



Daniel Ben-Zvi, Esq.

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Profile

Daniel Ben-Zvi (pronounced “BenzVee”) is a respected mediator and arbitrator with ADR Services, Inc. Since 1995, he has mediated more than 2,500 disputes with highly successful results.

Mr. Ben-Zvi is a “Distinguished Fellow” with the International Academy Mediators and 1 of 32 “Power Mediators” worldwide [Hollywood Reporter]. Admitted to 5 State and Federal Bars, Mr. Ben-Zvi draws on 20 years as a multi-state trial lawyer to resolve complex disputes.

This “warrior-turned-peacemaker”, as The Daily Journal describes him, brings a unique blend of persistence and creativity to ending bitterly fought lawsuits.

Mr. Ben-Zvi co-authored a book, “Inside the Minds—Alternative Dispute Resolution”, writes articles and lectures on dispute resolution. His creativity even led him to be a writer on the television show “L.A. Law”. Mr. Ben-Zvi’s guiding principle as Mediator: “The mediation opportunity should be effectively exhausted, with no stone left unturned.”

Education

- 1981 JD, Cardozo School of Law
- 1978 BA, Rutgers University (Honors, Economics)

Dispute Resolution Experience

Mr. Ben-Zvi has mediated and arbitrated, since 1995, on the panels of ADR Services, Inc., AAA, ARC, World Intellectual Property Organization, and DB Mediation & Arbitration Services.

Selected Writings

- Author, "Nine Ways to be ready for Mediation" Advocate, September, 2012
- Co-Author, "Inside the Minds – Alternative Dispute Resolution" (Aspatore Press; Boston 2004), Co-authors include J.Brian Casey, Baker & McKenzie and Judith Korchin, Holland & Knight.
- Author, articles on mediation and litigation topics, including an analysis of mediation "The Mediation Revolution" (CLA, CA; 2004).
- Author, "Mediation: An Overview" (US-Korean Law Journal ; 2013).
- Profiled several times as Featured Neutral in the Daily Journal — 2001, 2005 and 2008.

Speaking

- Lecturer numerous times at Southern California Mediation Association's (SCMA) annual conferences and seminars at the Straus Institute for Dispute Resolution, Pepperdine University, on dispute resolution in the areas of business, employment, real estate, construction, personal injury, and entertainment.
- Lecturer on alternative dispute resolution at many law firms, corporations and government agencies, e.g. Irell & Manella, Sony, and the Los Angeles City Attorney's Office.
- Lecturer on mediation topics at Bar Associations of Los Angeles, Ventura and San Francisco and at Law Schools of UCLA, Loyola, Southwestern.
- Lecturer on "Mediation in the Real Estate Industry".
- Keynote speaker, California Lawyers for the Arts' annual conference [2004] on Mediation in the Film and Television Industry and panelist in other years.
- Featured Mediator on television including "Mediation Behind Closed Doors", "Saving the American Dream", "Law Talk" and consultant Neutral on ABC news.
- Featured Mediator on radio including "The Dennis Prager Show" and "The CBS Business Hour".

Awards and Associations

- Distinguished Fellow, International Academy of Mediators.
- Mediation Panelist, United States District Court, Central District of California
- Board member, California Dispute Resolution Council (CDRC).
- Chairman, since 2004, "City of Los Angeles Annual Mediation Awareness Week", on behalf of the Mayor and the L.A. City Council to promote mediation. This includes Mr. Ben-Zvi's annual televised presentation at L.A. City Council on status of dispute resolution in Los Angeles, together with leaders in the legal, political and mediation communities.
- "Power Mediator" — 1 of 32 Best International List, *Hollywood Reporter*.
- Diplomat Member, California Academy of Distinguished Neutrals and National Academy of Distinguished Neutrals.
- Honoree, Southern California Mediation Association's (SCMA) annual Employment Mediation Conference, 2005.
- Admitted to the State Bars of California, New York, Washington DC, New Jersey, and Connecticut.
- Invited Participant, Master's Forum, Straus Institute for Dispute Resolution.
- Invited Participant, Negotiation and Mediation conference, Harvard Law School; 2007, 2012.

Judicial and Legal Experience

- Judge Pro Tempore, Los Angeles Superior Court, 2002 – 2012.
- Judge, Annual National Negotiation Competition, American Bar Association, Law Student Division.
- Litigator. Mr. Ben-Zvi appreciates the unique perspectives of plaintiff and defense. Throughout his 20-year litigation career, he represented both plaintiffs and defendants. In 1981, Mr. Ben-Zvi joined Ribicoff & Kotkin in Connecticut. Later, he served as CA litigation counsel to the Washington DC law firm of Saul & Ewing fka Schmeltzer, Aptaker & Shepard for over 10 years.
- Extern, Bankruptcy Judge Burton Lifland, Federal Bankruptcy Court, Southern District New York, 1980-1981.

Case Experience

Daniel Ben-Zvi, Esq. has experience as a neutral in the following civil matters:

- Bankruptcy
- Civil Rights
- Commercial/Business
- Construction
- Contract Disputes
- Employment
- Entertainment
- Franchise

- Health
- Government
- Insurance
- Intellectual Property
- Lemon Law
- Landlord/Tenant
- Libel & Slander
- Medical Malpractice
- Negligence
- Partnerships
- Personal Injury / Torts
- Probate
- Product Liability
- Professional Fees
- Proposition 65
- Real Property
- Technology
- Trusts and Estates
- Workers Compensation
- Wrongful Death

Representative Cases

Arbitration / Discovery Reference

- Entertainment contract dispute between title sponsor and producer of television game show.
- Construction defect claims against contractor of apartment complex.
- Partnership dispute involving chain of restaurants.
- Discovery Referee in class action for unfair trade practices against chain of pet stores.
- Panelist Arbitrator in vehicle lemon law cases.

Civil Rights / Government / Propositions

- Various claims of excessive force by police officers.
- Claims of rape and extortion by women against police officers in high profile cases.
- Various wrongful death cases by estates of individuals incarcerated in government-run jails, prisons and psychiatric facilities.
- MTA bus driver accused of rape by passenger.

- Proposition 65 claims as to failure to warn of toxicity of products including paint, shoes, auto accessories, food, snacks, apparel, children products, among others.
- Propositions 13 and 8 issues involved in high profile government corruption claims against City Tax Assessor.
- City Attorney's Office seeking injunction, abatement, and civil penalties against bar creating nuisance.
- Eminent domain and inverse condemnation claims.
- Claims by new board of Water District against two major law firms accused of violating the Brown Act by creating with the District's prior board multi-million dollar slush funds in closed session.
- Claims involving Freedom of Information (FOIA) claims.
- Dispute between bidders of parts for public buses involving Dept of Transportation and "Buy America" mandate.
- Disability access claims to bring public transit into ADA compliance.
- Public works disputes involving various governmental bodies including claims of construction defects and false claims.
- Claims for rights of students to special education.

Commercial Contracts / Business / Insurance

- Claims involving manufacturers, distributors and dealers, including autos and lemon law, warranty and certification, and the Song-Beverly Consumer Warranty Act, Magnuson-Moss Warranty Act, Consumer Legal Remedies Act, and Unfair Business Practices.
- Qui tam action under False Claims Act for misappropriation of grant to upgrade security from Dept of Homeland Security.
- Claim by founder of dog rescue charity to ownership of an airplane following his resignation as president of the organization.
- Shareholder dispute over the construction of a commercial, hospitality-industry property.
- PAGA claims in a multitude of diverse labor and employment cases.
- Breach of contract claims against an exclusive manufacturer of school uniforms.
- Insurance bad faith claim by insured over flood damage to hardwood floors and construction items.
- Breach of contract claims in business, real estate, construction, entertainment, technology, franchise, medical, hospitality and sports, among numerous fields.
- Internal business disputes among participants in partnerships, corporations and joint ventures.

- Dissolution and accounting in various industries, maximizing value for participants.
- Dissolution of partnership owning hit television shows.
- Distribution agreement dispute in international apparel business.
- Palimony claims between unmarried gay and straight couples.
- Cross cultural disputants involving Argentina, Armenia, Brazil, Canada, China, England, Germany, Iran, Israel, Italy, Japan, Korea, Mexico, Russia, Spain, Taiwan among others.
- Disputes between Chinese manufacturing entities and U.S. based distributors.
- Lender's claims against Korean trust involving international real estate holdings.
- Multitude of complex, multi-million dollar, multi-party and international cases involving banking, finance, usury and real estate..
- Claim against lender for pattern of false credit reporting and damaging credit scores.
- Bankruptcy claims by trustees including preferences and voidable transfers.
- Multi-party claims by financial institutions against mortgage brokers, appraisers, real estate brokers and others for fraud in procuring mortgages.
- Various disputes involving leadership, operation and membership within religious communities, including Sikh, Hindu, Jewish and Baptist.
- B&P 17200 unfair practices claimed against financial institution for deceptive practices.
- Unfair trade practices allegation against advertiser for misleading consumers as to extent of medical services.
- Variety of consumer protection claims involving international parties and products with carcinogenic, toxic ingredients.
- Claim against plastic surgeon for deceptive ads.
- Claim against car company for unfair and deceptive terms and disclosures.
- Wide variety of matters involving loan defaults and foreclosures.
- Claim that loan modification released guarantor.
- Health care coverage claims by participant in health plan.
- Claims involving benefits under group and individual disability, life and health policies, as well as ERISA.
- Insurance issues including surety, fidelity, subrogation and bad faith.
- Insurance coverage disputes in areas including torts, environmental contamination, employment, sexual abuse, personal injury, water, fire, construction defect claims, among others.
- Claim of religious discrimination by Messianic Christians compelled to work on Sabbath.

Construction

- Diverse claims against home inspectors involving construction defects, including water damage, scope and breaches of duty, under CA Business and Professions Code sections 7195-7199.
- Breach of construction contract claim against a contractor building the plaintiff's restaurant in Honolulu, Hawaii.
- Claims balanced on change order for geotechnical services on medical building.
- Construction defect claims made by buyer of \$15 million residence.
- Construction disputes in private and public sectors, including single family homes, condominiums, apartments, office buildings, shopping centers, church, school, community center, hospital, hotel, stadium and convention center.
- Wide-ranging construction claims including design and construction defect, extra work and delay, complex insurance coverage and indemnity obligations.
- Construction defect claims by LAUSD against contractor on major remodel of school facilities.
- Public works dispute involving claims of delay, construction deficiencies and false claims by contractor of freeway work.
- Claim against neighbor for subjacent lateral support.
- Mechanics' liens enforcement cases.
- Dispute among competing lienholders on industrial property.
- Americans with Disabilities Act (ADA) claims of non-compliance in construction of restaurants, stores, hospitals, schools, markets, among others.
- Claim of disabled against major tour bus company for access.

Employment / Wage & Hour

- Wrongful termination claim by manager of NBA team against owner.
- Sexual harassment claims against A-list producer by his employees in the entertainment industry.
- Disability discrimination claim by an employee with multiple sclerosis, who was terminated upon return from medical leave.
- Age discrimination claim by Assistant Controller employee of 33 years at a fruit grower cooperative.
- False Claims Act claim by a whistleblower, senior engineer in top secret space program, for unlawful use of proprietary information.
- Disability discrimination and wrongful discharge in food display sampling business.
- Misappropriation of trade secrets by former employee in oil/greases business and claim for commissions.

- Wage and hour employment claim plus retaliation for termination of computer tech after complaining about a labor code violation.
- Claim of membership interest in LLC of a gym business for the former Director of Performance.
- Disability discrimination and wrongful discharge in food display sampling business.
- Multitude of claims involving FEHA, Federal TITLE VII, EEOC for discrimination based on sex, age, race, religion and disability.
- Wrongful termination claim of elderly employee in fashion industry due to age discrimination.
- Various sexual harassment and hostile work environment claims against financial institution, restaurant chain, movie studio, among many others.
- Claim by hearing impaired for failure to accommodate.
- Failure to hire claim by African Americans against city agency whose hiring committee was composed of Latinos.
- Hundreds of claims for labor code, wage and hour violations for overtime, rest and meal breaks in wide-ranging industries, ranging from multi-nationals to single restaurants.
- Claims of misclassification of employees as independent contractors in international, technology company.
- Class action alleging employment violations brought by Federal Secretary of Labor on behalf of car wash employees against chain.
- Class actions in diverse industries alleging employment misclassification, wage and hour and other labor violations.
- Class action alleging labor code violations by limousine drivers.
- Class action for compensation for time spent by employees doffing and donning uniforms.
- Wrongful termination cases which include issues of retaliation, whistleblowing, discrimination and public policy.
- Claims in various industries in which employees were wrongly treated as exempt.
- 'Of Counsel' to a law firm terminated by law firm following his obtaining LA's highest medical malpractice verdict of the year.

Entertainment / Intellectual Property

- Disputes involving movie, television, video, internet and new media involving A-list actors, producers, and directors.
- Accounting disputes involving movie and television distribution to domestic and worldwide territories.
- Contract dispute between NBA basketball team and its manager.
- Dispute between partnership interests in 30 reality television shows.
- Rock singer's right of publicity claim for unauthorized use of her caricature in popular video game.

- Case in California and Italy involving use of a model's pictures argued to be outside scope of agreement.
- Soccer player's claim that his image on video game cover was without permission.
- Claim for defamation by fashion designer against celebrity based on statements in interview.
- Claims by writers for misappropriation of work and copyright infringement.
- Dispute among successful band's members involving issues of management and accounting.
- Wide variety of intellectual property and trade secret disputes in fields of entertainment, computers, technology, medical instruments, books, music, photography, toys, among others.
- Copyright infringement claims involving screenplays, movies, plays, music, photographs, and computer software.
- Author's scholarly work claimed to be wrongfully incorporated into a published treatise.
- Musician's claim to royalties for song's use in game.

Environmental / Toxic Tort

- Cancer and other injuries claimed by workers at shipyard from working with toxic materials.
- Mass toxic torts involving serious injury and death from asbestos.
- Proposition 65 claims as to failure to warn of toxicity of products including paint, shoes, auto accessories, food, snacks, apparel, children products, among others.

Franchise

- Wide variety of disputes between franchisor and franchisee(s), competing franchisors, and between franchisors and third parties.
- Diverse enforcement actions by franchisor against franchisees for breaches, such as failure of restaurant to maintain standards.
- Franchisees' claims against franchisor for failure to advertise as promised.

Personal Injury / Products Liability

- Class action for cancer and other injuries claimed by workers at shipyard from working with toxic materials.
- Multitude of lemon law cases involving wide variety of vehicles and vans.
- Sexual harassment claims against A-list star in the entertainment industry.
- Wrongful death case against city for misuse of restraints in jail on recent arrestee.

- Hundreds of personal injury claims arising from negligence, construction accidents, product liability, automobile/truck accidents, premises liability, assault and battery, slip and fall, elder abuse, wrongful imprisonment, medical malpractice, uninsured motorist, workers compensation, products liability, among others.
- Multitude of claims of wrongful death & catastrophic injuries.
- Construction worker's foot crushed by dump truck operator backing up.
- Wrongful death claims against various government-run prison and psychiatric health facilities.
- Claims of sexual abuse cases involving mental trauma in employment and other situations.
- Claims of excessive force by bouncers in bars.
- Various claims of elder abuse against nursing homes and senior care facilities, including severe burning of a resident and financial elder abuse.
- Claim that manufacturer of cherry picker machine unreasonably allowed its usage in film industry when it tipped over causing catastrophic injury to cameraman.
- Wrongful imprisonment and false arrest claims.
- Wrongful death of maritime worker in accident while loading ship.
- Real estate brokerage house's responsibility claimed for murder committed by its agent.
- Various defamation, libel and slander cases against the press and private parties in high profile entertainment and business cases.
- Malicious prosecution case against attorney and client in high profile case involving Academy Awards.
- Breach of warranty and product liability claims against manufacturer for personal injuries.
- Multitude of auto cases involving lemon law.
- Claims of fraud against auto company for its used car 'certification' program.

Probate, Estates & Trusts / Elder Abuse

- Cases involving trusts, estates and probate including breach of fiduciary duties of executors and trustees, undue influence and disputes under wills.
- Petition to compel return of real property to trust and surcharges for breach of trust, conversion and constructive trust.
- Son's challenge to father's holographic will based on relative's undue influence.
- International family dispute involving probate, administration of trust and Korean law.
- Claim against trustee for mismanagement of family-owned business and petition to compel accounting.

- Claim that mother lacked testamentary capacity and subject to undue influence in changing will to benefit son who cared for her in final years.
- Beneficiary's dispute over the validity of transfers to intervivos trust.
- Claim involving trustee's right to reside in trustor's property.
- Claim for rescission of deed by estate against decedent's caretaker.
- Claim on behalf of elderly father by one sibling against another claiming sibling's actions individually and as trustee was financial elder abuse.
- Various claims of elder abuse, including against nursing home for severe burning of a resident allowed to smoke.

Professional Liability / Malpractice

- Legal malpractice and breach of fiduciary duties claims against attorneys in different specializations.
- Claims by new board of Water District against two major law firms accused of violating the Brown Act by creating with the District's prior board multi-million dollar slush funds in closed session.
- Disputes involving accounting malpractice, including audit and tax issues.
- Malpractice claims against doctors, dentists, and medical providers.
- Errors and omissions claims for professional liability against architects, engineers, contractors and real estate professionals.

Claim for breaches of duties in 1031 tax-free exchange.

Real Estate / Landlord-Tenant / HOA

- Hundreds of wide-ranging claims involving sale of residential and commercial properties for breach of contract, fraud, misrepresentation, non-disclosure, liquidated damages, and others.
- Partner in real estate venture involving seven income-producing properties claimed elder abuse, fraud, and construction defects.
- Claims involving flood damage to a lingerie store and inverse condemnation.
- Settled on fair market value of commercial lease of a restaurant and bar upon exercise of lease extension option.
- Claims of fraudulent non-disclosure of water damage in soffit of property deck.
- Cases involving planning, zoning, subdivisions, plans, boundary lines, easements and subjacent lateral support.
- Multitude of cases involving brokers and agents in allegations of breach of contract and fiduciary duties in the sale of industrial, commercial and residential properties.
- Claims among partners in real estate investment and development entities.

- Errors and omissions claims for professional liability and malpractice against architects, engineers, contractors and real estate professionals.
- Claim for rescission/reformation of deeds for fraud in sale of unimproved tracts.
- Wide variety of commercial and residential rental disputes, including breach of lease claims, rent control violations, mold, and wrongful evictions.
- Claim to security deposit due to damages incurred at leased resort over spring break.
- Actions alleging landlords' breach of warranties of habitability in apartment buildings.
- Breach of lease alleged by owner for misuse of property as movie location.
- Disputes between financial institutions, real estate professionals, agents, mortgage and real estate brokers, and escrow officers involving claims of fraudulent loan transactions.
- Disputes involving 1031 tax-free exchanges.
- Multitude of claims involving homeowners' associations and CC&Rs.
- Numerous and various claims involving HOA and construction, pest control methods, and maintenance.
- Title insurance coverage at issue where property sold fraudulently through identity theft.

Training / Mock Trial

- Daniel Ben-Zvi provides MCLE-accredited training to bar associations, government agencies, City Attorney's offices, law firms, law schools, and mediation groups. Topics deal with ethical and most effective practices for lawyers and mediators.
- Serves as mock judge, providing feedback to participants.

Rates & Fee Schedule

Articles / Publications

- [Daily Journal "City of LA Recognizes Mediators" March 28, 2019](#)
- [Daily Journal Profile "Tenacious and Creative" October 26, 2018](#)
- [Verdict Magazine "It Happened In Mediation – Believe It Or Not \(part 2 of 2\)" Volume 2 • 2018](#)
- [Verdict Magazine "It Happened In Mediation – Believe It Or Not \(part 1 of 2\)" Volume 1 • 2018](#)
- [Advocate "Duels to Handshakes" August 2016](#)
- [Daily Journal "City Attorney joins Leading Attorneys to Promote Mediation" March 28, 2014](#)

- [Advocate "Joint Sessions: More Arrows in the Mediation Advocacy Quiver" by Daniel Ben-Zvi and Caroline Vincent, September 2013](#)
- [Cypress Website "International Real Estate, Probate Dispute Settles for \\$11 Million" January 15, 2013](#)
- [Daily Journal "Los Angeles Holds Awareness Week to Highlight Mediation" April 26, 2013](#)
- [Advocate "Nine Ways to Be Ready for Mediation" September 2012](#)
- [Daily Journal Article "LA City Hall Supports Mediation Awareness Week" April 20, 2012](#)
- [Daily Journal Profile "Stress Detector" December 26, 2008](#)
- [Westside Today "The Power of Mediation" June 2006](#)
- [Daily Journal Profile "Pacific Persuading" October 31, 2001](#)

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