

Sweet and Sour

An expert on lemon law, Phyllis G. Pollack can be blunt and jovial in equal measure

By Ben Adlin

Daily Journal Staff Writer

LOS ANGELES — Mediator Phyllis G. Pollack calls herself an “equal opportunity beater-upper.”

“I am not soft-spoken,” she said. “I’m direct, and I’m blunt.”

She said she calls things like she sees them, part of her tendency to seek out the truth. The approach didn’t always fit well during her years as an advocate — she didn’t have a taste for spin — but she said her passion for objectivity translates perfectly to mediation.

“I had two different mediations within 24 hours,” she said. “The plaintiff thought I was defense-oriented in one of them, and in the other, the defendant thought I was plaintiff-oriented.”

Her job, as she sees it, is to be the “first juror,” the first disinterested pair of ears to assess a case.

Mediators call this style “evaluative,” because they say it helps give parties a sense of what might happen in a courtroom. But, Pollack is also acutely aware that the aggressive approach can be jarring.

Particularly in automotive defect disputes — the bulk of her caseload — plaintiffs can be intimidated if she comes on too harsh, she said. So she tries to relax them.

“I crack jokes a lot,” she said. “I find jokes work wonders, and I often kid around.”

She’ll talk about her English Springer Spaniel, Argus, quipping to parties that walking him that morning has warmed her up and she’s ready to start shuttling between conference rooms.

“A lot of times, I’ll wear tennis shoes, and I’ll kinda go, like, ‘I’m good to go, guys, I’ve already done four miles.’”

Pollack grew up in Norfolk, Va., the daughter of a trial court judge. She earned a bachelor’s degree in sociology from Tulane University. Her interest was psychology, she said, but “I really didn’t want to play with rats.”

Concerned her degree wouldn’t be worth much to prospective employers, she returned to Tulane for law school. She started her ca-



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reer practicing insurance defense, then moved in-house to Sanwa Bank Ltd. (now Bank of the West). She later went on to other law firms, handling business and title-defense work before leaving for solo practice in 1994.

Then, in 2000 Pollack took a class in mediation.

“I don’t remember exactly what the tipping point was,” she said. “I never really enjoyed practicing law because you get tired of fighting with people all the time.”

At first, she said, it was a struggle to bring in enough business to be a full-time mediator. “All of a sudden, I had to learn marketing,” she said. “I never had to market in my life. So everybody was telling me you have to find a niche.”

A case came across her desk involving California’s “lemon law,” which protects consumers who buy defective vehicles. Pollack saw her niche.

“Did I have any experience in lemon law before 2000? Absolutely not,” she said. “But I boned up on it.”

Today, lemon law matters make up roughly 95 percent of her caseload, alongside business and real estate disputes. Attorneys who’ve brought cases to her said she knows her stuff. One even penned a poem dubbing her “the lemon law Messiah.”

Robert L. Starr, the poet and a plaintiffs’-side attorney in Woodland Hills, represents consumers in claims against carmakers. He said that while he has to educate many mediators on the law, Pollack’s understanding of consumer protection is razor-sharp.

“I actually tried to bullshit Mercedes last week on [Civil Code Section] 1793.1,” he said,

Phyllis G. Pollack

Affiliation: Independent

Location: Los Angeles

Areas of Specialty: Automotive defect (lemon law), business, real estate

“and she busted me on it.”

He added that she’s “tough on everybody” but that even the disputants themselves don’t seem to mind. “None of my clients have spoken ill of her, even though she can be hard on them.”

People appreciate Pollack’s hard-nosed approach, said attorneys for both sides, because her ability to demonstrate arguments’ strengths and weaknesses helps drive cases to resolution.

“She’s not just a person who will walk back and forth between two rooms carrying numbers with her,” said Douglas J. Lief, an attorney at Bowman and Brooke LLP in Gardena who defends auto manufacturers. “Anybody can do that, but it’s a real talented mediator who can actually convince parties to make moves.”

Here are some lawyers who’ve used Pollack’s services:

Robert L. Starr, The Law Office of Robert L. Starr, Woodland Hills; Steven A. Simons, Sherman Oaks; Daniel S. Imber, Imber & Bershin LLP, Beverly Hills; Brian I. Hamblet, Burke, Williams & Sorensen LLP, Los Angeles; Sally A. Ayvazian, Zhanna Bulkina and Helen G. Mosothoane, LeClairRyan LLP, Los Angeles; Brian Takahashi, Richard L. Stuhlbarg, Douglas J. Lief and Michael C. Foley, Bowman & Brooke LLP, Gardena; and Guy Mizrahi, Rogan Lehrman LLP, Santa Monica.