

VERDICTS & SETTLEMENTS

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Best Kept Secret

Lawyers praise solo mediator JJ Johnston for his personal touch, mastery of employment law.

By Gina Kim
Daily Journal Staff Writer

JJ Johnston of Johnston Mediation is Southern California's best kept secret, according to attorneys who laud the neutral for his competitive prices and expertise with labor and employment laws.

It's been less than three years since Johnston quit his labor practice to become a full-time neutral, but he's already won the hearts of employment lawyers on the plaintiff and defense side.

Johnston, who has locations in downtown Los Angeles and Riverside, also travels around the state. His specialties include employment terminations, class actions and Private Attorney General Act-related wage and hour disputes.

He said he prides himself on a careful, evaluative approach and refusing to offer mediator's proposals early — something he says often leads to an impasse.

"I'm very careful not to give any number unless I know it'll work," Johnston said. "I'll only do it if I have a pretty good idea of whether it'll be accepted by both sides. I utilize other techniques, like brackets, pushing parties, anything that looks tedious, but you can't miss those steps in negotiations."

Johnston will follow up with phone calls on cases that fail to resolve. He won't charge for follow-up services, nor does he impose time limits. Much of Johnston's work involves complex wage-and-hour class actions, which can take multiple days, but he works to finish those in a single session.

"JJ has an independent practice, which is what I like about him," said Brian S. Inamine, a partner at O'Hagan Meyer who specializes in employment defense.

"It's so much easier to schedule things with JJ," Inamine added. "He's so much more accessible. He's fairly new, and I think he's one of the field's best kept secrets."

"After the first time I used him, I thought to myself, 'Why haven't we heard of him before?'" Inamine said. "And that's why I kept going back."

Inamine advises attorneys to submit briefings before a session, which Johnston takes time to evaluate. Johnston is patient with stubborn parties, but he will reframe those discussions to get both sides of the story, relay it to the opposing side, and then work toward gaining everyone's trust, attorneys said.

"I help everyone understand I'm not advocating for any side but to provide an objective



Photo Courtesy of JJ Johnston

overview of the situation," said Johnston. "It sometimes takes a while, and if it goes to midnight, it goes to midnight. I take as much time as I need to."

Johnston advises plaintiffs' attorneys in wage-and-hour disputes to come to the arena with damages calculations laid out in an Excel spreadsheet to help parties analyze the data before mediation begins. It helps adequately explain how they arrived at that number, Johnston said.

He said he finds it effective when mediation proceeds dynamically with offers and demands exchanged, even if sides start far apart. He prefers that parties make offers and counteroffers.

"If someone told me their bottom line, I'm not sure they're being completely faithful," Johnston said. "The process is tedious, but you have to spend time focusing on it so people can change their positions. That's why I never skip steps or cut corners."

The COVID-19 pandemic hasn't halted Johnston's

JJ Johnston

Johnston Mediation
Los Angeles, Riverside

Specialties: employment termination, Private Attorney General Act wage and hour disputes, class actions, discrimination, retaliation, whistleblower, sexual harassment, Fair Pay Act claims

practice; he uses teleconferencing technology to hold remote mediations.

Johnston was in private practice for the majority of his legal career, but began mediating part-time 15 years ago. He closed up his own shop, Johnston Law Firm in Riverside, in December 2017 after 15 years to become a full-time neutral.

The first year of his business was tough but Johnston began gaining ground after more experience, and things quickly began picking up his second year.

"You just have to go all-in," he said. "I'm glad I did. It's

one of those professions where many are called to do it, but very few are chosen.”

Johnston stumbled upon the law by pure whim. After graduating from UC Santa Barbara in 1976 with a sociology degree, he spent a few years in the restaurant industry on the Central Coast. Impulse led him to the state capital with aspirations to get an MBA at Sacramento State University. But he needed a job, so Johnston took a fry cook job at the student center at the University of Pacific McGeorge School of Law. From there, he made friends with law students who urged him to pursue law school. He graduated from McGeorge in 1986 and started off in insurance defense before transferring to the Riverside County public defender’s office, where he stayed for a year to gain trial experience.

Attorneys say Johnston’s own expertise and labor and employment practice serve him better than bench experience as

a neutral. His former colleague, Kelly Y. Chen, a sole practitioner in Rowland Heights, said, “JJ Johnston is proof you don’t need bench experience to be a great mediator.”

Chen and Johnston were co-counsel on employment cases for several years, making Chen slightly wary as to whether she could use him as a neutral.

“He knows my strengths and weaknesses,” she said. “But I gave him a shot, six months ago, for a PAGA case. He treated me like any litigant customer, even though we have history. If anything, I felt like he was tougher on me.”

There were a lot of labor law changes in the past legislative session. Johnston compiles and disseminates a monthly newsletter summarizing and updating new labor and employment law cases for attorneys.

When Chen made a few errors in her PAGA penalty calculations, Johnston diplomatically pointed out the mistakes.

“He made sure my client was comfortable with the process, and he got me a number that I thought was more than fair for us,” Chen said.

Chris Heikaus Weaver, partner at Aitken Campbell Heikaus Weaver LLP, praised the neutral for being able to quickly zero in on key issues and analyzing every situation effectively.

“JJ has settled all of my matters,” said Heikaus Weaver. “I’m certainly open to using him again. Having never worn a black robe has never been an issue for JJ. He’s always extremely motivated to resolve.”

Weaver agreed Johnston offers exemplary services at a reasonable price.

“You go to the big guys, they got fancy offices, it’s well-decorated, and they’ll get you a heck of a lunch spread. But with JJ, you get that personal touch, time and follow up,” he said.

Peter Downey, founding partner of Downey Day, said he used Johnston on the recommendation of another

plaintiffs’ lawyer. He recalled being “pleasantly surprised.” Downey was defending a staffing agency in a complex, emotional wrongful termination/hostile work environment case.

Johnston kept calm, defusing tensions in the room, he recalled.

“JJ just listens carefully, looks into your eyes, and puts you at ease,” he said.

“Honestly, JJ would’ve made a great judge,” Downey said. “He’s so distinguished. But he doesn’t need that. He’s in our repertoire, and I’m so happy we were recommended to use his services.”

Here are some attorneys who have used Johnston’s services: Linda Claxton, Ogletree, Deakins, Nash, Smoak & Stewart PC; Boris Sorsher, Fisher & Phillips LLP; Andrew K. Haefle, Payne & Fears LLP; Bradley J. Mancuso, Bohm Law Group Inc.; David P. Myers, The Myers Law Group APC.

gina_kim@dailyjournal.com