

VERDICTS & SETTLEMENTS

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The Mediator's Mind

Approaching 40 years of mediating, Bruce Edwards still loves resolving disputes.

By Shane Nelson

Special to the Daily Journal

Longtime private neutral Bruce A. Edwards joined Signature Resolution last August, in part because the opportunity offered him a chance to return to his entrepreneurial roots.

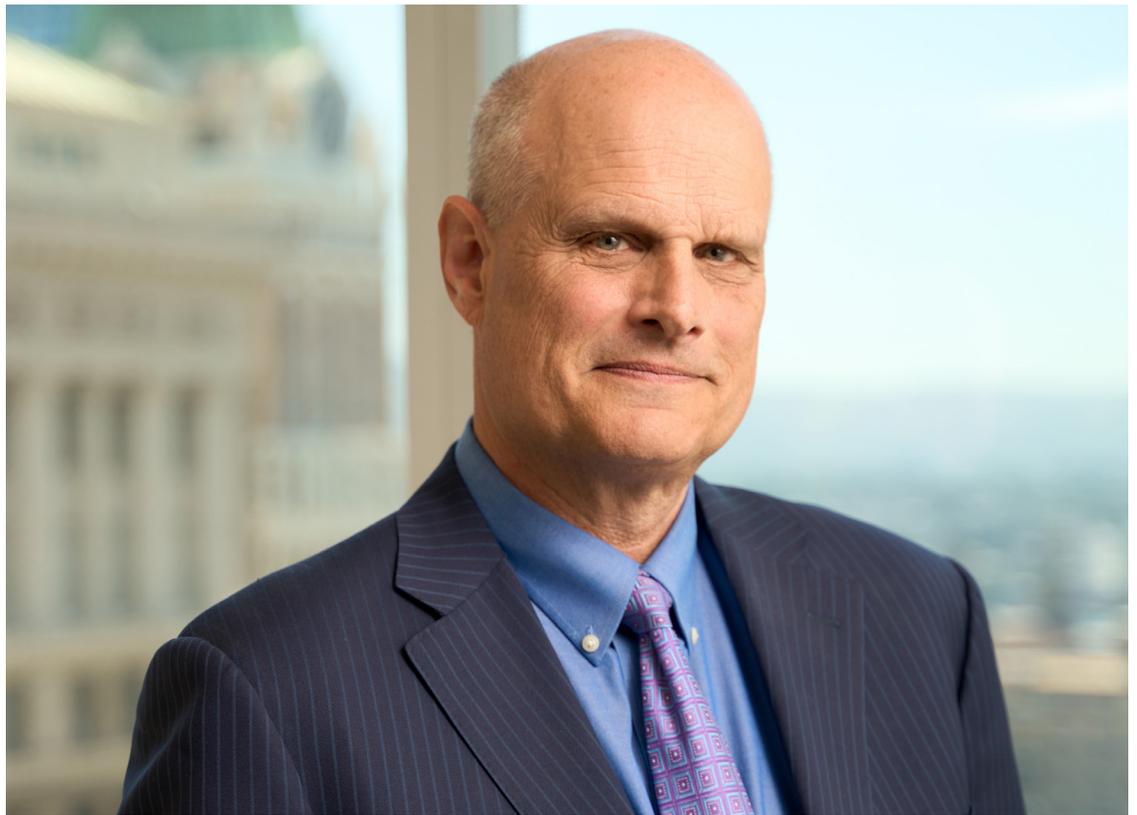
"Signature Resolution is largely a Southern California-based organization at this point," Edwards explained, "with the better part of 50 mediators and arbitrators divided between downtown LA, Century City and San Diego offices."

Edwards said that currently he's one of only "four or five" Signature neutrals in Northern California, working out of the provider's Oakland office.

"But we are opening a San Jose or Silicon Valley office here at the end of the summer, and we're aspiring to open a San Francisco office in early 2025," Edwards said. "So, I am particularly motivated to help them try and develop the same type of company reputationally and numbers-wise in Northern California that they previously developed in Southern California."

In 1990, Edwards left his career as a Sedgewick defense-side litigator to help launch the Bates Edwards Group, one of the state's first companies focused on the practice of mediation in commercial litigation. A merger with JAMS followed in 1994, and along with handling daily mediation work at the alternative dispute resolution provider for three decades, Edwards went on to serve as JAMS' chief mediator, its executive vice president and eventually as the company's board chairman.

"I'm proud of what we all accomplished at JAMS," Edwards said.



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"And I'll always be grateful for my colleagues there, but I feel like I gave JAMS everything I had to give over 30 years."

When Signature approached him about joining their panel, Edwards said the offer appealed to him for several reasons, but the entrepreneur in him was especially intrigued.

"And I'm not limiting my thinking to just Northern California," Edwards said about potential areas of expansion for Signature. "I spent 20 years of my mediation life going to Nevada many a week to mediate cases and in my time at JAMS helped develop and open offices outside of California. So I certainly would like to help encourage Signature to expand beyond Southern

California and California borders. But that will be up to other people."

In the meantime, Edwards said he's been working daily as a mediator and on occasion as an arbitrator for Signature, handling a diverse collection of construction, personal injury, mass tort, environmental, first amendment and sexual abuse cases.

"It's those kinds of cases that involve real human emotion - where I feel like it can make a difference in people's lives - those kinds of cases are inspiring for me," Edwards said.

Like many mediators, Edwards said he prefers to receive briefs from all the parties beforehand and will speak over the phone prior with attorneys. But he added that

Bruce A. Edwards

Signature Resolution
Oakland

Areas of Specialty:

Mass Tort
Personal Injury
Construction
Employment
Business
Insurance

another key component of his mediation preparation includes readying himself mentally.

"I call it the mediator's mind," Edwards explained. "And it's reminding myself every day that the people you are about to entertain in this mediation process may be going through the hardest time of their life, and they deserve your undivided attention, your critical listening and all the skills you can bring to bear to pull them back from the precipice of litigation."

Edwards noted that he will encourage joint sessions when he feels they might be helpful, but he will also spend time in caucus with the dispute's parties and often conducts what he described as an early "temperature check."

"It's a conversation to feel out how people are doing, make sure they're comfortable based on what's previously been agreed upon," Edwards said. "Then, through a variety of joint sessions and private breakout conversations as the day evolves, it's just going with the flow in terms of where time and attention needs to be spent."

Edwards described his mediation style as a combination of patience, persistence and focused listening.

"It's not just listening for listening's sake, but it's listening with curiosity," he said. "It's listening with empathy, and it's really listening to connect with people, not to correct people."

Sacramento litigator D. Michael Schoenfeld has used Edwards as a mediator on four different high-value construction and infrastructure disputes, and he said the Signature neutral doesn't come into a mediation with "preordained" ideas.

"He is receptive to the fact that he doesn't have the exclusiveness on how to solve a matter," Schoenfeld said. "He listens very, very well."

Edwards noted, meanwhile, that he will typically transition to a more evaluative approach when he feels that's appropriate, and he will make use of mediator's proposals - particularly when a case features parties who might need to report back to a board of supervisors or a government agency.

"It's helpful for them to leave the mediation process with a proposal from the mediator they can point to and say, 'This is the end result of a long day of negotiation,'" Edwards said. "We are close but not done. Here's what the mediator's recommending."

Sea Ranch construction litigator Charles H. Numbers said he's used Edwards roughly 100 times as a mediator over the last three decades, and he said the neutral's extensive experience really shines through with clients.

"He is very able to read each of the sides and understand what's necessary to help them feel like they've had the process they need in order to get around to making the decisions that need to be made," Numbers said. "And when it comes time to make decisions, he's built a tremendous amount of trust with them. ... For that reason, usually at the end of a mediation Bruce does, all parties feel like they ended up with a satisfactory result instead of somebody leaving kicking and screaming, feeling like they got screwed."

San Francisco insurance recovery litigator Amy B. Briggs used Edwards recently to resolve a large Bay Area public transit project dispute, and she agreed that the mediator is excellent with clients.

"You ask any attorney, and the difficult personalities are always on the other side, right?" Briggs said with a chuckle. "But let's be real. We're all difficult, and I think Bruce has a really, really nice

touch to dealing with all of us and letting each attorney and each client know he has heard them and understands their position, and that's very valuable."

Briggs was quick to note, however, that Edwards also understood the applicable law in her case.

"When you're dealing with coverage, there's always an underlying problem," Briggs said. "And the mediator has to be facile both with coverage and has to know how to talk to insurers and has to know their way around coverage arguments and coverage laws. Then they also have to mediate the underlying case. And from my perspective, that's not something a lot of mediators can do. In fact, it's a pretty short list, I think, nationwide. But Bruce is one of them."

Here are some attorneys who have used Edwards' services: Amy B. Briggs, Farella Braun + Martel LLP; Charles H. Numbers, Weinstein & Numbers LLP; D. Michael Schoenfeld, Murphy Austin Adams Schoenfeld LLP; Bennett J. Lee, Varela, Lee, Metz & Guarino LLP; Alexander F. Stuart, Murphy Austin Adams Schoenfeld LLP

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