

Whatever It Takes

Bruce Friedman invests himself completely into each matter he handles

By Ashley Cullins
Daily Journal Staff Writer

SANTA MONICA — Bruce Friedman is willing to do whatever it takes to settle a mediation — including burning the midnight oil, convincing bullish attorneys to compromise and having frank conversations about the legal odds of a case with the parties involved. Clients say he gets the job done, and his surefire mediation skills keep them coming back.

“He has been truly dedicated both before and after the formal mediation to getting a deal done,” Gibson, Dunn & Crutcher LLP partner David A. Battaglia said, adding that Friedman successfully mediated three of his complex business cases involving multiple parties, the first of which saw Friedman and parties working until 2 a.m.

If Friedman’s work schedule sounds like that of a big law partner, then it could be attributed to the fact that Friedman worked as a trial lawyer for nearly four decades — most recently at Bingham McCutchen LLP — his practice fields running the gamut of business, class action, entertainment and professional liability.

“I always had an insurance element to my practice, which has been extremely helpful to my mediation practice,” Friedman said. “Having that kind of broad, diverse practice for so many years has really helped me have a fairly wide understanding of the law applicable to a lot of different types of cases.”

Attorneys appreciate Friedman’s diverse experiences in big law and call on him to mediate their complex cases.

“His background really leads him to understand the complexities of these type of business disputes, where the push points are,” Battaglia said, adding that he would recommend Friedman for any kind of business or insurance dispute. “Having been an insurance defense lawyer, he is also welcomed by insurers because he’s trusted by them and can talk to them frankly about risks.”

Frederick S. Reisz, shareholder at Meyers McConnell Reisz Siderman PC, said he would recommend Friedman for professional liability mediations because he’s often an expert on the matters at the heart of the claims.

“I’ve hired him on sophisticated business cases that involve underlying

transactional issues and the fact that he was a litigator himself on these issues, and comes from a very pedigreed list of firms, gives him the gravitas to be believed,” Reisz said.

Michael L. Turrill, partner at Arent Fox LLP, said Friedman truly knows what it’s like to walk in his shoes because of his previous experience in big law.

“He understands where were coming from, having been in the trenches on the same kinds of cases that he’s serving as a mediator for,” he said.

Turrill said he would recommend Friedman for consumer class actions and any kind of commercial dispute, and added that Friedman’s demeanor is very conducive to effective mediation and he excels at being direct but diplomatic.

“If a client needs to be told the potential risks involved, he’s able to deliver that news in an effective way that doesn’t instill panic.”

Friedman said he feels temperamentally suited for mediation — despite being an aggressive litigator, he worked to prevent arguments with opposing counsel from becoming personal. His style follows the golden rule, he said, as he tries to be the mediator that he wanted as a trial lawyer. As a result, Friedman said he devotes particular focus to being prepared and energetic for every mediation.

Reisz said he appreciates Friedman’s insight and willingness to keep the parties engaged.

“If anybody needs a cathartic moment he lets them have it,” Reisz said. “Then he just cuts to the chase, and the end result is something everyone can deal with.”

Friedman views himself as a negotiation consultant and said attorneys who plan to work with him in mediation should leave the courtroom warrior attitude at the door. “I have found that when lawyers come in viewing the mediation as the next place to practice their closing argument that it’s not effective at all,” he said. “If you’re always fighting, you’re never listening.”

Turrill noted that an attorney can always count on Friedman to be thoroughly invested in a mediation — even before it formally begins.

“Take advantage of the opportunity to have a preliminary call [with him] before the mediation so he understands the issues,” Turrill said.

Battaglia also recommends consulting



Alexander Drecun / Daily Journal

Bruce A. Friedman

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Areas of specialty: Business, insurance, professional liability, class action, entertainment

with Friedman in advance about the case, positions of the parties and what the client’s goals are. “A mediation brief is helpful, but he likes to talk through things with counsel, and the parties themselves, so he gets the flavor of the understanding and not just the written word,” he said.

Friedman has been mediating cases since 2011 and added arbitration to his repertoire in 2014. He was drawn to mediation because he was impressed by how the process creates remedies for disputes that can’t be generated in court.

“Court is usually about winning and losing,” he said. “You couldn’t fashion an agreement between parties that might involve their continued participation in some manner in the corporation.”

Friedman said he has had multiple cases reach eight-figure settlements, ranging from a wildfire subrogation claim to an internal corporate dispute to a bankruptcy case.

It’s not the big ticket cases that Friedman finds the most rewarding, though.

One of the most fulfilling cases came from his pro bono work on the Central District of California mediation panel. The case involved an insurance company and a bar owner accused of serving alcohol to a minor who was subsequently involved in a deadly car crash. Friedman said he resolved the issue by creating a global mediation that included the wrongful death claims and the insurance claims. He said the insurance company gave less than it might have otherwise paid, the families of the boys each got paid, and all three cases ended.

“You can imagine what that mediation was like dealing with the families of two 19-year-old boys,” he said. “It was very emotional. I felt I did a good day’s work that day.”

In arbitration he expects attorneys to be professional and respectful, but the trial lawyer warrior attitude he decries in mediation is welcome and he expects to see no-holds-barred arguments and cross examination.

He said it’s important for lawyers to remember the rules of evidence generally do not apply in arbitration. “You tend to get a lot of objections during the course of an arbitration and, while I think they are helpful, the truth is that the arbitrator is better served if they let the parties put everything into the record,” he said, explaining that one of very few ways a party can challenge an arbitration is by arguing the arbitrator didn’t allow a particular witness, piece of evidence or argument.

“Arbitrators are better served if they let it all in and then make their decision based on what’s relevant and material to the case,” Friedman said. “That’s something I don’t think I appreciated when I was a lawyer practicing in arbitration.”

After years of battling fellow attorneys in the courtroom, Friedman is adjusting to serving as a private judge in arbitration — and said the deference that comes with the new role initially caught him off guard. “When I spoke they were very respectful and they listened to me and I thought, ‘Wow this is really different,’” he said with a laugh.

Law firms that have used Friedman’s services include: Arent Fox LLP; Freedman & Taitelman LLP; Gibson, Dunn & Crutcher LLP; Greenberg Traurig LLP; Meyers McConnell Reisz Siderman; Nossaman LLP; Pomerantz LLP; Shernoff Bidart Echeverria Bentley LLP; Terrell Marshall Daudt & Willie PLLC; Troutman Sanders LLP; Vick Law Group APC; Winget, Spadafora & Schwartzberg LLP.

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