

# VERDICTS & SETTLEMENTS

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## Lawyer Finds Her Niche as Mediation Maven

By Peter B. Matuszak  
Daily Journal Staff Writer

**L**OS ANGELES—There are no coincidences in the world of Mariam Zadeh. This Buddhist sensibility, that everything happens for a reason, fuels both her dogged pursuit of resolution and her creative approach to mediation.

It also led the 34-year-old attorney to her mentor, Jeffrey Krivis, whom she joined as an unexpected partner at First Mediation Corp. in 2005. Though their religions differ — Krivis is Jewish — their ideologies are in lockstep. Zadeh sees him as a Zen master of mediation and a perfect model for her own developing mediation style.

“He has a very warm, inviting quality about him that puts people at ease,” she said. “He’s not confrontational or aggressive. People are just drawn to him; he doesn’t have to force people to follow him. People just naturally want to be a part of what he is working on.”

The pair speak about a holistic development and natural progressions when describing both their approach to dispute resolution and their blossoming partnership.

Krivis founded his renowned mediation practice in 1989, hiring several retired judges and establishing himself as the lead broker bringing clients to the firm. Unhappy with his encumbered role as business administrator, by 1991 he had decided to scale back the practice and run it as a one-man alternative-dispute-resolution operation.

“I just wanted to do my own thing,” he said. “So when I met Mariam, it wasn’t on my radar screen. I wasn’t looking for a partner at all.”

The two met while Zadeh was studying at the Straus Institute for Resolution at Pepperdine School of Law in 2003. One of her professors suggested the two might make a good team, and Krivis took her on as an extern.

“I have had many externs over the years, but she was unique in that she exhibited not only brilliance, but she had a soul,” he explained. “It was clear that she had found



ROBERT LEVINS/ Daily Journal

“As a litigator, I had always found that my strengths really came out toward the end of the case, when it was time to come to a resolution,” mediator Mariam Zadeh said, explaining her switch to work as a neutral.

her calling in mediation. It wasn’t like I had a student with me; it was like I had a colleague and a partner.”

Zadeh is surprised to find herself in such esteemed company. Five years ago, she said, she never imagined being at this stage in her career or even living in California.

The Long Island native began her legal career in New York after graduating from Cardoza School of Law in 1995. In her first job as an associate, she worked as a plaintiffs’ attorney on toxic-torts and tobacco litigation. She then moved firms and approaches, representing insurance companies and other corporate defendants.

“I was on partner track, living in Manhattan, doing that sort of thing until my husband and I were displaced by 9-11,” she said.

Beyond the trauma of living only blocks from the fallen World Trade Center, Zadeh had represented steel workers that had originally built the towers and were now dying from exposure to asbestos. She could not deny the potential health dangers.

After trying to make a home in another part of the city, but to no avail, she forged west on a whim to Los Angeles in 2003.

Shortly after moving with husband Kam Nasabi and their three dogs, she took a position in-house at Safeco Insurance.

While they were settling in, a pamphlet from Pepperdine’s ADR program arrived for her predecessor but found its way into her hands.

“As a litigator, I had always found that my strengths really came out toward the end of a case, when it was time to come to a resolution,” said Zadeh, who entered the ADR program a few months later while working full time.

Carmen Vasquez, another attorney in Safeco’s legal department, saw Zadeh develop into the company’s maven for mediation.

“I think she found her niche; she has a passion for mediation. She definitely went the right route,” Vasquez said. “She was our guru when it came to mediation in the office and was always able to find creative ways to resolve issue that everyone thought would end up in court.”

Vasquez has called on Zadeh to mediate matters for the company since her departure.

# Maven for Mediation Finds Her Niche

“It was very pleasant. I think that Mariam understands the defense perspective and the plaintiff side,” she said. “I think many advocates give her more respect for that, since the decision comes from a person that knows the good and the bad of the case.”

Joseph Lovretovich runs a small employment law practice and has used Krivis as a mediator for many years. Lovretovich was one of the first clients passed on to Zadeh when she joined First Mediation as a partner two years ago. He was immediately impressed and continues to use her as well as Krivis.

“Her creativity and tenaciousness were evident right away. She also quickly grasps issues,” Lovretovich said. “Some mediators you need to educate a lot. You don’t need that with Mariam; she’s very bright.”

Krivis credits Zadeh’s quick learning and aptitude for understanding complex issues with helping him convert his theory of “improvisational negotiation” into text.

“For years, I had been tossing ideas around for a book, but all I had were these anecdotes,” he said. “Mariam really put them together into book form.”

In 2006, Krivis published “Improvisational Negotiation,” which details the narratives of several dozen mediations and how to break through seemingly immovable barriers creatively.

Zadeh calls Krivis’ anecdotes “rescue routines,” which form the foundations for settling disputes through improvisation.



Mariam Zadeh

Age: 34  
Affiliation: First Mediation Corp.  
Locality: Encino  
Areas of specialty: employment, class action, ERISA, personal injury, real estate, and commercial  
Rate: \$4,500 daily, \$5,500 daily class action

“Let’s say that someone says, ‘It’s a matter of principle,’ or ‘God is on my side,’” Zadeh explained. “Those things come up, and your traditional conventional approach has no way of addressing those sort of things. So no matter how much we talk about money or anything else, if someone thinks God is on their side, and that’s why they are going to prevail, ... I’m not going to get through to them.

“So if I am faced with something like that — an obstacle you can anticipate coming - in this scenario, you could say, ‘Well, is today Judgment Day?’ she continued. “It can be something as simple as that or much more complex, but you have to be able to get clients to open up to the creativity.”

In a similar but more complex situation, Zadeh faced a dispute in which an agreement

on a financial settlement had been reached, but one party refused to pay on religious grounds. The party was insistent that by paying what he saw as a “sinful” opponent, he would face spiritual damnation. It was an untenable situation, to say the least.

In this case, Zadeh found a solution in the case’s co-defendant. She devised a scenario in which the upset party could pass a portion of the settlement to another defendant company, which would pay the plaintiff.

In the end, Zadeh was able to preserve the party’s soul while resurrecting the deal.

“I think, when we go back to the idea of improvisation, it’s the idea of being open and embracing that sense of uncertainty,” she said. “It’s allowing your intuition and your instinct to surface, to be in the moment. Again, it goes back to that Zen quality, as well.”

Here are some of the lawyers that have used Zadeh’s services:

Marcus Mancini, Mancini & Associates; Joseph Lovretovich, Law Offices of Joseph Lovretovich; Robyn Crowther, Caldwell Leslie Newcombe & Pettit; Talar Herculian, Fisher & Phillips; Nancy Yaffe, Folger Levin & Kahn; Marc Primo, Initiative Legal Group; Glenn Kantor, Kantor & Kantor; Frank Darras, Shernoff, Bidart & Darras; Melissa Cowan, Galton & Helm; Keith Parker, Smith Silbar Parker & Woffinden; Sherry Stroble, Wilson Elser Moskowitz Edelman & Dicker.