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A New Niche

Dana L. Curtis has carved out a mediation specialty of helping families resolve disagreements over elder care.

By Dhyana Levey
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SAUSALITO - The need to mediate disputes among families over senior care has grown along with the nation's aging population, according to mediator Dana L. Curtis.

For more than 15 years, Curtis, 63, has run her own mediation practice based in Sausalito, handling employment issues, business feuds, trusts and estates and same-sex couple dissolutions. But the family dynamics revolving around elder care, alleged abuse and finances had always intrigued her because of the complex emotions they evoke, she said.

Inspired by a need she saw growing among families, Curtis has broken out a separate group in addition to her general mediation practice to focus specifically on disputes relating to aging family members.

"It's to really help elders at the end-of-life transition into more dependence without the unnecessary burden of children fighting with each other," she said. "It's a big thing to have someone in your family transition from being a very strong, healthy matriarch or patriarch to really needing to be cared for."

Curtis started the [Elder Mediation Group](#) this year to guide families and care providers trying to resolve pending litigation. But she's also structured the practice to offer mediation for clients who anticipate problems before they reach a courtroom.

Seniors concerned about future squabbles over their assets can bring their families in to work out an arrangement with input from a neutral party. Siblings dealing with the declining health of a parent can meet with Curtis to hammer out details regarding who will provide care and manage finances.

"A lot of times, the care issue can be addressed," she said. "Things can be resolved on the front end instead of waiting for something to happen."

Curtis has so immersed herself in elder mediation that she is now working on a book about the topic through the American Bar Association. She expects it to be published sometime after the summer.

Attorneys who have used her services say she's a natural at dealing with delicate family

matters because of her calm demeanor and ability to connect with the parties.

"Often when there's hostility among families and facilities, she's very skilled at making cooler heads prevail," said Lewis Brisbois Bisgaard & Smith associate Vincent W. Marsella, who has worked with Curtis to resolve multiple elder abuse cases.

Trust and estate disputes also raise tumultuous feelings among families, making them difficult to assist during mediations, said Robert F. Epstein, a partner with Ragghianti Freitas in San Rafael who worked with Curtis on a challenging trust distribution dispute earlier this year.

Epstein, also the city attorney for San Rafael, said Curtis was effective in gaining the trust of both parties in that dispute because she spent a lot of time before the actual mediation chatting with people to form a connection with them.

"That way they'd be in a place where they would be comfortable making a decision and accepting different ideas from the mediation," he said. "She establishes her own authority in a unique and nonthreatening way."

Another aspect of Curtis's [Elder Mediation Group](#) includes training for other attorneys interested in exploring the same field. She's created several courses, with one coming up this month focused on educating experienced mediators who want to learn more about cases dealing with adult development and dementia.

Curtis began her career as a teacher and has continued to keep teaching a part of her legal work.

The Idaho native earned her master's degree in English from the University of Idaho in 1970 and then taught junior high and high school classes for about 12 years. Upon deciding that she needed a change of career, she realized law was an area she could work in while continuing to learn something new every day.

She moved to California and began attending Santa Clara University School of Law, where her interest in mediation was piqued during a class she took on the subject. Although she went on to handle employment litigation at McCutchen, Doyle, Brown & Enersen after graduating in 1987, she left in 1991 to open her own mediation practice.

A few years later, she began working with the 9th US Circuit Court of Appeals to train mediation panels, later extending her work to the 1st District Court of Appeal to help start the court's own new mediation program.

Since 2000, Curtis has designed and taught five-day trainings for about 600 court mediators in the 1st, 2nd and 3rd Districts, she said. She continues to provide mediations and trainings at the appellate courts, and has also taught courses at Stanford Law School and Santa Clara University School of Law.

Portor Goltz, deputy county counsel for San Mateo County, is familiar with Curtis' work through the personal injury, employment discrimination and probate cases she's mediated for the county.

While he's never taken one of her formal classes, he said she was always able to provide with him with suggestions after they worked together about how he could improve his own skills as an advocate representing clients in mediations.

"Over the years," he said, "I feel like I've been to the University of Dana Curtis."

Here are some of the lawyers who have used Curtis' mediation and arbitration services:

Portor Goltz, San Mateo Office of County Counsel; Barron L. Weinstein, Meredith, Weinstein & Numbers; Jeffrey G. Gibson, Goldstein, Gellman, Melbostad, Gibson & Harris; Frederick Hertz, Oakland; Jon B. Eisenberg, Eisenberg and Hancock; Jennifer C. Pizer, Lambda Legal Defense and Education Fund; Vincent W. Marsella, Lewis Brisbois Bisgaard & Smith; Robert F. Epstein, Ragghianti Freitas; Bonnie R. Cohen, San Francisco; Roger B. Mead, Folger Levin & Kahn; Laura J. Ruettgers, McCurdy & Fuller; Jon B. Streeter, Kecker & VanNest; David Weintraub, Beeson, Tayer & Bodine