

VERDICTS & SETTLEMENTS

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Fluid and Spontaneous

Mediator Arnold Levinson is willing to adapt to case specifics, attorneys say.

By Shane Nelson

Special to the Daily Journal

For more than three decades, Arnold R. Levinson represented plaintiffs in insurance bad faith cases, and while all that experience is certainly valuable in his work these days as a private neutral, Levinson notes that mediation is a completely different job.

“My client is not the insurance company or the plaintiff,” Levinson said. “My client is really the settlement, and you’ve got to be fair and even-handed in order to effectively mediate.”

A 1975 Georgetown University Law Center graduate, Levinson started working for an insurance defense company shortly after he passed the bar, but he ventured out with friends in 1979 to launch a plaintiffs’ firm that tackled insurance bad faith disputes. Levinson focused on that practice area as a litigator until 2014, when he launched a full-time mediation practice.

Levinson later spent six years on the ADR Services Inc. roster of neutrals, but he joined Signature Resolution in the fall of 2022 and has since helped to open that dispute resolution company’s Oakland and San Francisco offices.

Although he’s arbitrated cases and has been appointed as a discovery referee, Levinson said he’s focusing mostly on mediation, working to resolve insurance disputes as well as personal injury, habitability and sexual assault cases.

“My practice is to be as thoroughly prepared as possible,” Levinson said. “I read most briefs two or three times over. ... So, when I get to the mediation, I’ve got a clear view of what happened, what the legal issues are and what the factual issues are.”



ana Ašenbrennerová / Special to the Daily Journal

Levinson also encourages parties to exchange their briefs before the day of mediation and will speak over the phone with counsel, if necessary, but he doesn’t insist on pre-mediation calls. Joint sessions are another approach he typically avoids, but he made it clear that listening is absolutely critical early on the day of mediation.

“You never know what’s going to come out. You’ve read the briefs, but you haven’t heard it from the lawyer’s mouth or the client’s mouth,” Levinson explained. “And a lot of clients - they need to be heard before they’re willing to resolve their case. Sometimes mediation is the closest thing they’re going to get to a courtroom resolution, and it’s important that they be heard - even if you know the facts. ... Listening

is just a fundamental part of mediation in my opinion.”

Levinson noted that it’s not unusual for him to move into the financial negotiation stage of settlement talks early in the afternoon of his mediations, but he described his process as more facilitative than evaluative.

“The strengths and weaknesses of each case - I jump into those pretty fast,” he said. “But when people ask me what I think the value of the case is, I am reluctant to answer that question. ... Every time I give somebody an evaluation, they think it’s too high or too low. So, I’ve found it more effective not to answer that particular question.”

Levinson noted that he will make use of mediator’s proposals, but even in that approach he’s not assigning case values.

Arnold R. Levinson

Signature Resolution
San Francisco

Areas of Specialty:

Insurance Bad Faith
Personal Injury
Employment
Commercial
Professional Liability

“The number that I pick I don’t consider as the value of the case,” he explained. “It’s the number that has the best chance of all the parties accepting it as a compromise and settling the case. ... I’m trying to pick a number that has the highest chance of acceptance by all parties rather than trying to impose my valuation on the parties.”

Los Angeles plaintiffs’ attorney Paul A. Traina has used Levinson to settle six personal injury cases, and he called Levinson a straight shooter.

“He calls it how he sees it,” Traina said. “He’s not afraid to tell you how bad your case is. ... All lawyers want to hear how great their case is, but he comes in and he’ll tell you, ‘OK, now here’s the problems with your case.’ That’s more important to the settlement process than anything else, and the reason is because we as lawyers go in there thinking we

have the best case ever, and sometimes that’s just not the fact.”

San Diego defense attorney Jared K. LeBeau has used Levinson to resolve several insurance disputes, and he said the mediator is well respected by both the plaintiffs’ and defense bar.

“Arnie is very professional, very intelligent,” LeBeau said. “And he’ll cut to the core right away on the really key issues. You’re not going to have to beat around the bush or spend half your time just trying to bring him up to speed.”

LeBeau added that Levinson’s approach has been greatly appreciated by clients.

“Folks really take what he says to heart,” LeBeau said. “I’ve worked with multiple clients with Arnie. They respect him. They understand that when he’s giving his perspective on things, that’s very valuable, and that can be really helpful.”

El Segundo defense attorney Aaron C. Agness has used Levinson as a mediator on more than 10 insurance disputes, and he agreed that the neutral zeroes in quickly on a case’s critical points.

“If you’re looking for a mediator to actually consider the merits of the case and you want input on those merits, he’s the kind of guy you want,” Agness said. “At the end of the day, a mediation is only going to settle if the clients agree. ... But a mediator can have such a big role in leading that to happen. And he’s one that will dive into the pros and cons of a case as opposed to some mediators, who just want to talk numbers.”

Agness also said Levinson doesn’t apply a rigid approach to his mediations.

“He’s a little more fluid and spontaneous,” Agness said. “You can’t just have a standard protocol with

every mediation that’s going to work. And he seems to be willing to adapt to what the specifics are in the case that are pending before him.”

Levinson says he loves working to resolve cases as a mediator, in part, because he finds the process so intellectually stimulating.

“To me, it’s like a puzzle - trying to see which pieces will fit together to get the case done,” he explained. “And every case is different. ... So, you want to find the right formula that’s going to settle it.”

Here are some attorneys who have used Levinson’s services: Jared K. LeBeau, Sheppard, Mullin, Richter & Hampton LLP; Paul A. Traina, Panish Shea Ravipudi LLP; Aaron C. Agness, Weston & Agness LLP; Tyler C. Gerking, Farella Braun + Martel LLP; Travis M. Corby, Shernoff Bidart Echeverria LLP.

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