

VERDICTS & SETTLEMENTS

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Familiar Arena

Neutral Robert D. Coviello focuses on what he knows best: employment-related disputes.

By Don DeBenedictis

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Coviello acknowledges he misses the courtroom from time to time and the chance to argue in front of a jury or judge, however, the ADR Services Inc. neutral said he thoroughly enjoys helping disputants reach resolution.

“I get a great amount of satisfaction when a case gets settled, and you get emails from both sides — defense and plaintiffs’ lawyers — thanking you for your efforts and indicating the case would not have resolved without your assistance,” Coviello said.

The longtime trial attorney spent 25 years representing plaintiffs and defendants in employment litigation, and when he decided to focus full time on work as a private neutral five years ago, Coviello said he wanted to stick with the practice area he knows best.

“Ever since I’ve been a mediator, I have only handled employment-related matters,” he explained. “Obviously, it’s an arena that I practiced in for a number of years. I know the law in that area, and I think it just gives me a bit of credibility with the counsel during the mediation.”

Coviello grew up outside of Cleveland and completed his undergraduate work at Wartburg College in Iowa before earning his law degree at Western State University in 1980. He said his interest in employment dates to a difficult single plaintiff sexual assault case he took on as an attorney nearly 25 years ago.

“It’s not strictly business to business,” he said of the practice area. “It’s not strictly dollars and



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cents. ... You have aggrieved plaintiffs that you really can provide a service to, provide help to. It’s not just winning and losing. There is a side to it that is actually helping people, and I appreciated that.”

Before a mediation, Coviello likes to receive briefs from both sides, and he’ll phone attorneys ahead of time if he has questions. The neutral also said he does his best to encourage parties to exchange their briefs.

“That way they have the same information I have, and it speeds up the process,” he said. “Otherwise, we’re taking several hours just to really get to the meat of the problem.”

Coviello said it’s rare that he makes use of joint sessions, noting attorneys and their clients typically think the approach is a bad idea. He does, however, frequently turn to mediator’s proposals to resolve disputes, but noted an important caveat.

“If there is no reasonable expectation on my part that I am going to get two yeses, then I will not even make a mediator’s proposal,” Coviello said, noting that once a mediator puts out a number both sides often end up believing that’s what the case is worth.

“That’s not how I choose the mediator’s monetary number. After having been in both rooms for six

Robert D. Coviello
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Irvine

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or eight hours, I think I have a good sense of what number I believe might get me two yeses,” he explained. “So I consider myself to be the Las Vegas bookie merely trying to pick the best number

that has the highest odds of getting two yeses. It has nothing to do with my feelings as to the true value of the case.”

Coviello also described himself as more of a facilitator in mediations and said he does his best to make sure parties in both rooms understand that he’s treating everyone involved similarly.

“I make it very clear to the parties on each side that my style is to bring to the surface what I believe are problems on their respective cases,” he said. “I think everybody understands the strengths of their case but often don’t want to face the fact that there may be hurdles and difficulties. I make it very clear that I will comment on what I think are problems in both rooms.”

Irvine plaintiffs’ attorney Michael C. Robinson has used Coviello as a mediator for a number of employee

rights cases and said the ADR Services neutral successfully resolved all of them.

“Bob is just very knowledgeable about this area of the law. He keeps up with new things that happen, and with employee rights, there are a lot of changes happening every year,” Robinson said. “We go to Bob Coviello because he knows a lot about the substantive law, and you don’t have to explain it to him. He’s already got it, and he could probably teach you a few things you didn’t even know.”

Costa Mesa employment defense litigator Natalie Hernandez Catahan has used Coviello twice as a mediator and said he did a terrific job with her clients and worked hard to understand their perspective.

“He was just really good at dealing with clients,” Catahan said, “and not just discussing the law but also dis-

ussing the financial and business implications of resolving the case as opposed to further litigating it.”

San Francisco defense attorney Cheryl A. Sabnis used Coviello recently to settle an employment dispute and described him as a quick study.

“Bob does a really good job of figuring out not just the central claims but also a bit about the parties involved and the bigger picture of a dispute,” Sabnis said, “which in my experience with him really helped get the parties to a resolution.”

Sabnis and Robinson both noted that Coviello doesn’t give up if a dispute has not settled at the end of a day’s mediation session.

“If there are any outstanding issues, he helps get those issues resolved,” Sabnis said. “And he really sticks with the matter and really

shows he cares about helping the parties get their dispute resolved.”

Robinson also mentioned that Coviello doesn’t beat around the bush on the day of mediation.

“He’s a closer,” Robinson said. “He doesn’t spend a whole lot of time talking about the weather or what’s going on in the world. He really gets to the point quickly, he gets to the issues that we need to address and he’s just always been able to get the case closed.”

Here are some attorneys who have used Coviello’s services: Cheryl A. Sabnis, King & Spalding LLP; Michael C. Robinson, Robinson Employment Law PC; Natalie Hernandez Catahan, Ogletree, Deakins, Nash, Smoak & Stewart; Stephanie P. Alexander, Smith LC; Clifton E. Smith, CE Smith Law Firm.