

VERDICTS & SETTLEMENTS

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Disarming Dealmaker

Former employment litigator Phillip Cha has a knack for settling cases.

By Meghann M. Cuniff
Daily Journal Staff Writer

BEVERLY HILLS—After 16 years in employment law, pursuing a new career as a full-time mediator made perfect sense to Phillip K. Cha. He knew that as an Asian-American with no bench experience, he didn't fit the bill of a typical mediator, but that was part of the idea.

"Being not necessarily in the mold of a typical neutral goes a long way, whether it's the parties involved having some diversity angle or even a generational aspect," Cha said. "I'm demographically very different, and I think for some people that adds value."

Attorneys who've worked with Cha in the 18 months since he opened his mediation practice identified another quality they said makes Cha stand out: a knack for settling cases.

"I just want a guy who will get business done, and I can see he will get business done," said Marcus J. Bradley, founder and senior partner at Bradley/Grombacher LLP.

Bradley knew nothing about Cha when his co-counsel recommended they hire him to mediate a wage-and-hour class action lawsuit this year.

"He was a wild card, and I'm thinking, 'Man, I don't really know much about this guy,'" Bradley said. "But I was fully impressed. He was a pleasant surprise."

Bradley said the mediation was a difficult one that took a full day of back-and-forth negotiations. It

Phillip K. Cha

Sole practitioner
Beverly Hills

Area of Specialty:
Business disputes

ended with Cha brokering a seven-figure deal. Bradley has already recommended him to another attorney.

"He was that good," Bradley said. "I can definitely see him being one of the better wage-and-hour class action mediators going forward."

Cha was born in New York and moved to the San Fernando Valley when he was 10. As the son of Korean immigrants, he said that like many young Asian Americans, he was expected to pick a profession such as law or medicine.

He thought the law would be interesting, and he liked the idea of being an advocate, so he followed up his UCLA undergraduate degree with a law degree from UCLA School of Law.

Cha took an employment law class his second year and was drawn to the human drama. His post-graduate job search focused on employment law, and he started his litigation career as an associate attorney for Kirtland & Packard LLP, where he worked for two years before joining Epstein Becker & Green P.C.

He focused on employment defense, and he worked his way up, spending five years at Swerdlow Florence Sanchez Swerdlow & Wimmer before joining LimNexus LLP, formerly Lim, Ruger & Kim LLP, in 2012,



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where he was senior counsel.

Cha knows his jump from litigation to mediation seems like a bold move.

"But for me, it felt like the most natural, obvious thing to do," he said.

He was always interested in mediation, and he was looking to do something entrepreneurial.

"I had the passion for it. I had the plan for it. But looking back now, it really comes down to networking," he said.

His practice is focused on business disputes with an emphasis on employment, and he's built it mostly through word-of-mouth advertising, online marketing and referrals. All his cases are based on a connection to an attorney — be it a former colleague, co-counsel, opposing counsel, or someone he knows through bar association activities. He said his practice is "very much based on the west side," — his office is in Beverly Hills — but he's also willing to travel.

"Geographically, he's very easy to work with," said Chad

T. Wishchuk, a partner at Finch, Thornton & Baird LLP.

Cha recently mediated a case with Wishchuk that involved parties throughout Southern California. They met in Orange County, though Wishchuk said Cha offered to travel to San Diego. That flexibility helped Wishchuk's client. Cha also settled the case, which Wishchuk thought might be impossible.

"It was a complex case in terms of the substance because of all the labor code and the employment law claims that were being asserted, but he was very adept at handling the issues," Wishchuk said.

The case also was emotionally charged because it involved a small, family-owned business being sued by an employee who was a former friend, "which made the case even more complex than you would think," Wishchuk said. He said Cha was "tenacious" in his commitment to settlement.

"He was very good at getting the parties to a spot that allowed the case to resolve in all those difficult

circumstances,” Wishchuk said. “There oftentimes comes a point in any mediation where it doesn’t look like things are headed towards resolution, and mediators kind of give up and stop working for you. But he never did. He pushed through in a very smart but also sensitive way.”

Cha believes his litigation experience and knowledge of the law is one of his biggest assets because “subject matter expertise goes a long way toward establishing credibility.”

“I also try to combine that with a pretty direct, no-nonsense approach, which I think people appreciate,” Cha said. He said his approach combines evaluation and facilitation. “Not being shy, but delivering the messages in the right way,” he said.

He’s also skilled with technology

and savvy about social media and emerging online trends, which he said can play a crucial role in employment cases.

“We’re seeing, more and more, social media playing a bigger role in terms of witnesses and what’s being posted,” Cha said. “So having an understanding of that, I think, can be a benefit.”

David L. Gurley, an attorney with the state Division of Labor Standards Enforcement, said Cha’s approach is “disarming.”

“He had kind of a gentle approach, and I know that my clients responded well to that,” Gurley said.

Gurley said a dispute Cha recently handled was an employment misclassification case involving truck drivers in the ports of Los Angeles and Long Beach. Cha resolved it well, the attorney said.

“There were some sensitive issues, and I thought that he did a very nice job getting over those hurdles and bringing the parties together,” he said.

Joseph Y. Avrahamy, a plaintiff’s lawyer in Encino, recently used Cha in a failure to accommodate case. He was recommended by the defense counsel, and Avrahamy remembers him as pleasant and easy to work with. He had all documents associated with the case available on his iPad, and Avrahamy said he referenced them throughout the mediation.

“He asked the right questions, and it was clear he had a good understanding of the facts,” he said. “That understanding helped bring the two sides together.”

Avrahamy said Cha’s rates were also “helpful for the type of case that it was.”

Cha charges \$6,000 for a full day and \$3,500 for a half-day.

Here are some attorneys who’ve used Cha’s services:

Marcus J. Bradley, Bradley/Grombacher LLP; David L. Gurley, state Division of Labor Standards Enforcement; Joseph Y. Avrahamy, Law Offices of Joseph Y. Avrahamy; Sabrina A. Beldner, McGuireWoods LLP; Andrea R. Calem, Hunton Andrews Kurth LLP; Patricia Salazar, state Division of Labor Standards Enforcement; Daniel H. Lee, Wilson Elser Moskowitz Edelman & Dicker LLP; W. Dan Lee, Metal Law Group; Cecilia Son, Shegerian & Associates Inc.; Chad T. Wishchuk, Finch, Thornton & Baird LLP.