

# VERDICTS & SETTLEMENTS

FRIDAY, JANUARY 28, 2024

## Two Sides to Every Story

*Michael Ludwig applies a genuinely neutral approach to dispute resolution, lawyers say.*

By Shane Nelson

As a USC undergraduate, mediator Michael L. Ludwig studied computer science, an area of academic focus that he feels has a great deal in common with the practice of law.

“In computer science and computer programming, the work is very logical and precise,” Ludwig said. “You need to make a program flow from one command to another to another. I found crafting legal arguments to be very similar in the respect that you have to make a logical progression step by step by step to your legal conclusion.”

Ludwig said time spent during his early college years with friends who were enrolled in law school sparked his own desire to pursue a legal career. A 1994 USC School of Law graduate, Ludwig was introduced to employment litigation early on as an attorney, and he practiced labor and employment law for more than 25 years, representing employers.

“Labor and employment cases have a real human component to them on both sides,” Ludwig said about his interest in the practice area. “You’ve got a plaintiff on one side who believes they have been treated unfairly, discriminated against, retaliated against or harassed. And oftentimes, you’ve got a defendant on the other side – which can be an employer, but can also be a manager or an individual decision-maker who might believe, or claim, they did nothing wrong. So, the emotions are real on both sides.”

In August 2022, Ludwig decided to launch a second career as a full-time employment law mediator, and today, he works to resolve every-



Justin L. Stewart / Special to the Daily Journal

thing from single-plaintiff harassment and discrimination cases to wage-and-hour class actions and PAGA disputes. Ludwig noted that his decision to focus full-time on dispute resolution was a relatively easy one.

“Among my favorite parts of being an advocate was mediation and seeing the relief from the parties when the cases settled,” he explained.

Ludwig likes to receive briefs a week prior to his mediations these days, and he also likes to connect over the phone or on Zoom with attorneys beforehand. Ludwig said those pre-mediation conversations are an important first step in the re-

lationship building he feels is crucial for settling employment disputes.

“That foundation of trust and respect enables me to have candid conversations with the attorneys and the parties,” Ludwig said. “And it’s important to have established a level of trust and respect because I’m not always going to tell the attorneys and the parties what they want to hear.”

Tustin plaintiffs’ attorney Heather K. McMillan used Ludwig recently to resolve a single-plaintiff employment dispute, and she said the mediator was well prepared and made use of an especially effective demeanor.

**Michael  
L. Ludwig**

Ludwig Law PC  
Los Angeles

**Areas of Specialty:**  
Employment

“In our room, you’re dealing with an individual employee who has experienced some violation of their rights,” McMillan said. “And he does a good job of explaining things to them on a level that they can understand and feel that they’re being heard and able to participate in the process. ... He is also conveying what is sometimes very difficult analysis to hear by an employee who has been wronged, but I think Mike does a great job of presenting that analysis without it being an attack on them.”

Ludwig said his preference is to keep disputants separate during his mediations, and he tries to speak directly with the parties early on.

“I want to spend some time finding out who they are, listening to them, and hearing them out,” Ludwig said. “I want to fully understand their positions and hear from them about what happened – their interests and motivations.”

After establishing a foundation of understanding and trust, Ludwig said he will move into a more evaluative approach when the timing

is right, during which the aim is to have a candid conversation about case strengths, weaknesses and possible outcomes.

“I’m always clear to the parties that my role is not to decide who’s telling the truth, who’s going to win or lose or even what the settlement value is,” Ludwig explained. “But I will share my thoughts on the case at the appropriate time when I think it will be productive.”

Pasadena plaintiffs’ attorney Douglas Han opposed Ludwig several times when he was still representing employers and has since used the mediator to settle four employment disputes.

“On the other side, Mike was very practical,” Han said. “He wasn’t going to just fight you for the sake of fighting you. He was going to vigorously defend his client, but then he also knew the practicalities of litigation.”

Han said he decided to use Ludwig as a mediator because of the practical approach he employed as a litigator.

“He certainly knows the defense-

side room because that’s what he did his entire career,” Han explained. “But ultimately, you want to go to a guy who gets you results. You can be smart, competent, and prepared and do all of that, but at the end of the day - on our side - it’s about getting paid. Can this guy get us money in our pockets and in our clients’ pockets? And Mike has shown that he can do that effectively.”

Ludwig added that he will make use of mediators’ proposals, but he tries hard not to mention that option too early.

“My preference is to have the parties negotiate the settlement with my assistance, but that doesn’t always happen,” he explained. “If it appears further negotiation is not going to be productive, I will do a proposal, but I prefer to have the parties bring it up first, and I prefer to have buy-in from both parties to go that route.”

Oakland defense attorney John F. Hyland has used Ludwig as a mediator to settle four separate employment disputes, and he said the

neutral applies an especially calm approach and makes effective use of humor.

“He’s not bombastic at all,” Hyland said. “And unlike most attorneys, he never needs to explain something as though he’s the smartest person in the room. ... I can’t stand the mediators who just have to show what an expert they are.”

Hyland was also quick to note that despite Ludwig’s more than 25 years representing employers, the mediator applies a fair approach.

“You know his background, but he comes across very neutral, and that neutrality seems very genuine,” Hyland said. “You know he’s a guy that recognizes there are two sides to every story.”

*Here are some attorneys who have used Ludwig’s services:* Douglas Han, Justice Law Corporation; Heather K. McMillan, Stevens & McMillan; John F. Hyland, Rukin Hyland & Riggin LLP; Matthew A. Tobias, Sheppard Mullin; Kaveh S. Elihu, Employee Justice Legal Group

---

*shane\_nelson@dailyjournal.com*