

JULY 23, 2010 | ALTERNATIVE DISPUTE RESOLUTION

Going the Distance

Neutral Robert N. Dobbins brings the focus of marathon running to marathon settlement conferences.

By Catherine Ho
Daily Journal Staff Writer

For Judicate West mediator and arbitrator Robert N. Dobbins, settling cases is not so different than running 26.2 miles.

The four-time marathoner completed his first race after being diagnosed with a leaky heart valve and atrial fibrillation, and his last two after a stroke.

His doctors have told him he needs his left knee replaced, but he's not stopping until he finishes three more races: Belfast, London and Boston.

"In order to run that distance, you have to find a place in your head where the grind doesn't get to you," he said. "You have to be able to go a long time."

Dobbins brings the same steely commitment to mediation, sometimes physically following attorneys to the courthouse to ask the judge for more time in the jury room or coffee shop to talk settlement.

"I tell lawyers I'm like a bad rash," he joked. "You can't get rid of me. I never give up, even when I think I can't settle. Sometimes, I'll change the focus. If we're stuck on an issue or an offer and counter-offer, I'll talk to them about current events or their families and work on making that human connection."

Kenneth Spencer, an attorney at Baker Keener & Nahra in Los Angeles, represented a woman injured in an auto crash, a case that Dobbins settled last year. Dobbins was "extremely thoughtful, knowledgeable, sensitive, intelligent and likable," Spencer said. "He was very serious and quiet, he wasn't loud or boisterous or forceful, and very intellectual."

Dobbins managed to establish trust with the client by sharing some of his own experiences, Spencer said.

"He tried to get a feel for the parties and the facts, and he didn't start talking numbers right away," he said. "He really tried to get to know my client and let the client get to know him. He shared some personal experiences he had in his own life, they bonded so she trusted him. He had the complete faith of my client. I assume he did in the other room as well, otherwise we wouldn't have settled."

Dobbins, who joined Judicate West in 2008 and handles almost exclusively mediations, is a veteran to the settlement process. From 1985 to 2002, he was a judge pro tem and settlement officer in Orange County Superior Court, presiding over law and motion and civil bench trials. He earned his J.D. from Southwestern University School of Law in 1978 and entered 23 years of private practice in Laguna Hills, with an emphasis on business and real property litigation and transactions. Born in Hollywood, Dobbins spent his first 12 years in Van Nuys and graduated from William Howard Taft High in Woodland Hills. As a college student at UC Davis, he worked on two vastly different projects one helping to create a protected wilderness area in Northern California, and another incorporating a mentorship program for juvenile offenders that opened his eyes to the critical role the law plays in achieving



tangible change and helping people. He later transferred and graduated from Boston University.

Today, Dobbins views his work as a way to help people help themselves, and his style is more Q&A than strong-arming.

"I try to allow people to do the negotiation," he said. "I'll say, 'What if we do this, instead of that? What do you think will be the impact if you make that move? What would be your reaction?'"

Dobbins is an adjunct professor at the Center for Negotiation & Dispute Resolution at UC Hastings Law School, and teaches a course on cross-cultural dispute resolution at Pepperdine University's Straus Institute for Dispute Resolution, where he's also taught mediation and international commercial dispute resolution.

He is especially perceptive and sensitive to cultural issues that arise in some cases, said Larry Dreyfuss of The Dreyfuss Firm in Irvine, who has mediated with Dobbins 20 times over several years.

"In Orange County, we get people from various places, and different issues come up that might not normally be recognized. He's very good at that," said Dreyfuss, citing a recent encroachment case involving a plaintiff and defendant from India. "He recognized undercurrents I wasn't catching on to, and was able to get them talking on a level we wouldn't have gotten to without his assistance."

Dobbins regularly brews beers with equipment in the garage of his Laguna Beach home, and recently entered a stout for competition at the Los Angeles County Fair.

Here are some attorneys who have used Dobbins' mediation services:

Jarett A. Nixon, Office of General Counsel, Cisco Systems, San Jose; Thomas P. Davis, Davis Zfaty, Laguna Beach; Lawrence Dreyfuss, The Dreyfuss Firm, Irvine; Bruce Wagman, Schiff Hardin, San Francisco; Kenneth F. Spencer, Baker Keener & Nahra, Los Angeles; Leila Bruderer, Downey Brand, Sacramento.