

Found in Translation

Neutral David Meadows weighs parties' emotions and backgrounds

By Hadley Robinson
Daily Journal Staff Writer

When David Meadows was hired to mediate a case between members of the same mosque, where the underlying claim involved defamation, he quickly realized there was much more at stake than a legal dispute.

Meadows found the conflict was about power, decision-making and how the mosque should be run. Many of the members of the mosque came from the same town in Pakistan. The dispute, "impacted most of the people they cared about," Meadows said.

"There was a situation where realizing the significance of their culture and values was the first thing to understand, before you could figure out how to help them resolve it," he said.

Attorneys often hire Meadows to handle business disputes that involve highly-charged emotions and personal relationships.

He has helped groups of friends who bought property together work out their problems and spent more than two years organizing a deal for three immigrant partners who had been business partners for 25 years without any formal agreements.

"Everything they had done in their lives had been on a handshake," Meadows said.

Meadows talks a lot about the "translation" required when resolving problems, and said he tries to put disputes in a context that makes sense to parties with varying experiences and interests.

"My experience with him has been around business and property disputes where there are strong emotions, where the parties often have a personal relationship," said Oakland-based solo practitioner Frederick C. Hertz. "He's able to integrate the ... dispute with the underlying dynamics."

Meadows's keen understanding that people are coming from diverse backgrounds with different mindsets may have spawned from his experience living and traveling around the world.

His father worked at the State Depart-

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Areas of specialty: commercial litigation, labor and employment, real estate, contract disputes

ment, so Meadows spent much of his young life bouncing between foreign cities.

Out of law school, he worked 14 years for the firm now known as Keker & Van Nest LLP in San Francisco, at one point becoming the managing partner. But Meadows said his work at the firm "took over my life in a way I just didn't enjoy."

He and his wife considered moving abroad, but instead, in 1994, he took a sabbatical from the firm and the couple decided to take their two young children on a trip around the world, traveling to the Mediterranean, Southeast Asia and the Pacific.

When he returned, his wife went back to work full-time while he tried to figure out what to do next. He tried mediating, and found he had a knack for it and was getting calls back. His reputation spread through word of mouth.

"Initially, what attracted to me is his background — he is a former litigator and managing partner at Keker & Van Nest," said Kenneth Valinoti, at Valinoti & Doti LLP in San Francisco. "He spent some time in the trenches as a lawyer and that background helps facilitate confidence in the eyes of my clients when I use him as a mediator."

Attorneys say Meadows interjects opinions when necessary but not in a way that clients find offensive.

"I've been impressed by how he is able to quickly assess the demeanor of the clients I have in front of him and what he needs to do to get them to say 'yes' to reach an agreement with the other side," said James L. Jacobs, Mountain View-based partner at GCA Law Partners LLP.

Meadows said his philosophy is to help others resolve their own problems, through coaching and re-framing the arguments, so they can take ownership over the solutions.

But he uses different skills sets for different situations and phases of mediation. Sometimes he has to intervene



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and suggest creative solutions, or call out people who are making an argument that probably won't fly in court.

"He's opinionated when he needs to be opinionated and restrained when that's most appropriate," Hertz said.

Meadows recalled being hired in a recent commercial case to provide an evaluation of a series of business deals involving car dealerships.

He gave his opinion on the merits of the case to every one together, and in the next stage shuttled back and forth between the parties to negotiate. When they reached an impasse, he met with the parties and not the lawyers for a frank discussion and eventually gave a mediator's proposal that resolved the case.

"Each of these stages required a different approach and skill set from me and the participants, and each contributed to setting the stage for a settlement," Meadows said.

Attorneys say Meadows has a patient, calm demeanor that also commands respect.

"He does have a certain gravitas," Jacobs said. "He looks like a major network national anchor person. That's actually quite helpful."

He does not stop thinking about a case after the parties leave the room, lawyers say.

San Francisco attorney Bruce M. Towner had a mediation with Meadows that was supposed to go to 5 p.m., but finished around 8:30 p.m. without resolution. Towner and his client decided to grab a later dinner, and right after they ordered, the phone started ringing from Meadows.

"He proceeded to outline another approach to how we could resolve our matter considering different factors and

then followed up with an email," Towner said. "We were still emailing around 11 p.m. The matter settled based on the suggestion he made the next day."

Meadows has also found ways to integrate his passions for traveling and resolving disputes.

Last year, he presented a paper in Istanbul on restorative justice, a process of solving disputes by bringing the wrongdoer, the victim and the community together. He traveled to Brazil this summer to both visit favelas that also use the restorative justice process, and to watch the World Cup.

He has frequented Burning Man, an alternative art festival in the Nevada desert, volunteering in a mediation tent there run by Meadows' friend, Berkeley-based mediator Ron Kelly. Most of the disputes involved relationships between couples, friends and one art crew.

Meadows can not attend to this year's festival at the end of the month because he will be canoeing in British Columbia.

"I keep thinking I'm lucky to make a living doing something I enjoy, that's incredibly varied," Meadows said. "It's a fascinating job."

Here is a list of attorneys who have used Meadows' services:

Cliff M. Palefsky, McGuinn, Hillsman & Palefsky, San Francisco; Laura J. Maechtlen, Seyfarth Shaw LLP, San Francisco; Bruce M. Towner, Towner Law Offices, San Francisco; James L. Jacobs, GCA Law Partners LLP, Mountain View; Kenneth L. Valinoti, Valinoti & Dito LLP, San Francisco; Frederick C. Hertz, Oakland; Matthew P. Guichard, Guichard, Teng & Portello, Concord; David A. Stein, Donahue Fitzgerald LLP, Oakland