Daily Journal
VERDICTS & SETTLEMENTS
FRIDAY, FEBRUARY 6, 2026

Veteran litigator brings dual perspectives to ADR Services

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Special to the Daily Journal

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Longtime litigator Michael R. Nebenzahl spent 30 years defending public entities in tort disputes, but the bulk of his first decade in the legal industry was spent on the other side of the aisle, representing plaintiffs in personal injury cases.

"So, what I bring to the table as a mediator is an understanding of what both sides experience in the trenches while preparing a case that might end up in trial," said Nebenzahl, who joined ADR Services, Inc. as a fulltime private neutral at the start of 2025.

"And most importantly, I understand the challenges that each side ultimately faces when trying to reach a settlement," Nebenzahl added.

A 1983 Loyola Law School graduate, Nebenzahl tried nearly 50 cases over his four decades as a litigator.

"It changed enormously over the years," he said about trying cases. "But there's nothing quite like the experience of being in a jury trial."

Nebenzahl added that he also helped to settle hundreds of cases on behalf of his clients as a litigator.

"Some of the most enjoyable and rewarding experiences for me actually came during the settlement and mediation process," he recalled. "While trial work can be thrilling, the reality is it's not the most efficient way to resolve a case. Clearly, mediation is. It saves parties money and time, and they have control over their outcome."

Since joining ADR Services, Inc. last year, Nebenzahl has been mediating a wide range of public entity and personal injury disputes, but the neutral was also recently hired to arbitrate an uninsured motorist case.

As a mediator, Nebenzahl said his first objective is to really "understand what each side is there to do," and that requires preparation beforehand as well as careful listening early on in both rooms on the day of mediation.

When impasses inevitably arise, the neutral said he tries hard to remind all the parties that on this day, they're in charge.

"This is a process where the parties have some control over the outcome – as distasteful as it may be to them at times, given the disparities of where they come from," Nebenzahl said. "But I try to figure out how to take baby steps with them, to encourage them to appreciate the opportunity at resolution is in their hands – as opposed to a jury, over whom no one has control."

There are also times when nonmonetary details can play a key role in resolution, according to Nebenzahl, who said "it's amazing how far an apology can go."

Conceding that apologies aren't appropriate for every dispute, the neutral was, however, quick to champion them under the right circumstances.

"It's remarkable how much injured parties just want to be heard and listened to and hear that the other side is sorry that what happened happened to them," Nebenzahl said.

Michael R. Nebenzahl

ADR Services, Inc.
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In situations where he feels the approach may be fruitful, the neutral said he'll encourage "with soft gloves."

"You can only do so much, meaning you can only take the horse to the trough – you can't make them drink," Nebenzahl explained. "Sometimes the challenge is to impress upon – particularly a defendant – that in fact there may be strength in putting forth apology. You can show candor, you can show respect and appreciation for the circumstances."

West Hollywood plaintiffs' attorney Hamed L. Yazdanpanah opposed Nebenzahl on several cases when he was still litigating and has since used him to resolve a handful of personal injury cases.

"He was very honest, and he was very forthcoming, and he didn't pull punches," Yazdanpanah said about Nebenzahl as a litigator. "And when I found out he became a neutral, I was hoping he would take with him that same demeanor and honesty, and the few cases where we've gone before him as a mediator he's done very well in terms of getting them resolved."

Yazdanpanah noted that he's often leery about using former defense attorneys as mediators.

"Sometimes they totally drank the Kool-Aid, and they can't take that hat off," he explained. "But Michael isn't one those. Michael is very pragmatic. He handles these matters from an open perspective. He doesn't prejudge anything."

Yazdanpanah added that Nebenzahl was good with his clients.

"He was very attentive," Yazdanpanah said. "He heard them, and when some of them complained about their injuries, he wasn't dismissive."

Agoura Hills defense attorney Sandra Calin used Nebenzahl recently to settle a premises liability dispute, and she said the neutral "was very good with my adjuster."

"He was very hands on," Calin said. "One thing that I stood out about him is he really did follow up with the parties after the mediation to make sure there wasn't anything else he could do to help. And eventually, we did schedule a second session with him, and he resolved it."

Sherman Oaks plaintiffs' attorney Steven C. Glickman also opposed Nebenzahl back when he was litigating and has since used him to resolve a personal injury case.

"He was always a gentleman," Glickman said. "His word was his bond as a lawyer and still is as a mediator."

Like Calin, Glickman said he was very impressed by the neutral's persistence.

"He was like a bulldog with a bone," Glickman recalled. "He was not going to let go until he got everybody together to settle that case."

Glickman said the mediator most definitely applied a neutral approach, but he noted that Nebenzahl's extensive track record of representing defendants is a distinguishing strong suit.

"From a plaintiff's perspective, we all recognize that defense lawyers have to give reports to the carrier on an ongoing basis," Glickman explained. "So, he can look at the strengths and weaknesses of both sides' cases and look at the range of the values of cases much better than a plaintiffs' lawyer, who retires to become a neutral. Michael brings those years and years of defense experience – having probably done thousands of reports to insurance companies – and he can use that to analyze both sides while wearing his mediator's hat."

Nebenzahl agreed that his experience as a litigator – representing both defendants and plaintiffs – really helps him to understand case values.

"But the dollar amount that the parties reach doesn't necessarily mean it's the value of the case," he said. "It's the dollar amount that was necessary that day for those two parties to be able to resolve the case."

The longtime trial attorney made it clear, meanwhile, that he's thoroughly enjoying his new role as a fulltime neutral.

"In mediation, the win – so to speak – is the resolution," Nebenzahl said. "And when we get to resolution, that's a very, very good feeling."

Here are some attorneys who have used Nebenzahl's services: Steven C. Glickman, Glickman & Glickman ALC; Hamed L. Yazdanpanah, HYP Law Group; Sandra Calin, Kramer, DeBoer & Keane; Erin Hallissy, Schonbuch Hallissy LLP; Diana M. Rivera, Skane Mills LLP

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