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## Building Bridges

Kenneth C. Gibbs brings his expertise in construction law to the table in negotiations.

By Ciaran McEvoy  
Daily Journal Staff Writer

**S**ANTA MONICA — In an era of economic stagnation and reduced financial resources, Kenneth C. Gibbs of JAMS Inc. tries to resolve construction disputes before they become wildly expensive.

One of the nation's foremost experts in construction law, Gibbs said he actively seeks to move mediations for construction claims or defects earlier in the litigation process.

"If you can nip it in the bud, it doesn't fester and doesn't build up into something that could have been settled for \$200,000 but ends up turning into a \$2 million claim," Gibbs said.

Gibbs credits his success as a neutral to his vast knowledge of and skills in construction law as well as some street smarts he has picked up along the way — like his ability to read people.

"I listen a lot," Gibbs said. "I watch body language a lot. I try and understand where they're coming, what works for them and what doesn't work for them."

A large, bearded figure with an imposing baritone, Gibbs is one of the most in-demand mediators and arbitrators in his field, according to several lawyers. Besides construction cases, he handles real estate, insurance, and business disputes involving major commercial projects.

"Grizzly Adams with a law degree," is how Mark S. Roth of Cozen O'Connor describes Gibbs.

"He is a big teddy bear, but you don't mess with him," said Craig E. Guenther of Booth Mitchel & Strange LLP. "He has a calm control at all times."

"I only bring him my biggest and best cases," Roth said. "He is not a guy I'm going to bring a relatively small case to."

Roth also remarked on Gibbs'

straightforward manner as well as his considerable expertise in construction law.

"If Ken tells me I'm selling b.s., then I'm taking it as Gospel that I have a problem," Roth said.

"He is expensive, but he's worth every penny," he added.

"[Gibbs] becomes very focused and aggressive when he sees a party isn't prepared or is taking an unrealistic perspective towards resolution," said Richard H. Glucksman of Chapman Glucksman Dean Roeb & Barger APC.

"He can get a group of high-powered egos into a room, presidents of companies and get them to be realistic," said Christine E. Drage of Weil & Drage APC.

Mary Beth Coburn of Best Best & Krieger LLP said Gibbs has "a very accurate eye" when it comes to construction litigation.

"I've had some cases where in the first 30 minutes he told me how lousy my case was — and he was right," she said.

What sets him apart from other neutrals, she said, is his understanding of the distinction between private construction and public construction.

"He [understands] the constraints with having to go back to a governing board and public accountability for any settlements reached," Coburn said.

A JAMS neutral since 2007, Gibbs is the co-author of "California Construction Law," one of the most cited treatises on the subject.

Born in Washington, D.C. in 1949, Gibbs's father was an attorney who worked for the Securities and Exchange Commission, Sen. Lyndon B. Johnson and industrialist Norton Simon.

The youngest of three children, Gibbs moved to West Los Angeles with his family in 1951. He attended Hamilton High School, where he met



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his wife, Betty, with whom he raised three children.

Gibbs graduated from UC Berkeley in 1971. Three years later, he received his law degree from UCLA School of Law. His first job as a licensed attorney was at the law firm of Most & Bertram, where he became a name partner in 1976.

That year, Gibbs was co-lead counsel on one of the biggest lawsuits in California history — a dispute over the construction of Cedars-Sinai Medical Center in Los Angeles.

The hospital complex took four years to build at a cost of \$96 million (or approximately \$1 billion in today's currency value when adjusted for inflation, Gibbs said). It was \$24 million over budget — an enormous sum in those days.

"That sort of established me as one of the lead guys in California construction," Gibbs said.

In 1978, he became a name partner at Wickwire, Gavin & Gibbs, where he stayed for 10 years.

He then founded Gibbs, Giden, Locher & Turner LLP, where he stayed until he retired from practicing law in 2006.

Around 1999, Gibbs decided to focus less on fighting court battles and more on resolving them.

"It was a time for transition in my life," he said. "I had been sort of a gladiator for 20 some odd years. It was clear to me that I was a little tired of that and mediation was a burgeoning field."

Gibbs is an adjunct professor at Loyola Law School and speaks at national seminars and conferences

**Kenneth C. Gibbs****Age:** 61**Affiliation:** JAMS**Areas of specialty:** construction, insurance, surety issues, business litigation

on construction law.

While he remains a hard worker, he said he doesn't miss the stress of being an attorney.

"The pressure is much different," Gibbs said. "It's much less stressful in the mediation and arbitration world."

"When I go to bed," he said, "my head hits the pillow."

*Here are some attorneys who have used Gibbs' services:*

Mark S. Roth, Cozen O'Connor, Los Angeles; Bradley A. Raisin, Raisin & Kacvioglu, Encino; Richard H. Glucksman, Chapman Glucksman Dean Roeb & Barger APC, Los Angeles; Ted R. Gropman, Law Office of Ted R. Gropman, Woodland Hills; Craig E. Guenther, Booth Mitchel & Strange LLP, Orange; David M. Walsh, Paul, Hastings, Janofsky & Walker LLP, Los Angeles; Marcia L. Scully, Metropolitan Water District, Los Angeles; Brad Holm, Holm Wright Hyde & Hays PLC, Phoenix; Mary E. Coburn, Best Best & Krieger LLP, San Diego; Jean Cihigoyenette, Cihigoyenette, Grossberg & Clause, Rancho Cucamonga; Christine E. Drage, Weil & Drage APC, Laguna Hills; Donald J. Colucci, Wolkin Curran LLP, San Francisco.