

VERDICTS & SETTLEMENTS

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Mediator Daniel Ben-Zvi's guiding principle: whatever works

With more than 4,000 mediations under his belt, ADR Services, Inc. neutral Daniel P. Ben-Zvi tailors his approach to the moment—shifting styles, reading the room and pressing persistently toward resolution while keeping parties engaged, informed, and respected.

By Shane Nelson

Special to the Daily Journal

Longtime neutral Daniel P. Ben-Zvi (pronounced “Benz Vee”) likes to describe his approach to mediation with just two words: whatever works.

“I do whatever is most effective to increase likelihood of agreement,” said Ben-Zvi. “Sometimes I’m evaluative - actively highlighting weaknesses and strengths. Other times, when the situation calls for it, I’m more facilitative and think to myself, ‘Wait - W-A-I-T - why am I talking?’ ... I do whatever works.”

A 1981 Cardozo School of Law graduate, Ben-Zvi spent 15 years as a civil litigator, representing both plaintiffs and defendants before deciding to refocus his career on private neutral work.

“I was getting very frustrated by mediators I was using,” he recalled. “They were passive and would just give up way too easily. I didn’t know exactly what they should do, but I knew that they weren’t exhausting all efforts. It’s then that I decided to become a mediator.”

Ben-Zvi struck out on his own in 1996, but he’s been on the ADR Services, Inc. roster of private neutrals since 2000. He’s no longer arbitrating cases but said he’s tackled enough of them over the years “to note that I prefer to be a mediator, and that’s my strength.”

“I’ve mediated over 4,000 cases - fortunately with much success,” Ben-Zvi said, mentioning that he’s often working to resolve employment, real estate, business and personal injury disputes.



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“I call myself a neutral, and yet I still consider myself an advocate - a strong advocate of resolution,” he added.

In the late 1980s, Ben-Zvi took a brief detour from his legal practice and enjoyed a short run writing for the hit TV program “L.A. Law.”

“It was the top show on television at the time,” he recalled. “And by miracle, I got to be on the staff briefly, and ... one of my episodes that aired I co-wrote.”

Ben-Zvi said he wasn’t asked to rejoin the writing staff the following season, so he returned to litigating. But he noted that his work as a pri-

vate neutral isn’t short on drama.

“As a mediator, I’m dealing with dramatic situations that are unique every day - different personalities, different cases, different situations,” he explained. “So, it satisfies my passion for drama, but this is real life drama, and I love it.”

Most of the neutral’s mediations take place virtually over Zoom, but Ben-Zvi said he welcomes the opportunity to mediate in person. He added that he reads briefs carefully but does his best to begin sessions with an open mind.

“I don’t overly assume when I’m in mediation. I try to be present and

Daniel P. Ben-Zvi

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aware of everything, all the dynamics,” he explained. “Listening is key - more important than talking.”

Torrance defense attorney Brittney L. Turner has used Ben-Zvi to resolve half a dozen employment disputes, and she said the mediator connects with clients respectfully.

“Sometimes you have mediators who don’t do a good job reading the room, and they take an approach with your client that is maybe off-putting and counterproductive,” Turner said. “I’ve never seen Daniel do that. He’s good at reading the room.”

Turner added that Ben-Zvi has resolved all the disputes she’s taken to him on the day of mediation.

“He does a good job of really cutting to the chase right away ... and getting people to be realistic” she said. “I have always felt in my cases like he’s done a good job of getting a reasonable settlement.

It hasn’t always been the settlement that I or my client really, really wanted going in. But it’s always something that’s within the realm of reason.”

Los Angeles plaintiffs’ attorney Sam Yebri has used Ben-Zvi to re-

solve several employment disputes over the years, and he agreed that the mediator is great with clients.

“I would compare Dan to the doctor who not only is well versed in an area of medicine but has a unique bedside manner,” Yebri said. “He can disarm parties that are at war in litigation and really help them - on both sides - realize why a settlement makes sense.”

Ben-Zvi noted, meanwhile, that he will also keep an eye out for non-monetary considerations when working with parties to craft settlements.

“An effective apology may help close a deal,” he said, offering an example. “In [one] wrongful death case against a psychiatric facility, it helped that the defense proposed a program named after the deceased to reduce the risk of another tragic accident.”

Yebri said Ben-Zvi does a great deal more in his mediations than just shuffling numbers back and forth between rooms.

“He’s affable. He spends time asking parties about their backgrounds and hopes and dreams outside of

the litigation context, and it makes parties actually feel that Dan is going to bat for them - even when he’s really just a neutral,” Yebri said. “He also explains all the options about what could possibly happen. And in almost every meeting, I have found my client feeling informed and heard and feeling good about how the mediation went - even if it was unsuccessful.”

Los Angeles defense attorney Catherine L. Hazany has used Ben-Zvi to mediate a dozen employment cases over the past five years, and she said he “knows the subject matter of employment law inside and out.”

“He’s always been able to resolve my cases,” Hazany said. “He is very warm, and he does a good job of building rapport with both sides. ... And for our clients - the employers - he really just drives resolution, providing a preview of what to expect if the case goes forward while advising everyone about the risks of trial. And he’s just really persistent.”

Like Turner and Yebri, Hazany also said Ben-Zvi consistently connects with clients from a place of respect.

“He doesn’t threaten the client or pound the table,” Hazany said. “He just explains the risks and focuses in very quickly on what the real issues are with the case.”

Ben-Zvi was quick to describe his approach to mediation as “waging peace.”

“The key for me is to be fully present and aware of everything - all the dynamics, the personalities, the case, the facts,” he explained. “And it’s like boiling soup. You turn on the flame too high, and it boils over. So, you just have to know how to get the soup to simmer, and that will pave the way to maximizing the chance of a settlement.”

Here are some attorneys who have used Ben-Zvi’s services: Brittney L. Turner, Ogletree Deakins; Sam Yebri, Merino Yebri LLP; Catherine L. Hazany, Ogletree Deakins; Rachel L. McClintock, Dinsmore & Shohl LLP; Lee A. Sherman, Callahan Thompson Sherman & Caudill LLP

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