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Mitchell M. Tarighati

Attorney of the Month

**Constangy,
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Law Firm of the Month

Mitchell M. Tarighati

The Voice of Reason

Written by Sarah Torres

Photographed by Hugh Williams

Some advocates say that they felt a passion for the law from a young age. They point to a specific unpleasant or unfair experience igniting within them a desire to advocate for victims or for a cause. Others are drawn to stand for justice, whether on the playground, in the classroom or in the courtroom.

Mitchell Tarighati, a private mediator at ADR Services Inc. since 2017, and founding partner of Sepassi & Tarighati LLP in 2012, had a very different entryway into the law.

“I wish I had an inspiring story to tell,” he says. “For me, it all started with a fireside chat with my father.”

But that doesn’t mean Tarighati’s rather unique life experiences haven’t shaped his career.

The Origins

Born in Iran in 1976 in the shadows of an uncertain political climate, he moved with his family to Germany in 1979 due to the revolution, returning to Iran in 1981. He left again for England with his mother and brother in 1984 because of the war.

In 1989, he began attending what he calls an “old-fashioned” English Preparatory school, where he excelled in rugby (captaining the team his senior year), played tennis and ultimately graduated with the highest rank among his peers, company sergeant major.

“It was a military-style school that stressed discipline, work ethic and a degree of competitiveness,” Tarighati says. “While it wasn’t an edict of the school, at times it felt like we entered as boys and left as (young) men, whether by choice or by force. It was a very maturing experience.”

A pivotal moment in his life came in February 1995 during a visit to England by his father, a renowned psychiatrist. Tarighati was studying Environmental Science at King’s College, London, “with little interest or success.” The topic of conversation coming back from dinner was, “What are you going to be (when you grow up)?”

“I was 19 and I had no idea about my professional future,” Tarighati says. “I’ll never forget: My father was getting ready to



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sleep and was taking off his socks, and at that moment he said, ‘I think you’ll make a great lawyer.’ At that time, a legal career, let alone one in the United States, was not even in the realm of possibility.”

In fact, this was the first time anyone had suggested to him a career in the law. However, the idea stuck and gained traction in his mind, and six months later he was USA-bound with the proverbial one-way ticket in hand to Los Angeles, three suitcases in tow, and approximately \$3,000 in his pocket.

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yet again, be a first-generation immigrant,” Tarighati says. “But I stood for the possibility of doing it and making the best of it.”

The seed that his father had planted was nurtured by family in Los Angeles, who helped his goals take root, but not without a few hardships along the way.

“I rented a tiny one-bedroom apartment, had no car for the first year or so, and lived on a total monthly budget of less than \$1,000,” he says. “Not quite a starving student, but very close!”

Even though he didn’t think of becoming an attorney or a mediator in his early years, Tarighati says his “inner-



mediator” was lying dormant all along.

“I either inherited or assumed the role of mediator within my family dynamics years before I did it for a living,” Tarighati says. “Peacekeeping, relaying positions and negotiating were constant themes in my family life, so maybe I was destined to become a mediator.”

The Early Years

Tarighati describes the ensuing years as a bit of a blur. Between 1995 and 2004, he completed his bachelor’s degree, a Juris Doctorate and an MBA, during which time he says he was either in class, studying, working or interning.

“While I am sure I had fun along the way,” he says, “most of my memories of that near-decade predominantly involve things to ‘build my career.’”

Tarighati had first thought that his career would be in criminal law, then while in law school in Albany, New York, he thought corporate law was his future. But ultimately, he decided that he wanted to be a litigator. So he moved back to Los Angeles in 2003, again with a one-way ticket in hand.

“I hit the pavement to get as much litigation experience as possible, and I did not limit myself to the kind of cases I was working on,” he says. “For me those first few years were about going to as many hearings, drafting as many motions, and taking as many depositions as possible. Let’s just call it a self-imposed litigation boot camp.”

Tarighati spent the next seven years working as a defense attorney, and since 2012, his own firm has represented both plaintiffs and insured defendants in a variety of general liability and personal injury cases.

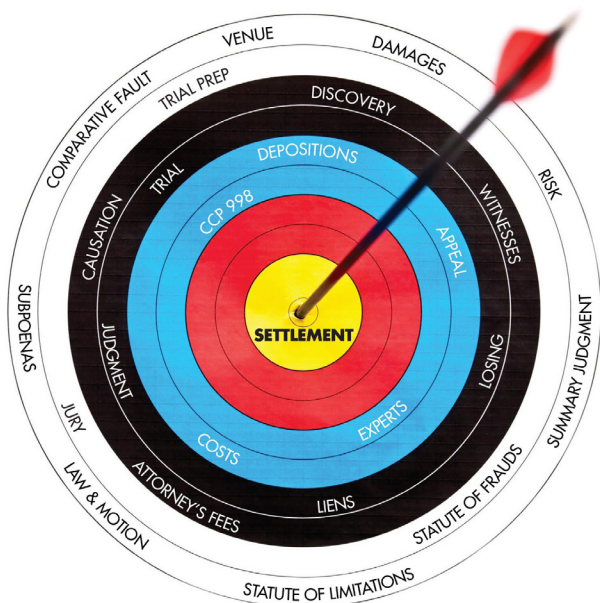
“Having a balanced law practice keeps me on my toes,” he says. “I look at a defense case that I am handling from the perspective of a plaintiff’s attorney, and I look at a plaintiff’s case from a defense attorney’s vantage point.”

“I think that my clients are entitled to realistic and well-rounded analysis of their case, and my approach raises to the surface the good, the bad and the unknown about the case,” he says. “This approach and training has helped me tremendously in becoming an effective mediator, and I believe that both sides of the Bar are more receptive to me, in part, because of my background.”

A True Calling

While Tarighati was still paying his dues, so to speak, as a litigator, he was also attending mediations as an advocate. At first, he says, he negotiated with strict instructions from his principals, but with time he became comfortable with the process and began to use a degree of autonomy and sometimes creativity in negotiating his settlements.

“It was during a mediation in 2010 to 2011 that I thought for the first time whether *I* can become a mediator,” he says.



Tarighati recalls that his confidants and mentors were quite resistant to, and apprehensive about, the notion of his becoming a mediator, let alone its being a realistic possibility. To them, his career was going better than he should have anticipated.

“I was in my mid-30s, I had my own book of business, and I was prospecting imminent partnership at my firm,” he says. “While I took their insights to heart, I was sure that becoming a mediator was not a fad or a temporary detour.”

“I was not burnt out nor running away from the practice,” he says. “Rather, becoming a mediator had the aroma of a passion, or a ‘true’ calling, to do something extraordinary with my career—a notion which I’d *never* experienced before.”

After much contemplation, and with the Rocky soundtrack playing loudly in his mind, Tarighati resigned from his firm in 2012, walked away from equity partnership, and established his current firm.

“Now I had the flexibility of practicing law *and* mediating cases, and just like before, I had to hit the pavement again to get as many mediations under my belt, and as soon as possible,” he says. “I did not fall into mediation work. I actively pursued it and planned for it, and I had to overcome a fair amount of challenges. It didn’t feel like a huge gamble at the time, though in hindsight it absolutely was.”

Tarighati has observed that some mediators are evaluative, preferring to share or insert their thoughts and opinions—the what-to-dos and not-to-dos—as their go-to approach. Others are facilitative, he says, and most don’t fall under any particular category.

He says he takes a different tack, what he calls a “diplomatic approach” in matching and merging his skills to form a mediation style that works for him, and most importantly, one that works for his clients.

“Unless or until necessary, I try to not get myself involved too much in the mediation process,” he says, explaining that the mediation is less about him or his views, and more about the interests in play between the adversaries.

That doesn’t mean that Tarighati will not give an opinion when asked, but when he does, he says, he is mindful to do so carefully because *anything* a mediator does or says can have serious consequences.

“I am constantly framing and reframing the issues of the case, and from time to time, when messages or positions that are perceived as insulting are exchanged during a mediation, I work hard to smooth out the edges and otherwise keep the negotiations on track,” he says. “That’s what I mean by diplomatic.”

“I *must* be the reasonable person in each room” he adds in explaining why he sometimes refers to his role as being “the voice of reason.”

“If I’m viewed as being unreasonable or judgmental, or having a motive other than settlement, then I’ve become part of the dispute as opposed to being part of its resolution,” he says. “Ultimately, I aim to provide a fair process and a fair outcome. That’s my primary job as a mediator, but I never lose sight of why I am hired—to be a *closer*.”

The Big Leagues

Tarighati’s strategic and, at times, self-described over-ambitious career choices as a mediator, culminated in his being invited to join ADR Services Inc. as a private mediator in 2017.

“While I’d earned a slot in the big leagues,” he says, “I like to think that I’ve remained focused on doing my utmost to settle cases and being the best mediator that I can be.”





Most of Tarighati's mediations involve personal injury and employment cases of all varieties and varied monetary values, with the balance of his cases being real estate and commercial matters. But he won't take *any* case out there.

"I made the conscious effort to mediate only those cases that I felt very comfortable in, and about which I can have intelligent conversations with my clients," he says. "I have no reservations about turning down an assignment that is beyond my bandwidth of knowledge or experience. The cases that I mediate, I give them the *same 100% effort* irrespective of whether it has a five-, six- or seven-figure valuation."



Does having an ongoing law practice and experience representing both sides make Tarighati a better mediator?

"It certainly allows me to communicate with, and relate to, the parties, their counsel and insurance professionals more effectively and efficiently because I deal with the same or similar issues in my law practice. We can cut through the fat, so to speak," Tarighati explains. "I am grateful that my legal experience is usually very well received, particularly in brokering deals when I offer to one side my experience from actually working on the other side, and vice versa."

"One issue that I am extremely careful about is making disclosures because I have concurrent law and mediation practices," he insists. "Specifically, I voluntarily disclose *anything* that may be an actual or potential conflict of interest, as well as things that may have the appearance of impropriety."

Even practicing with an abundance of precaution, mediations can come with land mines to be avoided, Tarighati says.

"As a mediator, I try to listen more than I speak," he explains. "When I provide my thoughts, I'm very mindful of my words, my delivery and my timing, even my body language, especially when my take on things may not be popular or agreed upon."

"At times, I may be more formal and wordier, but I'm rarely misunderstood," Tarighati says. "To me it's like surgery. The smallest issue or miscommunication can have dire and irreparable consequences, and you always have to consider your audience and the mood of the room before you engage."

But a mediator still may reach an impasse in difficult or complicated disputes. It is at these times that Tarighati says he relies on his intuition as to when to keep going, persisting forward, and when to put the negotiations on pause to regroup.

"You have to have a receptive radar, be able to read the subtitles when communicating, and have your finger on the pulse, mood and energy of the participants," he says. "I'm not one to force a settlement, unless everyone is on board. And trying to fit a square peg in a round hole, for me, is never the way to go."



“In short, if there’s impasse, it’s my job to remain calm and optimistic, and to put options in front of my clients,” he says. “I inquire whether a mediator’s proposal or a mediator’s proposed bracket is the way to go, or whether further documents and information need to be exchanged. I also provide clients with my cell phone number, which has allowed me to settle cases outside of regular business hours, while on vacation and during weekends. And I follow up, follow up, follow up!”

Tarighati says he is occasionally requested to provide valuation of a case or reveal his take on the credibility of a person or a piece of evidence. Again, he says, diplomacy is key.

“I tread very carefully, but I do not dodge the question, either,” he says. “So long as you lay the foundation for your view, and you take time to explain your rationale and analysis, it is usually well received, especially if you don’t impose your views on the case or the parties.”

The Tough Ones

Tarighati says some cases are more difficult to settle than others. The toughest? Those that involve tragic facts and serious injuries, and those where emotions play a serious and important role in the negotiations. He says these types of cases require extra time and attention.

“I have to remain equanimous and be empathetic so that I can better understand the forces and interests that are driving the dispute,” he says. “I don’t see cases, injuries or damages as a commodity, and unless both sides want to talk money from the get-go, I spend time to understand the issues before we move to monetize them.”

Tarighati says the cornerstone of his mediation work, especially in a factually tragic or challenging case, is keeping himself grounded, being patient and avoiding even the appearance of lecturing.

“Often a party feels that they are not being heard. So I make an effort to listen for content and give them the time they need to become a part of the process,” he says. “I limit my questions to the absolute necessary, and always ask before I proceed.”

Even though some cases can be emotionally taxing, Tarighati says he is never short on motivation. Most motivating to him is when a former colleague hires him as a mediator or refers others to him, or when he has mediated cases for a prior opposing counsel.

“It is also very empowering when clients send me a generous note or email, or otherwise give me a nod at the end of a mediation about how I made their client feel comfortable during the session,” he says. “You can never beat the satisfying feeling of being part of a settlement that neither side thought possible. Those are the things that keep the fire burning inside me.”

Mediations have lighter moments, too, he says. He uses the downtime during the mediation as an opportunity to build professional friendships, sharing stories and photos of his family, hobbies and other interests.

“While admittedly clichéd, I believe in the ‘people-person’ concept, and every mediation presents an opportunity for me to make a new connection or strengthen an existing one.” Tarighati says. “When I’m making copies of the settlement agreements after we have a deal, I get a rewarding feeling of accomplishment knowing that I’ve helped bring closure to a fight that’s been going on for years.”



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At a Glance

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Practice Areas

Personal Injury Mediation
Employment Mediation
Real Estate Mediation
Commercial Mediation

Education

Juris Doctor, Albany Law School, 2004
MBA, Union College, 2003
Bachelor's Degree, California State
University, 2000

Professional Memberships:

Southern California Mediation
Association
Iranian American Bar Association Los
Angeles Chapter
Los Angeles County Bar Association
San Fernando Valley Bar Association

Community Involvement

Southern California Mediation
Association, Mentorship Program,
Co-Chair
Iranian American Bar Association
Los Angeles Chapter, Mentorship
Program Former Co-Chair

Hobbies

All Things Culinary
Meditation
Gardening
Camping
Cabin Life
Science and History Documentaries

Favorite Quote

"I've learned that people will forget
what you said, people will forget what
you did, but people will never forget
how you made them feel."
- Maya Angelou



The Latest Chapter

In 2016, Tarighati married his wife, Sunny, and they have a 2-year-old son, Leo, whom Tarighati has aspiration will be a mediator in training. The couple share a love for camping and adventure, "though my wife is the more brave and energetic one, always pushing the boundaries and having us explore new experiences" he says.

With family in his heart, Tarighati says he carries that same sense of energy and creativity to the mediation table.

"I treat every mediation as if it is my first mediation," he says. "My 'day one' mentality has kept me humble, eager and motivated to work hard, and I hope that my clients see that peacemaking is my passion."

"If you ask my wife and those that work with me, they'll say I have an extra spring in my step on the days that I'm mediating," adds Tarighati with a smile. "I am committed to always being my authentic self. On any given day, you get the same optimistic and chirpy Mitch, with settlement being the final destination on my mediation GPS."