

# Daily Journal

## VERDICTS & SETTLEMENTS

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# Give and Take

*James Curry, who tried more than 500 cases as an attorney, enjoys problem solving.*

By Shane Nelson

Special to the Daily Journal

Alternative Resolution Centers neutral James E. Curry took more than 500 cases to verdict in either jury trials or arbitrations during his more than 35 years as an attorney.

"I used to work for the stingiest insurance company in Los Angeles, and back in the '80s and '90s, everything was sent to arbitration," Curry explained. "So I was trying sometimes three and four arbitrations a week. Do that for a while, and they tend to add up."

Curry's practice was primarily personal injury defense throughout his more than three decades as lawyer. And although he has tackled some employment and business cases since he decided to focus full time as a private neutral in 2013, the vast majority of the disputes he's worked to resolve as a mediator and arbitrator have involved personal injury in some way.

Born and raised in Ohio, Curry graduated from The Ohio State University College of Law in 1976 and said he decided to look for jobs in California because of the weather.

"I was walking from my apartment to class one day, and the wind chill was about 34 degrees below zero," he recalled with a chuckle. "And I said, 'This is not where I want to spend my life.'"

A member of the Los Angeles County Superior Court mediation panel for more than 20 years, Curry said he's always enjoyed



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the problem solving that's so frequently required in dispute resolution.

"Generally, how I look at it is what the defense sends me is the pieces of their puzzle, and what the plaintiffs send me are the pieces of their puzzle," Curry explained. "And my job during the mediation is to, of course, learn more and gather more pieces and then put all the pieces together to form the final picture, which hopefully means there's been a settlement."

Before mediating a personal injury dispute, Curry said he likes to not only receive briefs but also all the medical reports

and bills as well as any available photographs.

"The two key elements I look at in almost every case are the laws of physics and credibility," he explained. "I can't tell you how many photographs of accidents I've looked at through all the years, and with them, you have a pretty good feel for how bad an accident is and the kinds of injuries it can cause."

Curry said plaintiffs may make all sorts of claims in a dispute that the defense cannot counter, but he said he frequently reminds claimants they'll still ultimately need to sell their case to a trier of fact.

### James E. Curry

Alternative Resolution Centers

Los Angeles

#### Areas of Specialty:

Personal Injury

Employment

Business

"The facts and the medical records certainly help, but at the end of the day, it comes down to credibility," he explained. "Some days the jury doesn't like someone. It may have been the parties; it may have been the doctors. ... You always have to that keep in mind."

Curry likes to begin his mediations in a joint session, but said that's really more of an introduction, and he'll break into caucuses soon after to begin discussing the case in earnest. Early on, Curry said he tries to apply a more facilitative approach.

"The attorneys and the adjusters, this is something they do all the time, but for the parties, this is their opportunity to get their story told, to get someone to listen to them, and to not only listen but also maybe explain to them some issues they may not have seen and to sympathize," he said. "Even if the case doesn't settle, my big hope is always that both sides felt they at least had a fair hearing; that I listened to all sides, that I did my best, and I did everything I could to get the case settled."

Later in the day, Curry said he will shift to a more evaluative approach, where he leans on his extensive experience.

"I don't try to evaluate the case myself," he clarified. "But I have a good idea, generally speaking, of at least where the parties should start. ... If the defense offers way low or the plaintiff demands way high, I try to get them into a more reasonable zone."

Curry will make use of a mediator's proposal if both parties ask for one, and he said he employs that strategy regularly with a great deal of success. But he noted he's not necessarily a big fan of that approach.

"They can be perceived as me injecting my opinion about value into the case," he explained. "But when I make a proposal, it's not really my evaluation. It's the figures I think will settle the case, that both sides can live with based upon all the discussions in the papers and the documents that I reviewed during the course of mediation."

Encino plaintiffs' attorney Arnold W. Gross opposed Curry in litigation when he was an attorney and has since used him to successfully resolve several personal injury disputes. Gross described Curry as honest and straightforward.

"Jim understands personal injury backwards and forwards," Gross said. "As a mediator, he has a fair value concept of cases

and works the parties appropriately to try to get cases settled, and he is never insulting or denigrating by any stretch of the imagination."

Glendale defense attorney Gina S. Parsanj has used Curry to settle auto accident cases, and she said his longtime experience in the practice area is a tremendous strong suit. She also described Curry as kind and never pushy.

"What's really special about him is when we start the mediation, he really cares to hear what each side's viewpoint is on the case," Parsanj said. "If there's something interesting or nuanced about the case we need to bring up and talk about, he really takes the time to talk about the merits of the case first before going into the money battle."

Costa Mesa defense attorney Jenn A. Bartick has used Curry to successfully mediate several auto and premises liability personal injury matters, and she said the neutral's impressive preparation sets him apart.

"One of the best parts about James is he actually reads medical records through and through," Bartick explained, adding that Curry's extensive experience understanding those types of documents is a big plus.

"Medical records can be read in so many ways by certain experts, but actually having a neutral between a plaintiffs' expert and defense expert is extremely helpful," Bartick said. "It shows what the medical records say without bias. And while that may bring up a great part of your case, it may also bring up a bad part of your case, but either way that ultimately helps to massage the case and get it settled."

Curry said part of the satisfaction he takes from his dispute resolution work is the back and forth between attorneys working at the top of their games.

"When you're a trial lawyer, you're trying to convince people of the value of your position," he said. "When I'm a mediator, I enjoy the give and take. The attorney may be pushing one point, and I'm saying, 'Yeah, but have you thought about this?' ... And I just thoroughly enjoy that adrenaline rush when all the puzzle pieces come together and both sides say, 'You've got a deal.'"

*Here are some attorneys who have used Curry's services:* Arnold W. Gross, State Law Firm; Jenn A. Bartick, James T. Shott & Associates; Gina S. Parsanj, Law Offices of Robyn S.