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Uncertainty of litigation led Alan Petlak into mediation

Judicate West neutral Alan S. Petlak relies on preparation, patience and trust to resolve complex consumer finance, real estate and personal injury disputes, often stepping in to keep negotiations moving toward settlement.

By Shane Nelson

Special to the Daily Journal

Mediator Alan S. Petlak believes that as long as he can keep disputing parties talking, he's got a real shot at helping to resolve their case.

"As long as the negotiation continues, there's always hope - even when the parties are far apart," Petlak said.

"There's always a chance for settlement until that final verdict. I've had cases where it's three days before trial, and we settle. ... And it's the right result because you have certainty versus uncertainty in trial."

A 1995 USC School of Law graduate, Petlak spent more than two decades defending clients in consumer finance, real estate and business disputes. In 2018, he decided it was time for a change.

"I was winning the cases I thought I was going to lose and losing the cases I thought I was going to win," he recalled. "And I just thought there was a path forward that provided more control over the process, which is why I decided to become a neutral."

After four years working full-time on his own, Petlak joined the Judicate West roster of private neutrals in 2022, and he now works to resolve consumer finance, real estate, personal injury, business and employment disputes. Petlak noted that roughly 95% of his practice is mediation with the remainder being mostly arbitrations.



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"As an arbitrator, my role is to judge," he explained. "I'm there to move the case along, to make clear rulings to help the parties get the matter to hearing and get the hearing done as quickly as possible."

Petlak said parties and their attorneys see a great deal more of his personality in mediations.

"I'm trying to build connections," he said. "I'm trying to get the parties to trust me through the process."

That work begins before the mediations for Petlak, who likes to speak over the phone beforehand with counsel.

"I'm a very strong believer in pre-mediation contact," he said. "It's the time where lawyers - without their clients present - can tell me their thoughts on the case, both the strengths and weaknesses, along with what they want me to look towards when the mediation starts."

Petlak typically begins with the plaintiffs, hoping to give them a chance to feel heard and to be sure he can later communicate the strengths and weaknesses of the plaintiff's case effectively to the defense.

"I tend to be stronger in terms of my pushing the parties as the day

Alan S. Petlak

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goes on,” Petlak added. “Because I’m a big believer that you first have to develop trust before you start telling the parties, ‘Well, here’s what I think your risk factor is.’”

San Francisco defense attorney Mark I. Wraight has used Petlak to settle half a dozen consumer financial disputes, and he said the neutral’s preparation and his personality made him a joy to work with.

“There are certainly mediators out there who will pound the table and tell each side in their respective rooms how wrong they are and all the reasons why they should settle. I’ve not found that to be Alan’s approach,” Wraight said. “He’s very personable. He wants to understand the parties, the lawyers, understand their interests, what’s motivating them. And he really works in a much more cooperative manner of mediating, trying to move the parties toward a number that each will accept at the end of the day. It’s not an arm-twisting exercise.”

Ontario defense attorney Christina J. Loni has used Petlak to resolve

several habitability cases and said the neutral has been excellent with difficult clients.

“Alan’s very level-headed and calm,” Loni said. “And he has a way of speaking with clients that is direct but still soft, which I appreciated. Sometimes I’ve found mediators can come off a little bit harsh on clients when they’re trying to explain the risks of litigation or issues in their case or mistakes that may have been made along the way.

Alan’s kind of been my go-to when I know I’m going to have a difficult case - when it comes to either a client or a difficult plaintiffs’ attorney on the other side.”

Petlak noted that one misstep he feels attorneys routinely take in mediation is to make decisions too quickly.

“For example, ‘I will never ever settle the case below seven figures,’” he said. “You set that up, and it sort of becomes a self-fulfilling prophecy because even though you get close, you don’t get the number you want, and then you put yourself into a bind.”

Petlak said one way he’ll address that challenge is to have that attorney “negotiate numbers with me.”

“I take the negotiation off them and put it on to me. ... ‘What if my number was blank? What would you think about it?’” Petlak explained. “It’s being more flexible.”

Irvine litigator Edward Susolik has used Petlak to settle disputes on behalf of plaintiff and defense clients in several cases, involving personal injury or real estate claims. Susolik was quick to describe Petlak as a “closer.”

“He understands the parties’ positions very well, and he’s also a former trial lawyer, so he understands how cases stand up to a jury,” Susolik said. “And he’s able to communicate that understanding to the parties, and it’s very effective. ... He understands each side’s strengths and weaknesses, and he can use that leverage in an attempt to get the parties to come together and settle.”

Wraight added that Petlak’s extensive background defending clients is another distinguishing strong suit.

“He is accustomed to and understands how corporate clients think about cases,” Wraight said. “Usually, I will go into a mediation with settlement authority, and he understands that’s not just a number we picked out of thin air. There was a lot of deliberation, a lot of factors were weighed to get to that number. ... Understanding that when you come in, it sets the mediator up for success.”

Petlak described his move into full-time private neutral work as the best decision he’s ever made.

“I love every case. I love interacting with lawyers. I love connecting with the clients,” he said. “And there’s nothing more gratifying than reaching resolutions.”

Here are some attorneys who have used Petlak’s services: Christina J. Loni; Wood Smith Henning & Berman LLP; Mark I. Wraight, Stinson LLP; Edward Susolik, Callahan & Blaine PC; Matthew M. Loker, Loker Law APC; Maryam Danishwar, Clark Hill LLP.

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