

VERDICTS & SETTLEMENTS

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It's About Listening

Despite long, varied career, Sidney Kanazawa says expertise doesn't settle cases.

By Don DeBenedictis

Special to the Daily Journal

The first time Sidney Kanazawa tried being a mediator, it didn't go well. It was a few decades ago when the Los Angeles Superior Court was so overloaded with aging civil suits that it brought in volunteer mediators in a crash program to settle as many as possible.

"I was totally unsuccessful. I think I settled one case," he recalled. "I told my wife 'I'm not very good at it.'"

Years later, he realized his mistake had been trying to tell parties how he thought they should settle their disputes, based on his extensive experience as a trial litigator. "It turns out that's not the way to resolve cases," Kanazawa said.

Now, as a mediator with Alternative Resolution Centers LLC in Los Angeles, he explained, "I try to listen and understand the perspective of each side. Because only when I do that, do I start to move the discussion forward," he explained. "People don't trust you if you don't understand them."

His role is to "facilitate the discussion and help each side think through what the alternatives are and whether an agreement now is better than the alternatives going forward."

Attorneys who have brought cases to Kanazawa appreciate his approach. "He was very effective in communicating with both sides, and he did a really good job of addressing the plaintiff counsel's concerns," said medical malpractice defense attorney Raymond J. McMahon of Doyle Schafer McMahon LLP. "He did take the time to get to know the parties."



Justin L. Stewart / Special to the Daily Journal

Assistant U.S. Attorney Lisa A. Polombo, who was involved in the same mediation, described Kanazawa as a good listener "but also somewhat of a problem solver nudging the parties to seek resolution."

The themes of listening to and understanding others runs through much of what Kanazawa says about his life and career. He first became interested in alternative dispute resolution years ago when he took a course on transformative mediation because he was intrigued by the name and wanted to improve his negotiation skills.

One exercise required that he follow a script to play the role of

a party to litigation. "I was blown away," he said. "While I was playing a party, I felt a change in my attitude toward my opponent."

Much more recently, he gave a guest lecture at Columbia University in a class on negotiating. A student asked how to get the other side to compromise, "and I realized that that's the problem," he said. "If you're expecting the other person to come to you, that's a hard thing to accomplish."

Instead, the negotiator should try to understand the other side's problem and look for ways to solve it. "It sounds so simple, but dynamically, it's extremely different in terms of how you talk to

Sidney Kanazawa

Alternative Resolution Centers LLC

Los Angeles

Areas of Specialty:
General Civil Litigation

people, how you negotiate a resolution," he said.

Kanazawa is president-elect of the National Asian Pacific American Bar Association, and listen-

ing is the core principle of his approach to leadership. “The leader speaks last, and you listen to everybody first,” he said. “The moment you say, ‘This is what I’m going to do,’ you’ve created a whole bunch of enemies.”

Other leadership positions he has held include student body president in high school and at the University of Hawaii.

He grew up in Hawaii, where his family had an auto repair garage. As the youngest of five cousins, he said he “got all the crappy jobs” and so never became a good mechanic himself.

During and after university, he worked as a part-time teacher, outreach counselor and body fender mechanic. After about a year, he decided to change focus.

Upon graduation from USC Gould School of Law in 1978, he joined Lillick, McHose & Charles, initially working with a team that specialized in maritime law. The team later took on product liability cases after it defeated a lawsuit over exploding gas tanks in Ford Mustangs.

“That was a big deal at the time,” he said, because only a year earlier, the same plaintiffs’ counsel had won the landmark trial over exploding gas tanks in Pintos.

In about 1990, Lillick’s Los Angeles office merged into Pillsbury, Madison & Sutro, where Kanazawa’s four-lawyer team came to specialize in contingency fee cases for plaintiffs. Their cases included litigation over landslides in Malibu and Anaheim Hills, insurance churn-

ing and alleged securities fraud, he said.

Early in 1991, he represented South Korea’s Pan Ocean Shipping Co. Ltd. in litigation accusing it of causing a 12,000-gallon oil spill in the Port of Los Angeles. He said that by listening to his experts and to the claimants, he was able to settle 600 claims within two weeks and the remaining 1,400 within three months.

“It turned out it was not my client’s oil,” but came from a different ship whose owners tried to hide what happened. Kanazawa said. He sued that company and recovered more than 100% of what his client had paid out, he said.

At the end of 2002, he left Pillsbury for Van Etten Suzumoto & Becket LLP, a small firm whose partners he had trained at Lillick and Pillsbury. His role was to train the firm’s younger lawyers and take cases to trial, while also handling some real estate and family business matters in Hawaii. “I was ostensibly in the products liability department, but I was basically doing trial work. ... I was either negotiating or getting cases ready for trial,” he said.

He continued as an all-around litigator when Van Etten merged into McGuireWoods LLP in 2006. There, one of his biggest cases was the tangled antitrust litigation against the major bar exam preparation course providers BAR/BRI and Kaplan Inc.

While another partner prepared the case for trial, Kanazawa focused on negotiating the ultimate \$49 million settlement.

Rodriguez v. West Publishing Corp., 2:05-cv-03222 (C.D. Cal., filed April 29, 2005).

In 2019, he left practice to become a full-time mediator. Over the years, he had taken courses in the field from Harvard, Pepperdine, the superior court, the Los Angeles County Bar Association and the Financial Industry Regulatory Authority.

He also has volunteered as a mediator to help parents agree on parenting plans when they are seeking the return of their children in the juvenile dependency courts. “The main reason I got into that is because it’s a high conflict area,” he said. “I figured if I can deal with high conflict in that setting, I can probably deal with it in any other dispute.”

During the pandemic, he has become “a raving fan” of online mediation, he said. Beyond the convenience, he believes people are nicer online than in person because they watch themselves and see how they are behaving.

He also has discovered that he gains a little more understanding of the participants from what they choose to show as their backgrounds. That understanding helps him identify with them. “Mediation really is about identification with the parties,” he said. “If you can find a way to identify with people, now you have a chance for them to open up and to reframe and listen.”

Another help is all the stories he can tell them from his long and varied career as a litigator. “I can tell stories from both sides. I think it helps sometimes to

have somebody tell you stories about what can happen.”

McMahon said that during his mediation session, Kanazawa did share a personal story about litigation in which he was a defendant. “He was able to effectively communicate the hardship of going through that litigation and wishing he was able to resolve it sooner,” McMahon said.

The wide variety of cases he handled in practice also makes him able to handle a wide variety of cases in mediation. “Every time they ask me, ‘Have you ever done this kind of a case or that kind of a case?’ almost always ... the answer is yes.”

In less than two years, he has mediated disputes about employment, construction defects, business matters, personal injuries, intellectual property and civil rights.

“I find it’s really not about your expertise, it’s about your ability to listen to people, because they’re the experts,” Kanazawa said. ■

Here are some attorneys who have used Kanazawa’s services: Raymond J. McMahon, Doyle Schafer McMahon LLP; Katherine “Kacey” McBroom, Kaedian LLP; Elliott Tiomkin, Law Office of Elliott Tiomkin; Karen C. Joynt, Law Office of Karen Joynt; David B. Simpson, Simpson Employment Law; Katherine T. Botros, Resnick & Louis P.C.; Jonathan E. Dekel, Law Office of Jonathan Dekel; Lisa A. Polombo, U.S. Attorney’s Office, Central District of California.