

VERDICTS & SETTLEMENTS

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For Timothy Reuben, mediation is persuasion — just gentler

After four decades in trial practice, Timothy Reuben shifts to full-time neutral work, emphasizing pragmatic solutions and compromise.

By Shane Nelson
Special to the Daily Journal

Longtime litigator Timothy D. Reuben is a firm believer in the art of persuasion, a skill he often made use of during four decades as a civil trial attorney and one he's turning to regularly these days while working to resolve disputes.

"Being a lawyer, you are definitely a persuader," Reuben said. "And I think being a mediator, to some extent, you are very much a persuader. But it is a gentler, calmer, more rational and more effective - hopefully - effort that you make to persuade people to find some way to compromise their position."

A 1980 Harvard Law School graduate, Reuben represented both plaintiffs and defendants for more than 40 years in real estate, construction, commercial, entertainment, antitrust, securities and employment cases.

Roughly six years ago, however, Reuben said he started working to resolve disputes as a mediator alongside his litigation practice, and he's gradually increased his focus on private neutral work, launching Los Angeles-based Reuben Mediation and concentrating fulltime on mediation and arbitration this year.

"I certainly know litigation forwards, backwards, upwards and downwards, and I have found that most cases should just be settled," Reuben said. "It has just become clearer and clearer to me in my career that so much of litigation is unfortunate for the parties. ... It's miserable to be a litigant, and they just need to find that middle ground somewhere, so they can get out of this process."



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Reuben asserts, "The purpose of arbitration is to be fast, efficient, less costly and more streamlined."

As an arbitrator, "I'm going to try to do everything I can to shorten the process by telling the litigants exactly where I find the issues," Reuben said. "That doesn't mean they can't raise whatever issue they want to, but I've looked at the case carefully, and I try to direct them. ... I'm trying to help people focus on the important things."

Reuben also participates in questioning witnesses as an arbitrator and said he doesn't find "destructive cross examination" to be helpful.

"I tend to focus people away from that and try to stop that," said Reuben,

who also volunteers as a temporary judge for the Los Angeles County Superior Court. "It's only really necessary to be aggressively cross-examining when someone's being obviously evasive. And usually, I don't have a problem with that because I'll ask very direct questions, and nobody tends to be evasive when I'm the arbitrator, asking questions."

Many of the cases Reuben tackles as a mediator and arbitrator involve real estate, employment, personal injury, commercial and probate disputes. And thanks to the broad range of his litigation experience as an attorney, Reuben said he's not come across many cases he's unwilling to take on as a neutral - with one exception.

Timothy D. Reuben

Reuben Mediation
Los Angeles

Areas of Specialty:

Real Estate
Construction
Business
Employment
Insurance
Entertainment

"I'm not a family law mediator," he said. "That should probably be done by full-time family law practitioners."

Reuben noted that he applies many of the same mediation skills to every dispute he encounters, and while really hearing the litigants is always critical, he said more is required to reach a resolution.

"You certainly have to listen to the different parties who are involved but also try to recognize their motivations and understand what they're going through," he explained. "And then really try to come up with pragmatic and creative - if necessary - business solutions that go to the heart of what is going on with them."

Reuben said his extensive experience litigating across a wide range of practice areas allows him to do more than just carry numbers back and forth between disputing parties, and he believes crafting common sense but creative solutions sets him apart as a mediator.

"I try to think outside of the box," Reuben explained. "In a partnership dispute, for example, there are sometimes creative ways - depending on the nature of the ownership

interests and the terms, et cetera - that you can craft a resolution. ... And with probate disputes - whether it's a closely held corporation or a debate over inheritance - sometimes you can find creative ways for families to resolve their issues. So, I think there are a lot of ways I can bring a slightly different approach to the table."

Los Angeles litigator Maurice K. Wong used Reuben last September to resolve a complex real estate dispute that he didn't think would settle.

"It was one of those cases where the two sides were really entrenched. They were like immovable objects," Wong. "And I really didn't think there would be any movement."

Describing Reuben as very friendly, Wong said he'd have no problem recommending him to other attorneys as a mediator.

"He did what he said he would do," Wong explained. "And he got a good result."

Miami, Florida litigator Philip Stillman used Reuben as a mediator last February in a personal injury case involving disability claims, and he said the neutral was well prepared.

"I would certainly be happy to

use him again," Stillman said. "He was very knowledgeable about the subject matter. He had definitely read up on the brief, so he was aware of and knew the issues in the case. ... And I think he was very helpful to both sides."

Los Angeles litigator Peter C. Bronstein used Reuben recently to mediate a commercial dispute over two separate sessions.

"We did four hours on one day and then had the weekend and came back and did another four hours," Bronstein recalled. "That can really be beneficial because if in the first four hours you don't get anywhere, spending another four hours can really be grueling and draining - whereas this way you can get a little time to relax, then come back, which makes a big difference."

Bronstein appreciated Reuben's balanced approach.

"He certainly explained the strengths and weaknesses to both sides," Bronstein said. "And he really looks at both sides of the equation to see each party's views and then determine what information he needs to use to see if he can get them to move."

Bronstein said Reuben pushed throughout for compromise.

"Each side has to give up a little bit," Bronstein said. "If you don't give up a little bit in a mediation, you're not going to be successful. And I think Tim understands that."

Describing his new focus on private neutral work as a thrilling next step, Reuben was candid about his continuing development as a mediator.

"Sometimes you fail. I mean, there's no question that there are times where you can't get the parties together," he said. "Failure, in a sense, is a learning process in and of itself. ... I think I'm growing as a mediator all the time, and that's exciting for me."

Here are some attorneys who have used Reuben's services: Peter C. Bronstein, Law Offices of Peter C. Bronstein; Maurice K. Wong, Law Offices of Maurice K. Wong; Philip H. Stillman, Stillman & Associates; Matthew J. Negrin, Negrin LLP; Jacqueline D. Serrao, Idea Law Group

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