

Riding the Mediation Wave

Even while immersed in America's adversarial legal system, Jerry Kurland always maintained a knack for diplomacy.

From UCLA student body president to in-house counsel at a large real estate development firm, Kurland's pull to unite people and help them resolve problems never wavered. So when the Los Angeles County Bar Association distributed materials for mediation training, it felt like a sign.

Kurland dove into the training courses, volunteered extensively in court settlement officer and mediation programs, served as a judicial arbitrator and judge pro tem, and joined the American Arbitration Association's panel of mediators and arbitrators.

"I came into law school wanting objective, concrete answers to problems — much like solving a mathematical equation," he says. "I had to shift the way my mind works and realize that there may not be only one 'right' answer."

Having built a thriving alternative and dispute resolution practice, in 1995 Kurland joined JAMS (formerly Judicial Arbitration and Mediation Services), then comprised of retired judges — becoming one of its first attorney-mediators.

Focusing on the legal expertise that fueled his ascent as a neutral dispute resolver — construction, real estate, and commercial law — he quickly found his footing.

In October he finished one of his most challenging cases, resolving claims relating to the sinking Millennium Tower in San Francisco. The litigation involved four adjacent properties, a homeowners association, hundreds of individual plaintiffs, many defendants and insurance carriers, and over 100 lawyers.

"I worked on it for over two years, including early-morning, late-evening, and weekend collabora-

tions," Kurland says. "One reason I never lose my drive as a mediator is because the process of settling a case like Millennium involves continual thinking and creativity, as if you were piecing together a difficult puzzle."

Consistently named one of California's top "neutrals" by the *Daily Journal*, Kurland sees two factors propelling mediation's growing popularity.

"First, litigation costs are often prohibitive, frequently exceeding the settlement value of a case," he says. "Second, a trial or arbitration is unpredictable — no matter how good people think their case may be."

As for the keys to mediation success, Kurland touts the 3 Ps: Preparation, patience, and perseverance.

"Hit the ground running to start a mediation so you don't have to ask questions that can be answered with advance preparation," he says. "Remain neutral and be flexible in letting each negotiation take its course in a way that's comfortable for the parties. And if a matter isn't settling, never give up. I follow up with the parties by phone, Zoom, or subsequent mediation sessions to explore every possible way to resolve the case." —*Andrew Cohen*

