

VERDICTS & SETTLEMENTS

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Neutral Way of Thinking

Wendy W. Kramer says she's incapable of taking sides, and some lawyers say they believe it.

By Ben Adlin
Daily Journal Staff Writer

Wendy Kramer said she's been known to block the door when parties in her mediations threaten to leave.

"I'll say, 'I'm blocking the door! You can't do this!'"

She does it with humor, she said, but the sentiment is sincere. Kramer, who launched her mediation and arbitration practice in 2004 and is nearing 1,000 cases, believes that almost any dispute can be settled.

"It's not that I'm going to push them into a resolution," she said, "but I will strenuously encourage people to stick with the process, even during those moments of frustration."

Kramer likens mediation to unraveling a knot.

"You're trying to untie something that you had no hand in building," she said, "but it's before you and you're trying to figure out how to unwrap it, figure out what its most basic elements are and get it worked out."

Wilberta E. Breedy-Richardson, a supervising assistant city attorney in Los Angeles, said Kramer shows a "mild-mannered tenacity," asking pertinent questions or suggesting possible resolutions — anything to keep parties talking.

It's an approach that gets results, said Breedy-Richardson and other attorneys who have used Kramer's services.

"There have been a couple of instances in which I thought my case wouldn't settle, even deep into the mediation," said Sean R. Burnett of Snyder Law APC in Santa Barbara. "Somehow at the very end, we end up reaching a settlement."

According to lawyer Edmund E. Salem, that's exactly what Kramer did in a recent matter.

"This case was complex on all levels," he said. His client, a high-school student, had gotten into a shoving match with a bully, fallen down and broken his hip. The injuries were lifelong. The family not only sued the bully, but also a doctor

who misdiagnosed the problem.

"Wendy was astute enough to read between the lines and see what this family was actually looking for," Salem said. More than money, the boy and his family wanted the matter taken seriously.

Kramer brought the parties together and let them talk. The bully apologized, and the doctor explained how the error happened and why, in his opinion, it wasn't malpractice.

In the end, Kramer said, and the bully's family paid "a small amount" to the victim for his injuries, partially due to a lack of ability to pay and the doctor paid nothing.

'I think your brain becomes, uh, different ... I've absorbed other ways of thinking now.'

"It seemed like everybody was going to put this behind them," she said.

Some attorneys said the best strategy when using Kramer to settle a case is simply to be transparent.

"Give her all your cards and let her play them for you," said Simon. "If you've got a bad case, she'll tell you. If the other side's not offering enough money to resolve the case, she'll tell you."

Kramer opened her mediation practice after two decades handling primarily insurance defense work. She worked on medical malpractice, products liability, automotive and a variety of tort cases.

Despite that defense-heavy background, Rob-



Wendy W. Kramer

Affiliation: Independent

Location: Santa Monica

Areas of Specialty: Business disputes, personal injury, complex litigation

ert T. Simon, a Santa Monica-based plaintiffs attorney, said the consensus among his colleagues on the consumer bar is that Kramer is "fair and reasonable."

It's difficult to find an arbitrator that's not biased, he said, "because they're getting 95 percent of their cases from businesses." Kramer, he said, is "the only arbitrator I've ever agreed to."

Kramer insists that since becoming a neutral, she's simply incapable of taking sides.

"I think your brain becomes, uh, different," she said, laughing. Lawyers are trained to be advocates and to see things in the light most favorable to their client.

"I've absorbed other ways of thinking now," she said.

Here are some lawyers who've used Kramer's services: David Drexler, Sherman Oaks; Sean R. Burnett, Snyder Law APC, Santa Barbara; Mark R. Weiner, Mark R. Weiner & Associates, Glendale; David R. Olan, Olan Law Corp., Santa Monica; Wilberta Breedy-Richardson, Los Angeles City Attorney's office; Robert T. Simon, The Simon Law Group, Los Angeles; Debra S. Kanoff, Santa Monica City Attorney's office; Kevin D. Jeter, Los Angeles Community College District, Los Angeles; and Robert S. Fink, Los Angeles.