

# Verdicts

OCTOBER 31, 2001

## & Settlements

ADRProfile

## Pacific Persuading

Dan Ben-Zvi says he now wages peace as a mediator in much the same way he used to wage war as a litigator.

BY TOM MORGAN

**D**an Ben-Zvi goes full-tilt at his goals. Always. A respected trial lawyer, licensed to practice around the country and the world, he is known especially for his toughness in entertainment matters.

"The way I waged war as a litigator, I now wage peace as a mediator," Ben-Zvi says.

And when this warrior-turned-peace-maker needs inspired words, he looks to Abraham Lincoln for a summation of an attorney's role in society.

"Discourage litigation," Ben-Zvi says Lincoln urged. "Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser — in fees, expenses, and waste of time."

Not that Ben-Zvi really needs to be reminded of these tenets.



Photos by Robert Lewins

"I try to better society," neutral Dan Ben-Zvi says. "Being an attorney [is one] vehicle to that end. I caught some of the idealism of the '60s. People need protectors."

### SNAPSHOT

#### Dan Ben-Zvi

Law school: Yeshiva University, Cardozo School of Law, 1981  
ADR group: Independent  
Service area: California  
Web address: dbmediation.com  
Case types: Entertainment, contract law, construction, malpractice  
Career highlights: Founder, DB Mediation Services, 1995-present; of-counsel, Schmeltzer, Aptaker & Shepard, 1990-present; associate attorney, Ribicoff & Kotkin, 1981-86; bankruptcy court extern, Judge Burton Lifland (Southern District New York), 1980-81

"I love that quote," Ben-Zvi, 44, says. "Lincoln was a really great man."

Ben-Zvi grew up in Elizabeth, N.J., and graduated from Rutgers University. He enrolled at Yeshiva University, Cardozo School of Law in New York City, where he earned his law degree in 1981. He is admitted to practice law in New York, Washington, D.C., and California, to name just a few jurisdictions.

"The joke was I would only take clients with a multiple choice or essay questions," Ben-Zvi says, referring to his admission to so many bars.

Immediately after graduating from law school, Ben-Zvi worked with New York bankruptcy Judge Burton Lifland. Ben-Zvi says that the responsibilities Lifland gave him sometimes were overwhelming. A year later, he left the court to work for the high-profile law firm of Ribicoff & Kotkin. Ben-Zvi stayed with the Sen. Abraham Ribicoff's Hartford, Conn., firm for the next five years.

Then, in 1986, Ben-Zvi decided to shake things up.

He took some time off to travel through Europe. He went to Israel for the trial of Ivan Demjanjuk, a suspected Nazi concentration-camp guard.

In February 1987, Demjanjuk, who sometimes was referred to in the popular press as "Ivan the Terrible," was deported from the United States, based on his wartime activities. He was ordered to stand trial for crimes against humanity during World War II at the Israel District Court. It was only the second such trial in Israel.

Demjanjuk was accused of having carried out the deaths of several hundred thousand Jews at the Treblinka concentration camp. He was charged with crimes against the Jewish people, crimes against humanity, war crimes, crimes against persecuted individuals and murder.

Ben-Zvi served as an unofficial press liaison for the proceedings, providing information about trial developments to media outlets not in attendance. He also took and passed the Israeli bar.

"[Israeli law] is not as difficult as people would think," Ben-Zvi says. "It's pretty close to American law — a lot closer than people would think."

Ben-Zvi went to California when the trial ended and wrote a theatrical script based on the trial. Although the dark subject matter did not find a willing buyer in the movie marketplace, Ben-Zvi landed a stint as an episodic television writer for the popular weekly drama, "L.A. Law."

Ben-Zvi admits that, initially, he thought of himself as a free-lance adviser to the show.

"I was interested in being a legal consultant," Ben-Zvi says. "But they ended up

hiring me as a writer."

But his trip to Tinseltown merely was a detour in Ben-Zvi's journey through the legal field. He says that his goal all along was to be an attorney and, ultimately, a full-time neutral.

"In 1978, I interned in something called the Citizens Dispute Program in New Brunswick, New Jersey," Ben-Zvi says. "Mediators were called 'settlement officers.' We would meet with anybody who would make a criminal complaint. That triggered my love for mediation."

Ben-Zvi says that the solution to these cases was not always criminal prosecution.

"I try to better society," he says. "Being an attorney [is one] vehicle to that end. I caught some of the idealism of the '60s. People need protectors."

Even beautiful people in glitzy professions, apparently.

With a laid-back style and a calm, reassuring voice, Ben-Zvi has garnered an impressive reputation in entertain-

ment law, though he says he's not primarily an entertainment lawyer. Ben-Zvi says that, as a mediator, his main concern is pulling both sides together. While his clients often are professionals in the entertainment field, Ben-Zvi hasn't limited his practice to them.

Santa Monica trial lawyer Richard DeBro says he's known Ben-Zvi for more than three years and considers him one of the finest attorneys he's ever met.

A few years ago, DeBro represented the Metropolitan Transit Authority in a rape case that ended in a hung jury. The case went to mediation and Ben-Zvi stepped in as the neutral.

But things weren't going well, according to DeBro. He says that the transit authority offered to pay costs as a settlement. The other side fumed.

Just when the negotiations were falling through and the parties were breaking for lunch, DeBro says that Ben-Zvi urged the parties to stay, saying that momentum could resolve the matter at that point.

"Each side moved, and there was a settlement," DeBro says. "Dan's tenacious. Other



ADR PROFILE: Dan Ben-Zvi's dispute resolution practice attracts Hollywood's beautiful people.

mediators would have walked away."

Ben-Zvi has found time during the past five years to volunteer as a mediator for the Los Angeles Superior Court. He says he became the first paid volunteer mediator under an early mediation pilot program.

Ben-Zvi's dispute resolution model is simple: He says he tries to get all the parties involved. And though cases may resolve quickly or continue for hours or even days, it's his persistence that he says makes him an effective neutral.

"Focus on the future," he tells mediation participants. "The past is gone."

Ben-Zvi is comfortable working as the laboring oar in mediation.

"The parties and attorneys need only be open and responsive for me to do my work to break down barriers," he says.

And he likes what he sees in the counsel with whom he works. Ben-Zvi says he's impressed by the level of professionalism in his colleagues.

"I do think attorneys do what they can to end litigation for their clients," Ben-Zvi says. "They create long-term relationships, not deals."