

VERDICTS AND SETTLEMENTS

ADR PROFILE

Mediator to the Stars Retains Strong Common Touch

By Draegar Martinez

Clients of mediator Gig Kyriacou could be forgiven for mistaking the Toluca Lake neutral for a wayward gourmet chef: First he uses traditional Greek cookies his mother makes from scratch to help land clients, then he relies on an upscale Italian restaurant to help seal many deals.

"A few years back, I mediated a dispute involving Jennifer Aniston and Brad Pitt over topless photos taken of Jennifer while she sunbathed at home..." Kyriacou says. "Jennifer's part Greek, so she loved my mom's cookies and that helped put [everyone] at ease."

Despite Kyriacou's ease at rubbing shoulders with Hollywood's elites... he retains a strong common touch. Perhaps the key to that quality originates where Kyriacou first learned to juggle competing demands simultaneously: coaching girls' basketball teams at his high school when he was just 16.

"I'm a strong believer in 'listening with your eyes,'" says Kyriacou, who's moved on to coach church-league basketball teams for the last 21 years. "That means keeping my antennae up for any cue from a person's facial expression, voice, tone or body language that indicates openness and willingness to move forward, or if they'll be an impediment."

Kyriacou has found ways to parlay that attentiveness into success as a mediator, which he has done since 1995. He believes his best work comes from building credibility in the mediation process itself, then guiding the parties through the process.

"Mediation as a process isn't hard, but there's an art to knowing when to slow down or speed things up," Kyriacou says. "My job is to get the conversation started and not to let it stop until I have both sides saying, 'Yes.'"

"You always have to think three moves ahead, and on factual, emotional and financial levels," Kyriacou says. "But I like difficult challenges because that's what determines the quality of the mediator."

"It's a healthy way to resolve problems, especially compared to litigating a case all the way through trial. Litigation forces lawyers to be warriors, but most attorneys also enjoy the role of counselor to their clients."

Kyriacou went into mediation straight from his law practice without first hearing cases as a judge. His lack of bench experience doesn't seem to bother the attorneys who come to him, he says.

"If the attorneys feel they really need a retired judge, they'll select one right from the start," Kyriacou says. "At the same time, attorney mediators are generally growing in popularity. The sophisticated consumer knows what they need; there are pros and cons to both."

He began his legal career in 1984 with the firm Levin, Ballin, Plotkin and Zimring and attained partner status five years later. In 1991, he moved to Plotkin, Marutani and Kyriacou, which represented both plaintiffs and defendants in complex civil litigation.

"As a litigator, I couldn't see how I could continue litigating up until retirement age. But I could easily see myself mediating up until the very end. I consider it a calling and a blessing," Kyriacou says. "I never have problems answering questions about my style and qualifications. Our reputation is all we have. Mediation is a market-driven commodity and people



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He handles cases ranging from employment matters – including discrimination, harassment, wrongful termination, wage and hour, and class actions – to commercial, serious injury and insurance cases – to entertainment and environmental disputes.

"Attorneys are learning how to select the right mediators for their case, so I'm very lucky to stay very busy," Kyriacou says. "You want to help solve the problem, satisfying a need and achieving relief in ways that your clients find acceptable."

He says that, while he gets along with many different personalities, he does have one pet peeve: ill-prepared attorneys.

"I'm not fond of people who don't get their ducks lined up beforehand," Kyriacou says. "They need to have the right people at the mediation including the

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— Stephen Rasak
Stark, Rasak & Clarke

right legal authority lined up in person or by phone. Not being prepared wastes time, and it makes things more difficult."

He adds that attorneys have become much more sophisticated about mediation in recent years. The attorneys have prepared their clients better about the process, selected the right mediator for a particular case, and understand mediators' negotiation techniques to know which ones might work best to reach settlement.

Kyriacou adds that this evolution has lawyers seeking neutrals with whom they, and their clients, will feel comfortable.

"As mediators we have to stay detached from a case but realize that the parties aren't detached, and for good reasons," he says. "Good mediators know when to back off, when to push and how hard they can push. You have to be proactive but smart about it, too."

Kyriacou has confidence in how attorneys view his mediation skills: his website lists hundreds of attorney

references. Organized geographically and by topic area.

And if Oakland attorney Leslie Van Houten is any indication, that confidence has been well earned.

"He was a very good mediator with all the skills you like in a neutral," Van Houten says, an attorney for the University of California. "It's important for the mediator to develop a sense of trust with the attorneys and clients on both sides, and Gig established that trust very quickly."

Van Houten says that she found Kyriacou someone whom people can relate to easily and that she gladly would hire him again.

"He was particularly good in a situation where the plaintiff had a sense of being harmed or hurt," Van Houten says. "Gig built a sense of rapport and trust with the individual, and he was very good to both parties."

Torrance litigator Stephen Rasak echoed Van Houten's praise, adding that Kyriacou compares most favorably with other mediators he has engaged.

"I've used him once in personal-injury case. After I looked up his references on his Web site, I saw both an old friend from law school and an opposing counsel in another case had hired him," says Rasak, co-founder of Stark, Rasak & Clarke. "They both spoke so highly of Gig, and he was the mediator the defense attorney in my injury case wanted, so she was very pleased when we went with Gig."

Rasak says that Kyriacou's distinctive personal touch makes mediation agreeable for everyone involved.

"It's impossible to say no to someone offering cookies baked by his own mother," Rasak says laughing. "His whole staff and office are very warm and inviting, and for clients who are often going through this for the first time, it really helps them to relax, take emotion out of the case and move forward to a resolution. He's so gracious and low-key, and the homemade cookies are sort of the icing on the mediation cake."

Ah, yes, the Kyriacou secret weapon: good food at hand, and plenty of it. He says being located next to a fine *ristorante* has come in handy more often than he ever imagined.

"I did pick this location with that in mind. I mainly wanted an office centrally located relative to downtown, Pasadena, Santa Monica and the Westside," Kyriacou says. "But it makes a great alternate meeting place, or sometimes I'll send upset clients over to the patio to relax."

"I've even had one party conferring in my office and the other thinking things over at the restaurant, and I'll shuttle back and forth between both."

Outside the office, Kyriacou and wife, Kathleen, stay very active with their church, Saint Sophia. He serves on the church's foundation and coaches the Greek Orthodox youth basketball team that includes his 14-year-old daughter, Christianna. Later this year, he plans to coach a recreation league team for his 10-year-old son Michael John.

Kyriacou is also a member of several mediator organizations, including the International Academy of Mediators and the Southern California Mediation Association.

"I love solving problems," Kyriacou says. "I feel fortunate to enjoy a good reputation with both the plaintiff and defense bars. It's a mediator's job to solve all sides' problems."