

VERDICTS & SETTLEMENTS

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Retired Judge Kenneth Medel mixes an easygoing style with preparation, persistence and a willingness to get firm

Kenneth J. Medel says humor can help litigants move past the emotions that often stand in the way of practical resolutions.

By Shane Nelson

Special to the Daily Journal

Retired Judge Kenneth J. Medel believes a good mediation should have a little entertainment value.

"My courtroom was known for the free expression of humor — which included me — done in a polite and appropriate fashion, not in a bombastic or foolish manner," Medel said. "I've tried to carry that spirit over into the private mediation world. ... And I think that approach, where there is some small modicum of entertainment value in my mediation, sets me apart from other mediators."

After 14 years on the San Diego County Superior Court, Medel joined Signature Resolution in the summer of 2024. Now working as a mediator, arbitrator, and discovery referee, he said humor can be particularly useful when strong emotions stand in the way of settlement.

"Sometimes deep-seated emotion interferes with arriving at a practical resolution," he said. "So, I believe my effort to bring a lighter mood of connecting directly to the litigants in a very intimate and personal way ... can help clear these emotions out of the way and helps us get to a more practical mechanism of resolving the lawsuit."

A former San Diego deputy district attorney, Medel spent a sizeable portion of his more than two decades as a civil litigator defend-

ing medical malpractice cases. Today, his neutral practice includes commercial, employment, personal injury, and professional malpractice disputes.

As a mediator, Medel favors a facilitative approach built around candid discussion rather than pressure.

"I really like to employ a very active and open and intellectual discussion about the issues, the strengths and weaknesses in most cases, and in that way, help people strategize in terms of what their goals are," he

said. "And then try to reconcile the opposing goals of each party in order to reach the settlement — rather than push people around."

Attorneys frequently ask Medel what he thinks their case is worth. He generally resists giving them a number.

"Most of the time, I tell the lawyers, 'You guys all know your cases better than I do, and so I'm the guy in the room who knows the case the least,'" Medel said. "For me to superimpose what I think on you is



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Kenneth J. Medel

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a little dangerous because I might be wrong.' So, if I don't think it's going to help the process for me to tell people what my feeling is about the case, I won't do it."

When litigants become particularly entrenched, however, Medel sometimes turns to a case-evaluation process he used frequently as a medical malpractice defense attorney.

"It's a process that I used in medical malpractice cases to inform my clients if we lost the case, what it would be, and what I thought a reasonable settlement value would be. It's a little bit of a mathematical formula," he said. "But I only do that if I'm seeing a roadblock, and I think this might facilitate the success at the mediation."

San Diego defense attorney Sarah E. Risso, who appeared before Medel when he was on the bench and has since used him to resolve two personal injury cases, praised his ability to change tactics when necessary.

"Sometimes you'll pick a mediator based on their style, and then you get to mediation, and maybe that style isn't working," Risso said. "He is able to adapt. In my last mediation with him, we were getting to an impasse, and he said, 'I need to switch.' And then he took a little bit of a

harder line approach with both of us, and he got it settled."

San Diego plaintiffs' attorney Michael J. Goldfaden, who also appeared before Medel and recently used him to resolve a personal injury dispute, was particularly impressed by his preparation.

"We presented a ton of evidence in our mediation brief, and ... we presented a lot of documents — reports from doctors as well as a video we had compiled," Goldfaden said. "And the thing that struck me the most about Judge Medel was the first second he walked in, he knew everything about the case. He had very clearly read everything and watched the video that we had sent, which doesn't always happen. ... Right from the get-go, he knew our case cold, and I loved that about him."

Goldfaden also described the mediation as "a fantastic time."

"Mediations take a long time, so having someone like him who can make it fun and entertaining, during an otherwise dull day, it goes a long way," he said. "To have someone that can come in and share stories with you and laugh with you and be that source of entertainment — it just makes the experience that much more fun."

That approach can be particularly valuable for clients unfamiliar with mediation, Goldfaden said.

"A lot of clients are nervous when they're in mediations. They haven't been in this situation before, and it's up to us [as attorneys] to make them more comfortable," he said. "But when you're with Judge Medel, he makes everyone around him comfortable. That's probably the best part of his personality, and the thing I liked the most about mediating with him."

San Diego plaintiffs' attorney Robert G. Knaier saw another side of Medel's approach after using him last August in a wrongful death case that did not settle during the mediation.

"But it did resolve recently," Knaier said. "Judge Medel was doggedly persistent ... and remained in active contact with me for months and months and months, and he just put in tremendous effort. He clearly takes great pride in getting cases resolved."

Knaier represented six children of a deceased mother, each of whom, he said, had a strong personality. Medel nevertheless earned their trust.

"Judge Medel is very friendly. He's very affable. He tells jokes. He puts people at ease. ... At the same time,

he can be very firm and clear when he's got a view of how a case could and likely would resolve," Knaier said. "Both of those skill sets are really quite helpful in a mediation — particularly with lots of people involved."

For Medel, the opportunity to connect directly with people is among the most rewarding aspects of his work as a private neutral.

"I'm a type of guy who needs that kind of human contact," he said. "This is talking to people about some of the most important and deep problems in their lives and helping them with that. And that ends up being an extremely important thing to them and to me in order to maintain my sense of contact with people."

Here are some attorneys who have used Medel's services: Michael J. Goldfaden, Goldfaden Law PC; Robert G. Knaier, Fitzgerald Knaier LLP; Sarah E. Risso, BQB LLP; Jeffrey A. Charlston, Charlston, Revich, Harris & Hoffman LLP; Paul J. Marron, Marron Lawyers APC

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