasted over a year, Ratinoff held multiple pre-hearing conferences, dealing with discovery issues and motions

in limine. She also had to make multiple substantive rulings.

“She did a phenomenal job understanding a very complex case and giving reasoning that was logical and legally accurate,” Hafter said.

After a full hearing, and six days of testimony, Hafter said Ratinoff issued a detailed award explaining her reasoning on all the claims and defenses of the case. He said she was thoughtful, well prepared, and handled difficult questions very capably.

“I only look at the case in front of me, what’s the evidence, what’s the law being presented to me,” Ratinoff said. “I think of it as putting on blinders, so I’m not being distracted by what’s down the road, what’s to the right, what’s to the left, but only what’s in front of me.”

Ratinoff said that while in her experience, many arbitrators can be hesitant to consider motions for summary judgment, in her opinion, they can be a good option when applicable.

“I like looking at motions for summary judgment because if there is a statute of limitations

question in there, or something that is very clear, I want to give the parties the opportunity,” Ratinoff said. “I am personally in favor, but I do know that some of my co-arbitrators question whether they should or shouldn’t consider summary judgments.”

Karina Sterman, a partner at Greenberg Glusker Fields Claman & Machtinger LLP and a defense attorney for businesses in class action suits and other employment matters, said Ratinoff is not a clock watcher. Sterman recalled when Ratinoff mediated an employment dispute in a session lasting at least 11 hours with multiple circulating revisions of terms. Sterman praised Ratinoff for being communicative throughout the process and calling her before the mediation began.

Ratinoff said a lot of work goes into the preparation of her mediation sessions. After a mediation date is set, parties are given a deadline for briefs. Ratinoff will then thoroughly read the briefs and have a pre-mediation call with parties a few days before the actual mediation begins.

“I always start the conversation there,” Ratinoff said. “I know a lot of detail before I walk in the door on mediation day.”

Ratinoff said she loves what she does but it wasn’t always easy being a young mother, raising two children, especially when she was a partner at Epstein Becker & Green PC.

“It’s very difficult on working women,” Ratinoff said. “There’s no one path that works for everybody. It worked for me because I was willing to work any time somebody needed me, but you have to balance that with raising your children. You have to have a very good support mechanism, and I had that in my husband.”

*Here are some attorneys who have used Ratinoff’s services:* Maureen K. Bogue, Pacific Employment Law; Jacqueline Wagner, Los Angeles Unified School District; Karina Sterman, Greenberg Glusker Fields Claman & Machtinger LLP; Brian Hafter, Rimon PC; Dan Jett, The Jett Law Firm APC.