

# VERDICTS & SETTLEMENTS

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## Gold Standard

*Gerald Kurland's expertise has made him the go-to mediator for large and complex litigation.*

By **Don DeBenedictis**  
Special to the Daily Journal

Attorneys who want star mediator Gerald A. Kurland to help resolve a complicated piece of litigation will probably have to wait.

“Right now, I’m booked virtually every day through May with dates even reserved in June, July and August,” Kurland said.

Partly that’s because he specializes in sprawling, complex, multi-party construction and real estate disputes involving high-rises, sports arenas, hotels, public buildings, dams — even a gold mine and a federal munitions facility. Most litigation of that sort is subject to federal judges’ case management orders, which typically set specific dates months ahead when mediation is to occur.

The other reason Kurland’s calendar is so full is because he is simply one of the best mediators around, say lawyers who handle such disputes.

“He is the gold standard of mediators,” according to D. Michael Schoenfeld of Murphy Austin Adams Schoenfeld LLP, a 40-year veteran of contract-oriented construction litigation.

“He’s my go-to mediator on [insurance] coverage, particularly when it involves real estate and construction issues,” said

Amy B. Briggs of Farella Braun + Martel LLP.

Briggs was one of the 100 or more attorneys involved in litigation over San Francisco’s Millennium Tower, which Kurland helped settle in October.

The 58-floor tower opened in 2009 as one of the city’s tallest and most exclusive residential high-rises. In 2016, engineers disclosed that it had sunk 18 inches and was leaning 14 inches to the west. Lawsuits ensued, filed by residents, the homeowners’ association and the city against the developers. They in turn sued owners and developers of three adjoining properties, among others.

JAMS leader and retired judge Daniel Weinstein came on as the global mediator for all the cases a couple of years later, and he soon discovered that Kurland and retired judge Ronald Sabraw were already mediating aspects of the litigation. By January 2018, the three were working as a team.

“I don’t think any of us have seen anything like it in our lifetimes, and I don’t think any of us ever will,” Kurland said. “There was so much work involved that one person could not have done it.”

All told, there were 30 defendants, hundreds of plaintiffs and 40 insurance companies. Kurland primarily dealt with the defense parties and the many



Gary Wagner / Special to the Daily Journal

insurance issues, although all three mediators worked on all aspects of the case.

Reaching the outline of a settlement took from early 2018 to the end of 2019. The next 10 months went to putting the documentation together, he said.

Besides payments to plaintiffs, the settlement calls for sinking 52 concrete, 140,000-pound piles into bedrock 250 feet below and attaching them to the tower’s foundation. The fix is expected to cost about \$100 million.

Charles M. Litt of Fenton Grant Mayfield Kaneda & Litt LLP represented the homeowners’ association in the litigation,

### Gerald A. Kurland

JAMS  
San Francisco

**Areas of specialty:**  
construction, complex  
litigation

and he credits Kurland as a key reason it all resolved. “He is the hardest working mediator I’ve ever worked with,” Litt said.

“He works on your case day in and day out” including between formal mediation sessions to be fully prepared, the attorney added.

Briggs said Kurland is especially effective because “he can operate on several levels” simultaneously because of his deep understanding of construction and insurance.

Ted R. Gropman of Troutman Pepper Hamilton Sanders LLP described Kurland as “one of the top tier construction mediators” because he is knowledgeable and tenacious but also diplomatic and very comfortable to be with.

“He has a unique gift ... that allows him to engage with the common person,” Schoenfeld said. “People like him and respect him.”

Plus, he can handle difficult legal issues. “Jerry is a closer,” Schoenfeld said.

That unique gift probably

played a part in Kurland’s being elected president of the UCLA student body in 1979, where he graduated with top honors. After receiving a law degree from UC Berkeley, he went to work in the real estate group of Silverberg, Rosen, Leon & Behr, representing some of the developers of Los Angeles’ Wilshire Boulevard, Westwood and Olympic corridors.

In 1987, he moved in house with SoPac Real Estate Group in Pasadena, which specialized in winning permits and entitlements to develop challenging parcels of raw land.

But as that company began to wind down in the early 1990s, Kurland started working on becoming a mediator, first with training and cases from the Los

Angeles County Bar Association and then the American Arbitration Association and the L.A. County Superior Court.

When JAMS and Endispute merged in 1994, he was one of the first attorney-mediators hired in California. Then, in 1999, he was one of the 45 neutrals who banded together to purchase and reorganize JAMS.

Kurland said he was drawn to mediation because he has always wanted to help better the world, and helping people resolve their problems accomplishes that goal.

He said the hardest work comes before and between formal mediation sessions and after, following up by telephone.

“The folks who hire me are going to get somebody who is

organized, who prepares properly and who will never give up and who is driven to the core to try to help resolve their problems,” he said.

Kurland loves his work. “It’s bringing together every aspect of my personality ... to help people do something that they could not do on their own.”

*Here are some attorneys who have used Kurland’s services:* Amy B. Briggs, Farella Braun + Martel LLP; Janette G. Leonidou, Leonidou & Rosin; Ted R. Gropman, Troutman Pepper Hamilton Sanders LLP; Peter C. Meier, Paul Hastings LLP; Charles M. Litt, Fenton Grant Mayfield Kaneda & Litt LLP; D. Michael Schoenfeld, Murphy Austin Adams & Schoenfeld.