

# LAWYERS JOURNAL

## Judge Lenihan receives Conflict Resolution Day Award

by Tracy Carbasho

Chief Magistrate Judge Lisa Pupo Lenihan's work in the field of mediation has caught the attention of others in the legal profession.

The Mediation Council of Western Pennsylvania honored her in January with its 2013 Conflict Resolution Day Award. The honor was originally slated to be presented in October, but the event had to be rescheduled.

"Judge Lenihan has been at the forefront of our alternate dispute resolution process since the court embarked on its pilot program in 2005," said District Court Judge Nora Barry Fischer. "She has excellent mediation skills and I repeatedly receive very favorable comments from practicing members of the bar as to her skills in that arena."

Lenihan was instrumental in establishing the Pro Se Prisoner Mediation Program, which is used to mediate civil rights cases involving inmates.

"She saw a need for a program directed at our prisoner suits and worked steadfastly with others over a number of months to bring this program to fruition," said Fischer. "It would seem that this program will benefit not only the litigants, but also taxpayers who maintain our prison system. It also provides the magistrate judges with an opportunity to move cases in a quicker fashion, providing more immediate relief."

Lenihan was honored and humbled to receive the award from the MCWP, which she describes as a prestigious and well respected organization. When she received the award, she quoted Henry Ford who said, "Don't find fault; find a solution."

"The courts are charged with finding fault and sometimes that is necessary, but the members of the council help people find solutions and sometimes that is of greater benefit to all concerned," said Lenihan.

The award was presented to her by MCWP President Sally Cimini, who acknowledged Lenihan's active involvement in the court's mediation program and the fact that she has mediated hundreds of cases.

"I am always very pleased when I am able to facilitate a settlement, particularly when the parties begin the process in two very diametrically opposed corners," said Lenihan. "Seeing them gradually move toward a resolution over the course of a day through the mediation process is extremely rewarding. All parties are able to put an unpleasant experience behind them and move on with their lives or their businesses."

Lenihan has a long history of involvement in alternate dispute resolution. She mediated cases as an advocate for her clients when she was in private practice. She started mediating cases as a neutral party when she joined the court in 2004 and has achieved a high rate of success.

"What we are trying to do on our court is not force cases to settle, but shift the paradigm so they settle not on the



*Chief Magistrate Judge Lisa Pupo Lenihan, right, was honored earlier this year with the Conflict Resolution Day Award from the Mediation Council of Western Pennsylvania. Presenting her with a plaque is MCWP President Sally Cimini.*

courthouse steps after years of stress and huge amounts of money being spent, but shortly after they are filed," said Lenihan. "Mediating cases not only saves time, stress and money, but also gives the parties control over their cases to an extent they do not have in litigation. They can think outside the box and look for creative solutions."

"The prisoner mediation program is focused on those cases that can be resolved for something other than money. For example, a prisoner is of a certain religion and wants a

special diet, a prayer rug, a Bible or a Koran,” said Lenihan. “If the prisoner litigates his case, he may not get any money for being denied his Koran, but through mediation, he may get his Koran, his bottom bunk, his glasses, etc.”

The Pro Se Prisoner Mediation Program provides a way for the cases to be identified and resolved early in the process, thereby freeing up the court and defense counsel to deal with other cases. It also helps the litigants obtain relief without having to endure years of litigation, which can be difficult since they do not have legal training.

Individuals from the Office of Attorney General and others conducted a Continuing Legal Education training session for potential mediators when the prisoner program was created back in 2012. Mary Friedline was among those who helped conduct the CLE session. She said the prisoner mediation program exemplifies the energy, drive and innovation that Lenihan exudes every day.

“She shows the same warmth, firmness and empathy to all—whether you are a pro se litigant or a lawyer from a high-powered firm,” said Friedline, a senior deputy attorney general with the Pennsylvania Office of Attorney General. “She has an excellent reputation for fairness and common sense.”

Friedline said Lenihan is a “go to” mediator for many federal judges who refer challenging and complex cases to her for settlement.

“She has devoted full days to mediations which are often stressful and tedious. She has an excellent ability to see through posturing and help the clients and decision-makers see their way to the end,” said Friedline. “She also brings innovative solutions to the table. It’s a great tactic as often she is able to divert attention and passion away from the past and help them focus on new ideas and alternatives.

“Most recently, she took on the monumental task of directing mediations in a series of extremely challenging inmate civil rights claims arising from allegations of abuse at the State Correctional Institution in Pittsburgh, which led to the criminal prosecution of one of the ex-officers,” added Friedline. “She has devoted weeks to these mediations and has helped both sides achieve fair and reasonable resolutions.”

Lenihan received both her bachelor’s degree and her law degree from the University of Pittsburgh. She worked as an associate at Dickie, McCamey & Chilcote from 1983 to 1986. In 1987, she was one of five founding partners of Burns, White & Hickton and became managing partner of the firm in 1997. She joined the University of Pittsburgh Medical Center as corporate secretary and assistant counsel in 2000 and was appointed to the bench four years later.

She has been honored with many other awards, including the Susan B. Anthony Award from the Women’s Bar Association of Western Pennsylvania in 2004; the University of Pittsburgh School of Law Women’s Association Woman of the Year Award in 1999; and the Carlow College Woman of Spirit Award in 1998. ■