

VERDICTS & SETTLEMENTS

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The Eye of the Storm

Having navigated two hurricanes as a commercial fisherman, mediator Frederick Carr knows how to keep calm amid disputes.

By Hadley Robinson
Daily Journal Staff Writer

SAN FRANCISCO — Frederick Carr, a Bay Area mediator with a background that includes jobs as a deep sea diver and a fisherman, has coaxed even princes into

ADR Profile

working out deals.

Carr spent several years in the United Arab Emirates as legal counsel and liaison for the country's largest marina and later worked for a government contractor. The marina secured a contract to host an international yacht race that Carr said had more spectators than the Super Bowl. But in preparation, the marina found the bureaucratic complications involved with getting boats from all over the world into the harbor, including taxes, visas and security checks, were problematic.

Carr was assigned to simplify the process to ensure the boats and the money they would bring would be attracted to the marina. He called meetings with immigration officials, customs agencies and local and national governments, including the royal family.

By getting the agencies in the same room, he was able to convince them to allow boats to come through just one checkpoint to pass all the necessary clearances.

"I was the guy who got them all talking," Carr said. That experience, he added was not too different from what he does now in mediations.

"I don't have any decision-making authority," he said. "I just show the weaknesses in their position and help brainstorm ideas for solutions."

It was just one of the deals and contracts he negotiated in his four years in the Middle East.

Stephen Burton, general manager of the marina and Carr's

former client, hired him to come to Abu Dhabi in 2008 to help initiate dialogue between fragmented maritime agencies and government groups in order to work out many of the legal issues to help develop recreational boating in the country.

"It's not a democracy. It's a monarchy, and decisions are made over there with a royal's yay or nay," Burton said. "Fred had to go in, put his case together in less than three minutes and the person, whether it's his Excellency or a prince or whomever, would make the decision based on his real brief cursory input. So he had to know the words and how to get it across and, by God, he did it."

Before heading abroad, Carr worked for 20 years litigating maritime, personal injury and construction lawsuits for Cox, Wootton, Griffin, Hansen & Poulos LLP in San Francisco. He had been an advocate in mediations and always liked resolving disputes through mutual resolution. After his experience abroad negotiating agreements and bringing such varied interests together, it seemed natural to go into full-time mediation when he returned last year.

"I like finding win-win situations," Carr said. "I'm a peacemaker by nature."

He joined forces with Charlotte Venner, a mediator he'd known for

10 years, to form Carr & Venner ADR. They both ride horses and keep their animals in the same barn in Marin County. They had often talked about mediation and found they had a similar approach.

Carr works on many of the same types of disputes he did as a lawyer: personal injury, wrongful death, product liability, construction and contracts.

Robert Phillips, partner at Phillips, Spallas & Angstadt LLP, has used Carr's mediation services many times.

"The most crucial ability of any mediator is to be empathetic and understanding of both sides' positions without being confrontational," Phillips said. "He's very good at that."

Phillips recently had a large client who flew in to San Francisco from out of state and wanted to work through a dozen mediations in two days. He hired Carr, and they tackled six mediations per day — and settled them all.

"When you do those bulk mediations over a very short period of time, you really test the mettle of a mediator," Phillips said. "You want to make sure that you have a mediator that's going to get the job done."

"The last thing you want to do is have a client come in from out of town with a checkbook and not

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Experiences in Middle East aid mediator

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get it done, because having a bad mediator reflects poorly on the attorney," Phillips added. "Fred has never let me down."

One aspect of his personality that helps him get it done is his calm. Frank C. Liuzzi, a San Francisco-based plaintiffs' attorney at Liuzzi, Murphy, Solomon & Aikins LLP, has settled several personal injury disputes with Carr.

"When people tell their story he maintains eye contact, he listens, he doesn't overreact and he responds," Liuzzi said. "He responds directly and without getting emotional."

Mediations and meetings with high stakes and emotions don't rile up Carr. He's been in far more intense environments.

Before deciding to head to law school at the University of San Francisco, Carr worked in various marine-related positions. He was a deep sea commercial diver, then worked offshore helping fix oil rigs in the ocean near Santa Barbara. He has captained 400-ton boats and submarines. He's been through two hurricanes at sea as a commercial fisherman.

"These type of things are relatively life-threatening," Carr said.

"I'm OK with that. I can remain calm."

Carr said he thinks his cultural awareness is a strength in mediating. He loved working with so many different cultures in Abu Dhabi, seeing how different people perceived a problem and then piecing it together.

"As far as [being] smooth, calm, collected, Fred is magnificent," Burton said. "He was always fair, and he was up against some pretty strong cookies in Abu Dhabi at the federal government level. But he just had a knack for putting everybody at ease and getting everybody to talk."

Here is a list of attorneys who have used Carr's services recently: Todd P. Emanuel, Emanuel Law Group, Redwood City; Brian T. Flahavan, Flahavan Law Offices, Santa Rosa; Fulvio A. Picerno, Law Offices of Leonard S. Becker, Hayward; Frank C. Murphy, Liuzzi, Murphy, Solomon & Aikins LLP, San Francisco; Jeffrey A. Buck, Law Offices of Dennis P. Isaac, San Francisco; Robert K. Phillips, Phillips, Spallas & Angstadt LLP, San Francisco

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construction