

VERDICTS & SETTLE

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UNIVERSAL LANGUAGE

An inveterate traveler, Nikki Tolt relies more on her innate people skills and flexible nature than on any orthodoxy in bringing parties together and settling the case.

By Mindy Farabee
Daily Journal Staff Writer

LOS ANGELES — A little while back, mediator Nikki Tolt found herself being asked to help wrap up a case that had been dragging on for four years.

After going up and down the appeals court and in and out of arbitration, the two parties were barely willing to sit down together. On the day everyone arrived at Tolt's office, she noticed that one of the parties had a wife from Vietnam, who had been responsible for most of the roadblocks.

"I've been to Vietnam three times," Tolt said in an interview.

Tolt said that by taking time to carve out a little cultural common ground, she was able to set the woman at ease, diffuse tensions and push through a nearly half-decade impasse. She settled the case by close of business that same day.

ADR Profile

Vietnam is not the only country Tolt, 54, has visited. She has hiked the Great Wall of China, run through the rain forest, ducked leeches, and spelunked bat caves. And, as it turns out, traipsing across six continents

(Antarctica is on the list) isn't just a way to take a break from real life in Los Angeles. It comes in handy when practicing mediation in the global crossroads of Southern California.

"It allows me to have some perspective on people," she said. "I stop and think, 'Is this person's behavior out of line just by American standards?' I'll get people who, culturally, just love to be in a fight. It's not that they won't settle, but they love the negotiating process, the game."

A global citizen, Tolt was born in Montreal, the
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daughter of Hungarian and Serbian immigrants who fled Eastern Europe after World War II, meeting up in a refugee camp in Trieste, Italy. From there, they traveled to Canada. They cleaned toilets for a living while learning to speak English from listening to television.

Eventually, Tolt's father worked his way up to engineer, and the family moved down to Los Angeles in the 1960s, where her father landed a job in the aerospace industry.

As a UCLA undergraduate, Tolt studied political geography and anthropology. At the time, Tolt was managing a moving company, and a law career wasn't even on her radar. But when a friend asked her for help studying for the Law School Admission Test, Tolt decided she might as well take the test, too.

"I was so sick that day. I had such a high fever, plus it didn't really matter to me how I did," Tolt remembers.

She ended up outperforming her friend and enrolling at Loyola Law School.

Three months after passing the bar in 1983, Tolt found herself in court unexpectedly trying her first case. It was a personal injury suit that she was told required a court appearance to ask for a continuance.

"I was handed the file by a senior partner. He said, 'Just show up and ask for a continuance.'" Instead, Tolt found herself picking a jury. "We got a half a million dollar settlement on a case they thought was worth \$10,000."

Directly out of Loyola, Tolt had landed at Sherman and Nordstrom, where she stayed until moving to the Law Offices of Arthur Sherman in 1985 and was made partner. She

set out on her own in 1986, continuing to practice solo until 2001, though she began her transition to mediation in 1996.

Like her legal career, making the switch to mediation wasn't something she sought out.

"I didn't want to do it," she said. "I got contacted by [Los Angeles County Superior Court ADR Administrator] Julie Bronson when the court program was just starting. Some judge had given her my name along with a number of other lawyers. I said, 'Sure, I'll donate some time to the court.'"

Soon, however, it wasn't just pro bono work that came calling.

In her 13 years as a mediator, Tolt estimates she's handled more than 4,000 cases. To settle them, Tolt relies more on her innate people skills and her flexible nature than on any orthodoxy.

"I'm always both fascinated and amazed with people who can read endless books on mediation," she said. "All these technical theories about whether to be facilitative or evaluative or somewhere in between. I'm more of a people person. I go with what seems to be working in the moment. Sometimes I have to be evaluative; sometimes I have to be conciliatory or coaxing. Sometimes I'm pleading and begging. I'm not strict about format and formula."

Tolt says she developed her whatever-works style as a result of entering the profession in the early days of the LA Superior Court mediation program, before much of the current training courses were established.

"I'm not knocking the courses," she says. "But sometimes, some moderators can't go with the flow.



Nikki Tolt

Mediator

Age: 54

Affiliations: ACT Mediation, Judicate West, First Mediation Services

Locations: Beverly Hills but will travel

Areas of Specialty: Employment, personal injury, professional liability, insurance coverage, real estate disputes, contract disputes, construction defects, products liability

Rates: \$2,500/four-hour half day, \$500 each additional hour, \$5,000/full day

Because they didn't do 'X' at the beginning, they can't do 'Y' now. I spend more time establishing a relationship than worrying about the other stuff. If we have a relationship, we can start talking."

Attorney Michael Baltaxe appreciates this approach. As a plaintiff employment lawyer, he's settled

several cases with Tolt.

"She's very nonconfrontational, and she has a very good touch with clients," he said.

Baltaxe added that Tolt has more than personality at her disposal — "She does her homework, and she understands the law."

Michael Alder, a Los Angeles attorney who used Tolt to settle a personal injury case, concurs.

"She was a very good litigator, and that carries a lot of weight with me," Alder said. "If she says, 'This is probably what's going to happen if your case goes to trial,' she's probably right because she's done it herself. No disrespect to an appellate justice, but they're not day-in and day-out getting evidence into court. She's been in the trenches."

Here are some of the lawyers who have used Tolt's services: Michael Alder, Law Offices of C. Michael Alder, Beverly Hills; J. Bernard Alexander, III, Alexander & Young, Sherman Oaks; Michael Maroko, Allred, Maroko & Goldberg, Los Angeles; Michael F. Baltaxe, Law Offices of Michael F. Baltaxe, Calabasas; David Peter Cwiklo, Law Office of David Peter Cwiklo, Woodland Hills; Stephen A. Ebner, Law Offices of Stephen A. Ebner, Calabasas; Linda Miller Savitt, Ballard Rosenberg Golper & Savitt, Universal City; Ivy K. Bierman, Loeb & Loeb, Los Angeles; Michael Bononi, Bononi Law Group, Los Angeles; John E. Bower, Jr., Esq., Bragg & Kuluva, Los Angeles; Pamela C. Calvert, Bryan Cave, Santa Monica; Michael Chamberlin, Fulbright & Jaworski, Los Angeles.

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