

A classroom for mediation

Former school teacher Craig S. Meredith finds a perfect niche as an insurance claim mediator.

By Emily Green
Daily Journal Staff Writer

SAN FRANCISCO — A peace-maker at heart, Craig S. Meredith disliked his job as a business litigator so much he left the law to become a teacher.

"In my view the world is a whole lot more gray than black and white," Meredith said. "I had trouble being an aggressive litigator because it's so easy for me to see both sides of a story. It was hard for me to take one side as though it was absolutely correct."

For the next five years, Meredith taught fifth grade world history and seventh grade American history, and one year of high school. Newsweek and "Good Morning America" featured him in stories about professionals changing careers.

He returned to the law because one of his student's fathers, a partner at Pillsbury Winthrop Shaw Pittman LLP, recruited Meredith to work for the firm over the summer. Meredith did that for three summers, specializing in toxic torts. He made more money in those nine weeks than his entire teaching salary for one year — a "sad commentary" on society, he said.

After the birth of his second child, Meredith decided he needed to make more money. In 1986, he rejoined his old firm, Farella Braun & Martel LLP, in its insurance coverage group.

This time around, the job was a great fit. Meredith represented plaintiffs seeking to settle insurance claims. Instead of butting heads with insurance carriers, he worked with them to apportion liability.

"In that context I became a negotiator," he said. "I was not an insurance litigator."

His reputation as an even-tempered, straight-shooting negotiator became well known in the insurance community, especially on the issue of construction defects. When he made the switch to full-time mediation more than two decades later, he had gained the confidence of both plaintiffs and insurance lawyers.

"In all of California there are very few mediators who know insurance issues better than Craig," said Brandt L. Wolkin, a partner with Wolkin Curran

LLP in San Francisco. "Nor are there many mediators who have the confidence of so many people on both sides of the classic dispute than Craig."

Wolkin said Meredith is most effective when the parties are genuinely interested in resolving their dispute.

"Craig is not the first mediator I go to when the parties are alienated and hostile. If they are intelligent and truly interested in trying to resolve their dispute and need to understand the insurance issues, there's no one better."

Meredith took his time becoming a mediator. In 1991, he opened his own law firm representing policyholders in insurance disputes. His first break into mediation arose when a law firm that exclusively represented insurance carriers asked him to mediate a couple of claims.

He had one major foray into litigation. In 1990, he argued — essentially by happenstance — an important case that established that general contractors could get insurance coverage for damage caused by subcontractors. *Maryland Casualty Co. v. Reeder*, 221 Cal.App.3d 961.

Meredith's involvement started when he filed an amicus brief on the side of the general contractors. About three days before oral argument, Meredith said the lawyers for the contractors turned to him and said, "Well, look, you are obviously the guy who knows the most about this. Why don't you argue the whole case?" He did — and won. A few years later, Meredith won a second case on the same issue.

"It was a big deal," Meredith said. "That was one of the few times in my career that I did anything actually adversarial."

Meredith's big break as a mediator came in late 2008 or early 2009 and involved an insurance coverage case in Florida worth around \$100 million.

"They were just litigating the tar out of it," Meredith said. "It was really bloody contentious. They were spending mountains of money."

The primary mediator was negotiating with the various litigants to determine liability. The litigants agreed to pay a certain amount of money. But several of the litigants had multiple insurance carriers, and those carriers were fighting amongst themselves



Emily Green/Daily Journal

Craig S. Meredith

Affiliation: JAMS

Location: San Francisco

Area of specialty: complex insurance cases, construction defect

about how much they owed. That gave rise to what Meredith calls a "mediation within a mediation."

Meredith was hired to negotiate with the insurance carriers for eight different litigants. He resolved those disputes, and afterwards, the parties asked him to take over the whole case and replace the original mediator. That jumpstarted a nationwide mediation practice for Meredith, mostly driven by word-of-mouth recommendations.

He became known for his knowledge of coverage issues — in other words, how much money is available to a litigant. For example, imagine someone being hit by a car. The plaintiff may have \$500,000 in medical bills, but the person who hit him only has a \$20,000 insurance policy. Meredith said what distinguishes him from other insurance mediators is that he can tell plaintiffs early on what their chances are for recovering money on their claims.

"You really are there to mediate liability and damages. But sometimes you also have to mediate a coverage dispute at the same time. And if those aren't teed up, you've wasted your time," he said. That's a particularly important issue in this economy, Meredith said, because many of the insurance carriers are out of business.

In 2010, Meredith left his private practice to join JAMS.

Scott W. Barton, an attorney with Berding & Weil LLP, said he was once working on a large construction defect case with 25 to 30 parties. The mediator couldn't proceed with the case, and the parties had to find a replacement.

"You can appreciate with 25 or 30 attorneys in a room it's hard to get an agreement on anything, especially a new mediator midway though the

case," Barton said. "In this particular instance there was almost unanimous agreement to pick Craig as the new mediator."

"He's more of a — so to speak — schmoozer," said Peter Mack, a claims specialist at Markel West/Associated International Insurance Co. "He listens to the various parties' positions and identifies who is preventing the matter from resolving. He concentrates his attention on that person."

Meredith may have left teaching behind, but he still relies on the skills he acquired during those years. He said just like he had to break down the U.S. Constitution to a level that 12-year-old students could understand, he also has to break down complex insurance issues to a level that lay people — and even attorneys — can understand.

"If you want to learn how to mediate," Meredith said, "teach junior high school."

Here are some attorneys and claims specialists who have used Meredith's mediation services:

Scott W. Barton, Berding & Weil LLP, Walnut Creek; Brandt L. Wolkin, Wolkin Curran LLP, San Francisco; Debra R. Puebla, Sinnott, Puebla, Campaigne & Curet APLC, Los Angeles; Peter Mack (claims specialist), Markel West/Associated International Insurance Co., Woodland Hills; Karen Rice (vice president, construction claims), XL Insurance America Inc., Los Angeles; Todd Schweitzer (assistant vice president), Zurich North America, San Diego; Daniel P. Creager (national severity manager), Travelers, city of Orange.