

VERDICTS & SETTLEMENTS

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Highly Collaborative

Mediator Gideon Kracov has lawyers foremost in mind when trying to resolve disputes.

By Shane Nelson

Special to the Daily Journal

Full time work as a private neutral has taught longtime environmental law attorney Gideon Kracov a great deal, but he said there's one lesson that stands out.

"As a mediator, I want to make the lawyers successful and look good," Kracov explained. "If the lawyers are happy in this, then I'm happy as the mediator."

A 1995 UC Berkeley School of Law graduate, Kracov spent 28 years as an environmental law attorney, working shortly after passing the bar for a defense firm that represented Fortune 500 clients in toxic tort, product liability and environmental contamination matters.

Kracov then moved to a plaintiffs' firm, where he tackled toxic tort and personal injury matters before joining the Los Angeles city attorney's office in the real property division in 2002. There he counseled the departments of planning and sanitation on public works and real estate projects while also prosecuting and defending cases at trial on behalf of the city.

Kracov decided to strike out on his own after two years, hanging a shingle in Los Angeles, where he represented plaintiffs, defendants and public entities as a litigator in environmental law disputes. But last year, Kracov decided it was time for a change.

"At this stage of my career, I'm most interested in helping people solve problems," he said about shifting his career full time to mediation.

Kracov noted that most of the disputes he's tackling involve environmental law or real estate, but he's also settled some personal injury and employment cases.

"I do have this really cool niche, which is unusual, ... and part of my vision for the practice is a focus on environmental and real estate matters," Kracov explained. "But it's my sense that a lot of the skills you use as a mediator can be broadly applied and helpful in all kinds of cases."

Kracov has completed mediation training at Pepperdine University's Caruso School of Law, sits on the Central District court's mediation panel and serves on the Los Angeles County Superior Court's Resolve mandatory settlement conference program. He also mediates civil harassment matters as a volunteer in LA courthouses for the Center for Conflict Resolution.

"It can be family members. It can be landlord-tenant - very emotional cases," Kracov said of his Center for Conflict



Justin L. Stewart / Special to the Daily Journal

Resolution mediations. "And you are there in the courtroom, trying to employ techniques to calm people down. ... I use those same techniques in my bigger cases in private mediation, too. It doesn't matter how big the dispute is, people can get emotional, and you've got to find ways as a mediator to address that and try to get people in the settlement mindset."

As a mediator, Kracov said he likes to receive briefs and speak to the attorneys by phone beforehand. Kracov also noted that it's pretty rare for him to make use of joint sessions, but he said there are some occasions when he feels that approach can be helpful.

"When I'm doing neighbor versus neighbor cases in real estate, those do often require transformative techniques as a mediator to empower the parties to improve their relationship and rebuild trust," Kracov explained. "A neighbor versus neighbor case - it's almost like a family law case, where they still have to have an ongoing relationship with each other. So you have to find ways to improve that relationship - or at least ways to make sure the relationship can be healthy and manageable moving forward."

Kracov will also make use of mediator's proposals, provided the timing is right and as long as he's receiving signals that both sides might be OK with the approach.

"It's not necessarily what the case value might be, but it's a number that both parties will strongly consider as a way to settle the case," Kracov said. "But many of my cases are not just about money. So it's this integrative bargaining about conditions

or mitigations or certain other requirements, especially in an environmental and real estate context. So it's not always about money."

Santa Monica environmental law attorney Thomas N. FitzGibbon used Kracov recently to settle an airborne emissions dispute, and he appreciated the mediator's committed approach to preparation.

"It really allowed us to cut right to the chase on the day of," FitzGibbon said. "And he had a good, persuasive style with the parties, so they understood both the way the case might come out if it didn't resolve and the benefits to a resolution. He really made use of a nice combination of an evaluative approach plus a much more pragmatic approach that helped the parties reach common ground."

Beverly Hills plaintiffs' attorney Jamie T. Hall used Kracov recently to settle a contract dispute in a land use case, and said the mediator's background on both sides of environmental law is a major positive.

"He's worked on the plaintiffs' side, but at the same time he's worked for the city attorney's office, and he also used to work for a developer-side law firm," Hall said. "I love the fact that he has three different hats that he's worn - plaintiff, defendant and then also the government."

Hall said Kracov did a great job with the clients on both sides of the dispute.

"There were a lot of strong emotions," Hall said. "Each side thought the other side was treating them unfairly. ... But he did a really good job of navigating the different perspectives, the different feel-

Gideon Kracov

Gideon Mediation
Los Angeles

Areas of Specialty:

Environmental Law
Real Estate
Personal Injury
Employment

ings and helping the parties deliberate through that process."

Sacramento defense attorney Joseph A. Salazar Jr. used Kracov as a mediator recently in an environmental law case involving clean water claims, and he agreed that the neutral handles litigants well.

"Sometimes the personalities in litigation can be large, but he puts those to the side and really gets to an interest-based mediation," Salazar said. "He really takes the time to figure out what are the interests of the various parties, where do they converge, and once those things are identified, it really greases the skids towards reaching a resolution."

Salazar said Kracov wasn't afraid to mention strengths and weaknesses of sides' case.

"But he doesn't beat you over the head," Salazar said. "There are times when you need somebody who's got a sledgehammer and is hitting both sides over the head, but I like working with somebody who's collaborative because we can have a more civilized and rational discussion, and that goes a long way towards allowing my clients to make certain concessions where they need to. ... And it's been my experience that Gideon is highly collaborative."

Here are some attorneys who have used Kracov's services: Thomas N. FitzGibbon, Apex Law APC; Jamie T. Hall, Channel Law Group LLP; Joseph A. Salazar Jr., Lewis Brisbois Bisgaard & Smith LLP; Fredric A. Evenson, Ecology Law Center; David R. Krause-Leemon, Beaudoin & Krause-Leemon LLP.