

Itinerant Mediator

Joseph Biderman is skilled at solving emotional, complex cases

By **Steven Crighton**
Daily Journal Staff Writer

It's a good thing Joseph Biderman enjoys hiking, as trekking back-and-forth between multiple parties in a complex mediation can give even some of Southern California's more arduous trails a run for their money.

"Sometimes I'll put three miles on this thing walking around these hallways," Biderman said, referring to the step tracker on his phone. "It can be exhausting — you're going, going, going the entire day, and into the evening sometimes."

The entire time, he's keeping track of what each party is hoping to accomplish and stays on the lookout for what stipulations need to be met in order to bring them to common ground. Party A is looking for a settlement offer from Party B, but Party B can't possibly settle unless there's some acceptance of fault by Parties C and D. "You've got a lot of levels of thinking to do and in each room, you've got to remember who's in there, what do they want, are they going to be confrontational, what are they feeling?" Biderman said.

"It's like channel surfing," Biderman, a former judge, stepped down in March 2014 after 20 years with the Los Angeles Superior Court, serving as a municipal court and superior court commissioner prior to his 2003 appointment by Gov. Gray Davis. His new role as a neutral at ADR Services Inc. isn't all that different from his final judicial assignment — settlement judge in the Santa Monica courthouse. Nor is it any less taxing. "Sometimes you'd have two or three cases a day. At night, you'd have a lot of reading to do to get familiar with the case and find out what the issues and prior settlement negotiations are," Biderman said.

"This is the same thing — you can meet with people and it can go on for up to 10 or 12 hours. It's pretty intense." While at his Santa Monica post, Biderman managed to resolve a case that Ervin Cohen & Jessup LLP partner Allan B. Cooper considers to be "the hardest to settle in just about 42 years of the

practice." The case involved two sisters who had been at odds for decades fighting over their father's estate. The sisters were particularly acrimonious, and obligations awaiting execution and professionals awaiting payment as part of the estate's distribution remained in limbo as the two sisters refused to budge, Cooper said.

"In that context, people aren't looking at economics. There are a lot of feelings — something like 'Dad always liked you best. It's a very difficult dynamic to deal with,'" Cooper said. "But he was able to take the case and, in essence, calm the emotions on both sides, and wound up not only resolving the issues between the sisters, but also the fee issues the professionals were having. That was a very, very tall order." Intra-family battles present some of the hardest emotional hurdles to overcome, Biderman said, but ultimately they're not all that much different from less personal cases. Biderman said they all require a light touch to help push the parties towards letting their guard down and voicing their misgivings, even ones they don't know they have, and a whole lot of listening.

"I'll ask if there's anything I haven't asked them about, anything they want to tell me. Because maybe there's something they haven't told anyone that could be a crucial part of a settlement," Biderman said. Arnoldo Casillas, a sole practitioner from Montebello, praised Biderman's ability to get parties past their emotional hang-ups to get down to the brass tacks. Casillas was particularly impressed by Biderman's ability with his client, a man who lost his legs in an industrial meat grinder accident. Not only was the case extremely complex, with five or six parties involved, his client only spoke Spanish.

"I was pleasantly surprised that Judge Biderman actually speaks very fluent Spanish," Casillas said. "When the mediator can have meaningful conversations with the client in their own language, it can really make a difference, to the extent where if we had roadblocks he was able to offer



Steven Crighton / Daily Journal

the explanation directly to the clients." Gina Bazaz, a partner at Murchison & Cumming LLP who represented one of several defendants in that case, said Biderman was able to cut to the heart of the matter as quickly as anyone could in a case involving so many moving parts.

"That wasn't an easy task — not only the number of parties, but the personalities. There were a lot of clashing personalities," said Bazaz, who has used Biderman for about 25 mediations in his two brief years as a mediator, all of which settled. "But he was still able to pull it all together." Considering the language barrier, the severity of the man's injury, and the fact that so many parties were involved that each was always able to diminish their own culpability by pointing the finger elsewhere, the case was difficult. But after an all day mediation that ran well into the evening the parties finally reached a settlement, just days before the case was to head for trial. Biderman's penchant for follow-up was also a source of praise for attorneys. Bazaz said that Biderman regularly takes time out of his own day to reach out with follow-up calls or e-mails, reminding parties to keep their minds on what the next step to a settlement should be. Robert Bergsten of Hosp Gilbert & Bergsten said that Biderman's persistence has helped foster some of the most difficult cases he's brought before a mediator or settlement judge.

"He was an effective settlement officer when he was on the bench, and he is an even better mediator now," Bergsten said. "On the few occasions where a case has not settled at mediation, he is persistent with his follow up calls and emails to make sure that the case gets settled." Even mediations that

Hon. Joseph Biderman (Ret.)

ADR Services Inc.
Los Angeles/
Southern California

Area of specialty:

Business, civil rights, consumer class action, elder abuse, employment, entertainment, insurance, personal injury, real estate

seem impossible to resolve can end with a settlement so long as all parties keep an open mind, Biderman said, as lines in the sand can be a mediator's worst enemy. "There are attorneys who will say 'I will never accept less than X amount,' or 'I will never pay more than X amount.' Sometimes, that's true, but I never really know what it's true. That's a hard hurdle to have to overcome," Biderman said.

Here are some attorneys who have used Biderman's services as a neutral: Arnoldo Casillas, Montebello; Daniel Rodriguez, Bakersfield; Robert Bergsten, Hosp Gilbert & Bergsten; Gina Bazaz, Murchison & Cumming LLP; Thomas Hurrell, Hurrell Cantrall LLP; Brian Kamel, Los Angeles; Douglas Rothen, Kabateck Brown Kellner LLP; Lauriann Wright, Glendale; N. Denise Taylor, Taylor Blessey LLP; Beti Bergman, Torrance; Robert Eroen, Los Angeles; Dane Levy, Long Beach; Allan Cooper, Erwin Cohen & Jessup LLP; Dylan Pollard, Beverly Hills; Doug Welebir, Welebir Tierney & Weck

steven_crighton@dailyjournal.com