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Mediator Draws on Her Multifaceted Careers

By Maya Meinert

Daily Journal Staff Writer

LOS ANGELES — When describing herself as a mediator, Joan Kessler sums it up best herself.

"I'm a combination college professor, a jury consultant and a veteran lawyer," Kessler said.

The college-professor-turned-lawyer-turned-mediator holds four degrees, including a doctorate in speech communication, but she now focuses full time on mediation.

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internally since the beginning of my legal career, trying to convince the other side to settle them instead of incurring huge expenses," Kessler said.

"It was never because I was afraid to go forward," she said. "I loved being in court. It was just that I knew how expensive in both money and emotion it was for the litigants. I was always applying those communication theories [I learned in school] to trying to settle my own cases."

And it has paid off.

In 2005, not long before she became a full-time mediator, Kessler represented petitioners in a shareholder breach-of-contract claim, which she settled in her client's favor for \$9.5 million. *Nalbandian v. Chun*, SS013734 (L.A. Super. Ct. Nov. 17, 2005).

Kessler's reputation as a tenacious litigator is well-known. She was once described as having the will of a Rottweiler, in a 2000 Daily Journal story.

"That was true as a litigator, and it is even more true as a mediator," Kessler said.

"Maybe not the Rottweiler," she added, "maybe a more compassionate, softer version of the Rottweiler."



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"I've been mediating my cases internally since the beginning of my legal career, trying to convince the other side to settle them instead of incurring huge expenses," lawyer-turned-professor-turned-mediator Joan Kessler said.

As a mediator, Kessler has attracted even former opposing counsel to her services.

Barry J. Reagan, name partner and an insurance defense attorney with Procter, Slaughter & Reagan in Ventura, recalled a property law case he litigated against Kessler two years ago involving a neighbor dispute in Pacific Palisades.

"She did a very good job at working with her client and with me to eventually reach a resolution on a case that we tried three, or four times to settle," Reagan said. "She never gave up. That's what impressed me most."

"It would have been really easy to just give up and try the case, but we both knew that wouldn't be in the

best interest of our clients."

Soon after, he said, Kessler went into mediation full time.

"I knew she would be a good mediator because I knew what she was capable of," said Reagan, who has since used Kessler's mediation services twice. "She's just extremely bright and has a lot of litigation experience from a lawyer's perspective, so she knows the pressures that the attorneys are facing, as well as the clients."

Kessler, 62, said she always wanted to follow in the footsteps of her father and great uncle, who were both lawyers. But when she graduated from the University of Michigan with a degree in English in 1967, she said there weren't many

women going to law school.

Instead, she taught high-school debate in Ann Arbor, then at Beverly Hills High School, while attending UCLA, where she earned a master's degree in speech communication in 1969.

Kessler returned to the University of Michigan, getting her Ph.D. in 1973. Her dissertation, "A Content Analytic Comparison of the Six- and Twelve-Member Jury Decision-Making Process," has been cited in at least two Supreme Court cases. *Colgrove v. Battin*, 413 U.S. 149 (1973); *Georgia v. Ballew*, 435 U.S. 223 (1978).

After receiving her doctorate, Kessler taught communication skills to

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