

Bridging Sides

This Los Angeles employment lawyer usually represents plaintiffs, but defense attorneys call her for mediation work based on her labor law knowledge.

BY LIZ VALSAMIS

Part-time neutral Carla Barboza uses three words to describe mediating sexual harassment cases: messy, messy, messy.

"Every time you deal with sex it's messy," Barboza elaborates. "People are much more emotional, and there is a lot more to handle as a mediator."

In spite of the emotional mayhem, the intimate nature of mediation drew Barboza, a Los Angeles plaintiffs' employment lawyer, to the field nearly six years ago. Of all the sexual harassment and discrimination cases she had handled, Barboza says she'd never appeared before a mediator "particularly well-suited for sexual harassment cases."

Her peers, she continued, needed "much more" and she started a mediation practice so she could give it to them.

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ing for someone . . . who is going to make each party take a good hard look at their case and then help [them] communicate with their clients the realities of their case, good and bad," she continues.

Also, Barboza believes that parties in mediation need a comfortable environment, where both the plaintiff and defendant receive respect.

"The most dissatisfying mediation experience for me, as the plaintiff's lawyer, has been when my client's feelings have been completely trampled and disregarded," says Barboza, who mediates cases out of Los Angeles County. "That is the opposite effect of what you are supposed to get in a mediation."

In some instances, Barboza has found that separately sharing a meal with each party helps establish a healthy rapport.

"No one suffers in my mediations," she says, adding that res-

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olution truly begins once the barriers fall.

"If all you do is get the parties off their initial demands and initial response and say 'oh well, we are too far apart,' you haven't mediated the case," she says.

"To mediate, you've got to get underneath and really figure out by listening to what each side is thinking and feeling about the case — because you know the plaintiff's got a lot of feelings wrapped up in it and usually the employer . . . [has] a lot of feelings about the litigation, too."

Despite Barboza's plaintiffs' background, some defense lawyers say they are comfortable relying on her as a mediator.

Stephen Moloney, a defense partner with Los Angeles' Gilbert, Kelly, Crowley & Jennett, used her to mediate an employment matter. During the process, he says, Barboza made the parties feel comfortable, and she was

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CARLA BARBOZA

- ADR Group:** Independent
- Case Types:** Employment law
- Location served:** All areas of Los Angeles County
- Law School:** UCLA School of Law, 1982
- Career Highlights:** sole practitioner, Law Office of Carla Barboza, 1993-present; associate, Los Angeles' Allred, Maroko & Goldberg, 1989-93; staff attorney, Los Angeles office of EEOC, 1984-89; associate, Law Office of Barrett Stephen Litt, 1982-84

firm when necessary.

"She was able to explain to the plaintiff that she handled these types of cases and understands his concerns. And I think that helped build trust," Moloney says.

Although Barboza strives to make the parties comfortable, she often talks about the case's strengths, weaknesses and problems during mediation. That gets the parties communicating.

When she is dealing with parties who are particularly hardened, Barboza relies on the "universal notion" that everyone involved wants to resolve the matter. Getting them there may require a tough approach.

"I will tangle with each party on any of their thoughts and beliefs," she says.

Jeff Winikow, a Los Angeles sole practitioner who also does plaintiff employment, describes Barboza as "incredibly no nonsense."

"She recognizes corporate bull—and by the same token she recognizes plaintiff's bull—," he says. "She has no problem taking one side or the other to the carpet when she thinks they are engaging in shenanigans."

Building strong relationships within her profession was not something Barboza picked up in law school. She chose law school on a whim and found it to be a segregated experience.

"I think there were about 20 Latino students in my class. We all sat together and were never called on," says Barboza, who graduated in 1982. "I understand things have changed. They might have some more progressive professors now."

The child of Mexican immigrants, Barboza grew up in Fresno. She also attended the University of California, Los Angeles as an undergraduate, majoring in Latin American studies.

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Carla Barboza

After she graduated from law school, Barboza went to work for Barrett Stephen Litt, a Los Angeles plaintiffs' employment lawyer. In that capacity, she was given the opportunity to work on civil rights cases, but she did not find herself fulfilled intellectually or creatively. If she didn't have student loans, Barboza says, she might have dropped out of the field entirely.

However, things got better af-

ter Barboza got a job with the Los Angeles office of the Equal Employment Opportunity Commission, which ignited her passion for employment law.

"As soon as I got hired there, in two weeks I was in a trial in federal court on an age discrimination case," she says. "It put me in the eye of the storm real fast."

In 1989, Barboza left the EEOC and took a job with Los Angeles' Allred, Maroko & Goldberg. She left in 1993 to start a sole practice.

Although a private practitioner, Barboza continues volunteering with the EEOC's mediation program. She also does volunteer work for the Los Angeles Superior Court Mediation Panel and Dispute Resolution Services, a program sponsored by the Los Angeles County Bar Association.

Balance seems to be a major reason why Barboza does not immerse herself completely in either field.

"The litigation keeps me on my toes for the mediation," she says.

And despite the somewhat relaxed mood of mediation, Barboza says it is much more demanding than litigation.

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