

VERDICTS & SETTLEMENTS

FRIDAY, JULY 5, 2024

Gentle Strength

Attorneys say neutral Zaven Sinanian tackles dispute resolution with a firm but caring approach.

By Shane Nelson

Special to the Daily Journal

Retired Judge Zaven V. Sinanian knows a thing or two about settling cases before they go to trial.

“I basically did two mandatory settlement conferences a day, every working day from 2012 until 2023 when I retired,” Sinanian said. “Doing two a day over close to 11 years - you can do the math. That’s quite a few.”

A 1987 graduate of the Chicago-Kent College of Law at Illinois Tech, Sinanian worked for 13 years in the California Attorney General’s office before he was appointed to the Los Angeles County Superior Court in 2002. He handled both criminal and civil assignments there before moving into the Judicial Mandatory Settlement Conference (MSC) Program in 2012 and later taking over as the program’s managing judge in 2018.

Sinianian joined Signature Resolution’s panel of neutrals last July, and he’s since been tackling an assortment of disputes as a mediator, including personal injury, class action, insurance, commercial, real estate, civil rights, employment and product liability cases. He noted that one major contrast between the work he’s now doing and the time he spent trying to resolve disputes while on the bench is parties are ordered to participate in the MSC process.

“It’s a welcome development to me to have voluntary mediations because the parties are invested to make the most of the mediation,” Sinanian explained. “That’s the main difference that I see, which makes it a better, more cooperative, collaborative process. ... When you know as a mediator the vast majority of these cases will



Justin L. Stewart / Special to the Daily Journal

settle at some point, it’s a welcome opportunity to work with parties who are motivated and invested in that process.”

Sinianian likes to receive briefs from all of the parties prior to his mediations, and he will speak over the phone beforehand with counsel if he has questions. The retired judge noted that he doesn’t make use of joint sessions and will typically begin in the plaintiffs’ room, but he said he wants to first begin by making people comfortable.

“I want this experience to be a positive one for both sides. I don’t ascribe to the notion that when you settle a case, both sides are going to walk away somewhat unhappy. That’s not me,” Sinanian said. “I want to make it an environ-

ment where people feel they are with a mediator who’s going to be thoughtful, insightful, respectful. I want to understand the people and the situations that I’m dealing with.”

Los Angeles defense attorney Debra E. Meppen appeared before Sinanian while he was on the bench and has since used him at least 10 times as a private neutral to mediate what she described as “really tough” employment disputes.

“Judge Sinanian first works to create a connection with the parties and the attorneys, and I think that is really crucial when it comes to having a successful mediation,” Meppen said. “There is a tremendous amount of emotion in these cases. And the fact that Judge Sinanian can come in to lower the emo-

Zaven V. Sinanian

Signature Resolution
Los Angeles

Areas of Specialty:

Personal Injury
Employment
Commercial
Real Estate
Civil rights
Product Liability

tion in the room by building that connection and building that trust, that's really what's unique about him and what's special about him."

Sinanian was quick to note, meanwhile, that every case is different, and he tries to modify his approach for each dispute accordingly.

"Whether I'm facilitative, evaluative, or a combination of both, it depends," he said. "Having had the advantage of mediating so many cases over the years, I think I'm rarely ever surprised. ... And I'm quite well-versed in tackling all of the challenges that may arise during the mediation."

Meppen said the evaluative approach Sinanian applied while mediating her cases was particularly effective.

"He was settlement judge for a long time, so he really knows the value of the cases and the strengths of the positions taken by the parties," Meppen said. "But a good mediator will not only know the value of the case but also what the parties will take - the lowest the plaintiff will go, the highest the defendant will go. So he gives you both views: 'Yes, I know the case is worth X, but if you want to get

it done and make a business decision, you might have to pay Y.' He'll give you both, but in a very honest way."

Sinanian said he will make use of bracketing, and when parties remain at an impasse, the retired judge will sometimes suggest a mediator's proposal.

"I am more interested in seeing the parties reach a resolution in a more natural, organic way, which means I will be in the negotiation process, roll up my sleeves, and work with the parties to reach a resolution," he explained. "But I'm open-minded, and I can be creative in the way we bring about a mediator's proposal."

Sherman Oaks litigator Steven C. Glickman tried a case in front of Sinanian while he was on the bench and has since used him as a private mediator to resolve personal injury and medical malpractice disputes.

"When I think of Judge Sinanian, I always consider him to be the Swiss Army Knife of judges," Glickman said. "And by that, I mean he has many tools he can bring into whatever situation. Whether it's trial ... or mediation - whatever he's doing he has the way to adjust and

use the right tool for the right job and get the job done."

Glickman said Sinanian's extensive experience really distinguishes him as a Signature neutral.

"He has an amazing sense - built up over thousands of settlement conferences that he's done - to find out what it's going to take from him to get the case settled," Glickman explained. "Whether that's going to be empathy with the actual clients or whether it's going to be a carrying-the-stick approach with the lawyers to try to get them to move from what he views as intractable positions, I think he's going to assess the situation, and I think he's going to evolve his technique to get the case done."

Meppen agreed that Sinanian is excellent at modifying his approach to best fit the specifics of a dispute, but she said the retired judge approaches mediation with "gentle strength."

"There are some mediators who come in with a very heavy hand - who may yell, who may scream to get their point across. That's not Judge Sinanian," Meppen explained. "But just because he's more quiet and more gentle so he

becomes more approachable, that doesn't mean he doesn't possess that same strength because he does. I think this gentle strength - if you will - is something that is also really a unique feature he possesses and a good one."

Los Angeles plaintiffs' attorney Maryann P. Gallagher used Sinanian recently to resolve a very complex dispute, and she described the Signature mediator as "a triple threat."

"He's got the judge experience doing MSCs for a very, very long time," Gallagher said. "He's got this calm manner of bringing people together. And the most important one for me is he is so personally invested. If he doesn't settle your case, he doesn't think he's succeeded, so he really fights for success."

Here are some attorneys who have used Sinanian's services: Maryann P. Gallagher, Law Offices of Maryann P. Gallagher; Debra E. Meppen, Gordon Rees Scully Mansukhani LLP; Steven C. Glickman, Glickman & Glickman ALC; Patricia L. Glaser, Glaser Weil Fink Howard Jordan & Shapiro LLP; Carl E. Douglas, Douglas/Hicks Law APC

shane_nelson@dailyjournal.com