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Walk-off Grand Slam: Transitioning From Los Angeles Dodgers General Counsel to JAMS Neutral

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The dream of countless children across Los Angeles is to one day play baseball for the Dodgers. So, it stands to reason that more than a few attorneys throughout the City of Angels might harbor dreams of being general counsel for this iconic team.

In the case of Santiago (Sam) Fernandez, that dream was a reality. For nearly 40 years, Sam served as general counsel for the Dodgers, where he was responsible for the team's legal affairs. As general counsel, his duties included negotiating agreements with the team's broadcasting partners, concessionaires, sponsors, vendors, employee unions, and players; licensing the team's marks and other intellectual property; leasing the stadium for concerts, films and other non-baseball events; and supervising all litigation.

In 2014, Sam was recognized by the *National Law Journal* as one of America's 50 Outstanding General Counsel. He also received a Corporate Counsel Award from the *Los Angeles Business Journal*. Following his retirement from the Dodgers in December 2022, Sam joined JAMS as a neutral, where he will serve primarily as a mediator. We had the opportunity to sit down with this distinguished attorney to learn more about his storied career and his transition to a "second act" in alternative dispute resolution (ADR).

Q: How did you come to be the general counsel for the Dodgers? That's probably not a common job opening.

Sam: I began working with the Dodgers in 1983, while I was an associate in the litigation department at Latham & Watkins. I was given the assignment to serve as the team's resident counsel for one year, after which time I was slated to return to the firm full time. However, at the end of the year, Peter O'Malley, the owner and president of the Dodgers at the time, offered me the position of general counsel. Having been a Dodger fan since I was in grade school, I couldn't turn down the opportunity to join my favorite team.

Q: After your successful career as GC of the Dodgers, what was it about ADR that prompted you to join JAMS' panel of neutrals?

Sam: Serving as an ADR neutral is attractive to me because it allows me to utilize the skills and experience that I acquired while serving as general counsel for a multifaceted organization—namely, negotiating agreements. I have also overseen and been responsible for handling many different types of disputes. I've been involved in numerous



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mediations and, to a lesser extent, arbitrations, including some player salary arbitrations early in my career. I've negotiated settlements in a wide range of matters, from personal injury claims to business disputes, labor grievances, and disciplinary proceedings conducted by the Major League Baseball (MLB) Commissioner's Office. All of these matters involved some form of negotiation, and this is the experience that I bring as a neutral to assist in resolving disputes.

Joining the JAMS panel made a good deal of sense to me because of its stellar reputation. Quite a few legal colleagues hold a similar view of the firm, which reinforced my belief this was the right fit for me. I must say that all of the people I've dealt with at JAMS have been tremendous—very friendly, incredibly professional, and extremely well organized. I couldn't be more impressed.

Q: How do you see your experience with the Dodgers serving you now as a JAMS neutral?

Sam: Over the years, I've been involved with resolving costly disputes, dealing with difficult and often high-profile public relations issues and successfully structuring important business transactions. During my years with the Dodgers, I dealt with a wide range of issues, such as how intellectual property would be licensed for use by third parties, labor disputes, and workplace disputes. I was even involved in bankruptcy proceedings. Throughout it all, I've been able to bring diverse parties with a variety of differing interests together to arrive at constructive solutions. That's the depth of experience that I bring to the dispute resolution process.

Q: As a JAMS neutral, do you see yourself as more of a generalist, or do you have specific practice areas that you focus on?

Sam: Unlike neutrals who come from the judiciary or were litigators in private practice, I have a business background, with an emphasis

on negotiating agreements rather than litigating outcomes. I've dealt with the types of non-economic issues that are often important to a business but can become a material impediment to the resolution of a dispute. By "non-economic issues," I mean issues that go beyond the amount of the settlement payment, such as the need for a strong confidentiality provision, or the tax implications of a settlement payment, or the general reluctance of a company to settle any claims of a particular type. I've also learned, through experience, the great value of creativity in reaching negotiated solutions. I believe my business background provides me with a wide range of tools that are highly effective for a neutral.

Q: Now that you will have more free time on your hands, what do you plan to do outside of your work as a neutral?

Sam: I plan on doing a little more traveling with my wife, spending more time with friends and family, catching up on my reading, playing my guitar and, of course, going to Dodgers games. I may have retired from the ballclub, but I definitely haven't retired as a fan. I have the same passion for the game and the team that I had when I was a kid. There's nothing better than a day at Dodger Stadium!

Santiago Fernandez, Esq., is a mediator and arbitrator at JAMS. He joined the JAMS panel after nearly 40 years overseeing legal affairs for the Los Angeles Dodgers. He can be reached at SFernandez@jamsadr.com.

