

Mediator Makes the Most of His Follow-Up Act

By Drew Combs

Daily Journal Staff Writer

Philip J. Meldman graduated from Stanford Law School in 1969 and passed the California Bar the following year, but he didn't begin practicing law until 1990.

During the intervening two decades, Meldman held a number of jobs. He was a theatrical agent, movie-studio executive, documentarian, real-estate developer and record producer.

While Meldman can detail how he pursued each of those positions methodically, when it comes to explaining his career as a neutral, "It just kind of happened," he said.

Meldman enrolled in a divorce-mediation class in 1991, looking to complete his minimum-continuing-legal-education requirement as quickly as possible.

"I had to knock out 36 hours," he said. "This was doing my time."

Once in class, though, Meldman realized, "This mediation stuff was fascinating," and an effort to knock out 36 hours has turned into a 15-year career as a neutral.

Meldman, a psychology major in college who has published articles on the subject in academic journals, was drawn to mediation's structural emphasis on negotiation and persuasion in favor of an adversarial system.

A few months after the continuing-education class, he attended divorce-mediation training - the only mediation training available in California at the time - and began conducting divorce mediations, for which he usually teamed with a psychologist.

Since then, Meldman's mediation career has expanded to include all types of issues, especially topics like intellectual property that call on his entertainment-industry background.

"He is very good in a case where the parties are sophisticated, and you don't need a headbanger," said Jeff E. Scott, co-managing partner of Greenberg Traurig's Santa Monica office, who has used Meldman on two occasions, including a dispute between a concert promoter and a musical act. "He hears everyone out, but his calm and intellectual approach keeps the parties focused on the business at hand."

Said Michael J. Faber, a Santa Monica-based solo practitioner who has used Meldman in a sexual-harassment matter: "Phil displayed all the skills you want in a mediator. He was methodical, patient and sensitive."

"It was a case fraught with a lot of emotion on both sides, but Phil was able to settle it because he remained attuned to the nuances in the case and how they might play out in a jury-trial setting," added Faber, who represented the plaintiff.

Meldman, 62, describes his mediation approach as "flexible." Most of his mediations begin with a joint session, which "gives the parties an opportunity to set the tone and mode of the mediation," he said.

His mediations proceed based on the tone the parties set initially.

"At one end of the mediation spectrum, there is the facilitative approach, and at the other end, there is the evaluative approach, where the mediator just says what is going to happen at trial," Meldman said. "My approach is that at any point or at any time, I may travel the whole gamut and back again."



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Meldman's ability to conform to the circumstances of each matter, his tenacity and his ability to think outside the box have been praised routinely by attorneys who have used his services.

In one dispute, Scott's client claimed fraud regarding a \$2 million investment in a music-equipment company.

"My client believed that he had not been told the full story about the condition of the business," Scott said.

The case settled on the basis of a restructured business arrangement between the parties.

Although it was "a very nontraditional settlement, [Meldman] was very good at facilitating that discussion," Scott said.

Some of Meldman's mediations have been not only nontraditional, but also long.

"He really pursues it," said Louis P. Petrich, an attorney at Leopold, Petrich & Smith in Century City who has used the mediator's services in four matters involving claims of copyright infringement, libel and right of privacy. "The thing that comes to mind is that he is tenacious and dogged.

"There was one case where [Meldman] went to 10 o'clock at night to get it done," Petrich added.

Said Gail M. Title, managing partner at the Century City office of Katten Muchin Rosenman who has used Meldman's services in six entertainment-industry-related cases: "He will just hang in there. He has hung in there with me till 1 in the morning on two occasions."

Like most other mediators, Meldman is an attorney - but that's where the similarities end.

He grew up in Milwaukee, where his father Louis was a tax attorney. Meldman's brother, Robert, also became an attorney and joined their father's practice.

Meldman earned his bachelor's degree at Brandeis University, where he researched how jury members persuade one another. After college, he attended law school at Stanford, which he remembered from a boyhood trip as "exotic" compared with universities in the Midwest and on the East Coast.

During his final year of law school, Meldman participated in a test program in which five law students were allowed to enroll at Stanford University School of Medicine as first-year residents in psychiatry. The training served Meldman well in his first job after law school: theatrical agent.

After five years as an agent, Meldman joined Paramount Pictures as a business-affairs executive. He switched to a creative-affairs position at the behest of Michael Eisner, then an executive at the movie studio.

After nearly 10 years at Paramount, Meldman dabbled in real estate and produced documentaries. Then, in 1990, he decided to practice law. He joined the Law Offices of Sam Perlmutter in Los Angeles as of counsel.

In an effort to keep his law license current, Meldman stumbled into his latest, and longest-lasting, calling. But he says his past professional pursuits and experiences are key components of his success as a mediator.

"I have been the big studio executive, an independent producer, a real-estate investor, a record producer, an agent and an aspiring writer," Meldman said. "I have an ability to relate to all the parties."

Here's a list of attorneys who are familiar with or have used Meldman's services:

Charles F. Barker, Sheppard, Mullin, Richter & Hampton, Los Angeles; Michael J. Faber, Santa Monica; Jay S. Handlin, Christensen, Glaser, Fink, Jacobs, Weil & Shapiro, Century City; Bruce A. Isaacs, Wyman & Isaacs, Beverly Hills; Louis P. Petrich, Leopold, Petrich & Smith, Century City; Ray C. Schreck, Los Angeles; Jeff E. Scott, Greenberg Traurig, Santa Monica; Martin D. Singer, Lavelly & Singer, Century City; Gail M. Title, Katten Muchin Rosenman, Century City

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