

# Human Kindness

*As a mediator, Wendy Kramer explores the feelings of the people that appear before her*

By L.J. Williamson  
Daily Journal Staff Writer

**M**ediator and arbitrator Wendy Kramer has found that dispute resolution can often be less about monetary figures and more about the feelings and experiences of the humans involved.

Case in point, one of Kramer's mediations involved a woman who had become a vigilante for the tenants of the mobile home park she lived in. The woman began documenting everything she believed the manager was doing wrong, and had a case set to go to trial.

It wasn't until the mediation that a company higher-up came, sat down with the woman, and listened to her very legitimate complaints. Kramer eventually helped fashion a resolution in which the woman was given permission to have his email address and contact him directly with her concerns.

"That woman was in tears she was so grateful," Kramer said. "She didn't care about money, she cared about being heard by the decision maker." At mediation, she was heard for the first time. "How remarkable is that?"

If the woman had gone to court, none of this would have happened, Kramer explained. The judge would have had to cut her off in the interest of time, and the woman wouldn't have had the opportunity to speak about all of the things that were troubling her about the place she'd lived for 30 years. "That's what I love about mediation," Kramer decided at a very young age that she wanted to be a lawyer, following an uncle whom she admired. Kramer's first job as a lawyer was at insurance defense law firm Thomas & Price in Glendale, her work including medical malpractice, products liability, automobile incidents and slip and fall suits — a great field for a young lawyer, she said, because of the wide variety of cases.

## Wendy Kramer

ADR Services, Inc.  
Los Angeles

**Areas of specialty:** Vehicular accidents, premises liability, insurance, real estate, professional malpractice, business litigation, products liability, assault and battery

But after her fifth year in practice, she volunteered to be in the courts' panel for non-binding judicial arbitration and was intrigued by the possibilities. Nearly 15 years later, Kramer participated in Pepperdine University's Straus Institute for Dispute Resolution program, where she came out "on fire."

"I liked the variety, I liked the people, I get to meet so many new people every week, different styles of negotiation, different kinds of lawyers, and I really enjoy helping people through the process," she said. "A lot of my family is in social work and counseling, so that's really where my head space is."

It's a feeling of "humanity" that attorneys brought up again and again in describing when describing Kramer's approach to mediation.

"My clients all love her and she seems to humanize the process," said Karen Gajewski of Gajewski & Baughan. "Even if we're miles apart she manages to bring people back together and gets the process going again."

Gajewski recalls a particularly difficult case in which her Russian clients did not speak or understand English well, but were very emotional about a case in which the husband was severely injured, hospitalized and unable to work while the plaintiff wife was pregnant.

With her clients screaming, tearful, and packing up to leave, and neither side budging from their demands, Kramer was able to calm everyone down and rephrase the settlement parameters.

"Everyone left smiling," Gajewski said. "She is non-threatening, empathetic, and extremely intelligent with



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a sense of how to make the settlement seem like it was our idea."

"She's able to go below the line, and find out what's really at issue," said Robert T. Simon of The Simon Law Group LLP, who called Kramer "a rock star," and praised her ability to get to the core of a dispute. "Sometimes it's more than the dollar aspect — it's the human aspect that's resonating," Simon said. "And a lot of times as lawyers and litigants we forget about that fact. That's what she brings to the table — she humanizes mediation." Attorneys also were impressed by Kramer's tenacity.

"I think she's at the top of her game as a mediator — I would put her up there in the A class," said Stephen McElroy of AlderLaw PC. "She's one of the more hardworking mediators around. If you don't get a case settled, you're not going to stop hearing from her until the trial is over — her follow up is amazing."

Plaintiffs' personal injury attorney John Nojima of Lederer & Nojima LLP also cited Kramer's dogged follow-up, which may see her chasing a resolution even months down the road, as well as her sense of empathy. "My clients always feel that she cares about them and about getting the case resolved reasonably."

Nojima said that his firm often recommends Kramer, but more than half the time the defense recommends using her as well. "My clients always feel that they've had someone care about them and their case. Some mediators just come in and run the

numbers, but with some clients you need a different touch, and she has that touch."

Kramer said she doesn't subscribe to the theory that "the best settlement is one where each side is equally uncomfortable."

"I prefer ones where they recognize they've compromised, obviously — you're not going to get everything you want — but I still think that most of my settlements happen with people feeling that they had a chance to be heard in a way they haven't been heard before, a chance to vent," she said. "They ultimately come to a figure they feel is relatively fair on both sides and both sides leave happy. That's so much better than litigation, where someone wins and someone loses. Mediation can be win-win."

*Here are some attorneys who have used Wendy Kramer's alternative dispute resolution services:*

Robert T. Simon, The Simon Law Group LLP; Robert J. Stoll, III, Stoll, Nussbaum & Polakov APC; Steve McElroy, AlderLaw PC; Karen Gajewski, Gajewski & Baughan; John Nojima, Lederer & Nojima LLP; Thomas Gmelich, Bradley & Gmelich; Jill Siciliano-Okoye, California Department of Transportation Legal Division; Guillermo Schnaider, Pyka, Lenhardt, Schnaider, Zell APC; Wilberta Breedy-Richardson, Los Angeles city attorney's office; Mark Weiner, Mark R. Weiner & Associates.