

VERDICTS & SETTLEMENTS

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Noble Work

Steven Kruis applies a human approach to dispute resolution, attorneys say.

By Shane Nelson

Special to the Daily Journal

Mediator Steven H. Kruis settled his first case 30 years ago.

"I can't believe it's been three decades," Kruis said, recalling the real estate dispute he resolved in March 1993.

"It was 12 hours long, and of course, you're learning and everything is so personal and takes all this energy," he recalled. "You're so hard on yourself because you really want to do a good job, and then you get better at it. Human beings – we get good at what we do all the time, so obviously your skills as a mediator get better as you go along."

A 1980 Notre Dame Law School graduate, Kruis grew up in northern Indiana and worked as an Assistant District Attorney for the Elkhart County Prosecutor's Office for three years after he completed his legal degree.

"I tried a lot of cases, and I really enjoyed it," Kruis said. "But my wife and I got tired of shoveling snow, so we decided 40 years ago, in 1983, to move to San Diego."

Kruis joined Higgs Fletcher & Mack LLP, where he later chaired the firm's real estate practice group and served for a time as managing partner. But mediation became an increasingly prominent component of his practice in the late 1990s, and in 2004, Kruis quit representing clients as an attorney and started focusing full time as a private neutral.

"I think by 2003, I was mediating 150 cases a year," he said. "So by the time I got to 2004, I was just so busy with my mediation practice I could not continue practicing law."

Kruis also said the transition from litigation to full-time mediator made



Thomas Kurtz / Special to the Daily Journal

sense because working to resolve disputes just became a far better fit.

"I think it's very noble work," Kruis said of mediation. "You're helping people solve their problems, and you're focused on that. Litigation is a completely different process. It's very destructive. ... You're fighting all the time, even when you like opposing counsel. You try to be cordial and professional, but you're adversarial. It's just an adversarial process."

Kruis joined the ADR Services, Inc. roster of private neutrals in 2014, and he works regularly to settle real property, employment, professional liability, personal injury, probate and business disputes these

days. The longtime mediator noted, however, that his approach to dispute resolution has evolved a fair bit over the past three decades.

"Back in the olden days, it was like you would always start with the joint session," Kruis explained. "Now that's totally different, and usually you don't do that. There's a lot of resistance. ... I think attorneys have had so many bad experiences in joint sessions where it just degraded into a free-for-all that they don't want to do it."

Kruis said he employs a far more flexible approach to his mediations today, modifying his plan to best fit those involved and the nature of the dispute. He noted, for

Steven H. Kruis

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Business

example, that in business disputes – involving clients who once had a positive relationship that’s now gone sour – he will occasionally ask attorneys about conducting a joint session.

“With the permission of the lawyers, I will host what I call principal-principal sessions in my office – or my virtual office – where I’ll have just the principals and me without the attorneys,” Kruis said. “Sometimes these sessions can be very helpful, very therapeutic, and I’ve had apologies given. An apology can be very powerful if done correctly, but it’s got to be the right case.”

Plaintiffs’ attorney Barbara B. Savaglio has used Kruis to resolve personal injury cases, and said she appreciates how he prepares himself.

“He thoroughly studies everything before you go into him,” Savaglio said. “But he will also call to discuss your brief and to better get to know your case, so when you’re walking in on the day of, you know, ‘Hey, I’ve paid for five hours, and we’re not going to spend an hour or two of that just going over the facts of the case.’”

Savaglio said Kruis has also been terrific with her clients.

“Steve knows how to talk to a plaintiff, how to understand what

they are going through. He’s very receptive to what they say to him. He listens,” Savaglio explained. “He is very calming to a plaintiff who doesn’t have any experience with the mediation process. ... And sometimes we may have a difficult client, someone who may not understand what we are personally

and neighbor disputes – and he said the mediator applies an especially human approach.

“Steve is a very compassionate, understanding mediator,” Barr explained. “He’s not just all, ‘Here’s the law. Here’s what should be done.’ He understands and takes into consideration the family dynamics or

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trying to tell them – the good, the bad, the ugly of the case. Sometimes plaintiffs go into a mediation thinking their case is worth \$1 million, and it could be worth \$95,000. So to get them from \$1 million to \$95,000 is something we look to a mediator to help us with from the plaintiffs’ side. Steve understands how to talk to those plaintiffs.”

Defense attorney Joseph J. Barr Jr. has used Kruis to settle a wide variety of cases over the years – including construction, probate

the neighbor dynamics, going beyond just A is suing B, and does it have a value, and if so, what is the value and can we settle it for that value.”

Litigator Joseph P. Potocki has used Kruis many times as a mediator over the past decade, and said the neutral has settled every one of those personal injury and employment cases. Like Barr, Potocki said Kruis does a terrific job of seeing beyond the financial details of a dispute.

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Potocki also agreed that the mediator is excellent with clients.

“He’s got a very good personality in dealing with people,” Potocki said. “Litigation can have a pretty hard edge to it, and Steve has an ability to soften that edge and get people to a point of compromise. ... I’ve seen him deal with very difficult people – both lawyers on the other side and their clients. And he has a way of just – it’s almost therapeutic I guess – of hearing them out, talking to them and getting them to a point where they soften their position to where it eventually results in a settlement.”

Here are some attorneys who have used Kruis’ services: Joseph P. Potocki, Chalifoux, Brast, Thompson & Potocki APC; C. William Turnbow, Turnbow Law Firm; Joseph J. Barr, Jr., Joseph Barr & Associates; Barbara B. Savaglio, Law Offices of Barabara Savaglio; Daniela N. Loomis, San Diego City Attorney’s Office.

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