

VERDICTS & SETTLEMENTS

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Listening without judgment

Neutral Robert Schnider employs an empathetic approach to dispute resolution, lawyers say.

By Shane Nelson

Special to the Daily Journal

Retired judge Robert A. Schnider has spent more than five decades tackling family law cases.

"My dad was a lawyer, and he often handled family law, and when I was a teenager, I would sometimes go with him on cases," Schnider said. "It was interesting law, ... and watching the cases my dad handled - I just found it fascinating."

A 1970 UC Berkeley School of Law graduate, Schnider went into practice with his father after he passed the bar. Although he handled some criminal defense and personal injury cases along with some wills and estates work, Schnider focused primarily on family law as an attorney and became a certified specialist in the practice area.

In 1981, Schnider took the bench as a Los Angeles County Superior Court commissioner, focusing exclusively on family law before his appointment as a judge in 2002.

"My whole career on the court as a commissioner and a judge was in the family law department," Schnider said. "Being on the bench was perfect for me; it was the best job I ever had. Instead of being an advocate for one side that I didn't necessarily believe in all the time, ... on the bench I had a chance to try to do justice and to do things that were fair and followed the law."

Schnider retired from the bench in 2009 and has since been working as a mediator, arbitrator and private judge for Alternative Resolution Centers (ARC), where he said 99% of his caseload has been family matters.

"I find it can be very satisfying to provide assistance to people who are in a very stressful period of life.



Justin L. Stewart / Special to the Daily Journal

After the death of a spouse, divorce is the second-highest stress level, according to a psychologists," Schnider said. "And it's useful to me to be able to be helpful in a field that I love and that I still find very interesting. ... The personal satisfaction of helping people through a difficult time is something that's a real plus for me."

Schnider noted that he likes to receive briefs from parties prior to his mediations, but he doesn't speak over the phone with counsel beforehand.

"I generally develop an idea of a plan, where I think there might be a space for agreement between the parties," he said. "The briefs

are usually the hard positions, but they often have clues as to where the compromises might be made."

On the day of mediation, Schnider said he begins with introductions but typically keeps parties separate.

"Usually, I have some questions after reading the briefs," he explained. "I flush things out. I get people to talk. I get more information. I see what everybody's position is, and I clarify everybody's position on the key issues."

Schnider added that he's not afraid to move into a more evaluative approach when the timing is right.

"Very often these cases are in dispute in areas that are gray areas, where there's not a clear-cut an-

Robert A. Schnider

Alternative Resolution Centers (ARC)
Los Angeles

Areas of Specialty:
Family Law

swer,” he explained. “So, I’ll try my best to get people an evaluation of how I see the chances. Is this a 50-50 issue? Is it 60-, 55-45 in your favor? That helps them formulate some plan and sometimes gets people to move from harder positions.”

Seal Beach family law attorney Donald S. Eisenberg appeared before Schnider when he was on the bench and has since used him to resolve several disputes. Eisenberg said the ARC neutral is an excellent listener, who applies a very thoughtful approach to his work as a mediator.

“He will pretty much credit every argument that is made, and then his tendency, at least in my experience, is to weigh it more than judge it,” Eisenberg said of Schnider. “He never puts you in a position where you feel like you’re without a place to go or there’s no room to negotiate, no way to find a middle ground.”

Los Angeles family law attorney Steven A. Mindel tried cases before Schnider when he was on the

bench and recently used the retired judge to resolve a complex dispute. Mindel said the ARC mediator employed a tremendously patient approach.

“He’s just very good at working through one issue at a time,” Mindel said. “He did a great job doing that, just taking things slowly, one issue at a time, listening carefully to both sides’ concerns and listening without judgment.”

Mindel added that Schnider is very good with clients.

“He’s really spectacular with people that need to be heard,” Mindel said. “Part of the mediation process is having the chance to be heard, and when you talk to him, you realize that he’s listening to you. He’s not listening to you so he can answer your question. He’s listening to you because he’s listening to you.”

Schnider said if the parties do come to a place of agreement at some point in the mediation, he handles formalizing the details.

“If we do reach an agreement, I write up the deal memo that has

the key terms in it that would be a full resolution of the disputed issues in the case,” he explained. “Sometimes people agree to a partial - agreeing on some issues and leaving the rest for the judge to decide. But by the late afternoon, if we’re having a settlement, I’m usually writing something.”

Beverly Hills family law attorney Neal R. Hersh also appeared before Schnider on the bench, and he said the retired judge is brilliant. Hersh has since used the ARC neutral to resolve several disputes and agreed that Schnider is excellent with clients.

“He has a wonderful demeanor and disposition,” Hersh said. “He’s very soft-spoken, very low key. He doesn’t get rattled. He doesn’t get emotional. And as a result, I think he puts both lawyers and clients at ease. ... He’s just exceptionally empathetic.”

Hersh said Schnider also applies a very thoughtful and evaluative approach in his mediations.

“He knows the law better than

anybody you can find,” Hersh said. “And he’s going to tell you what the weaknesses of your case are and the strengths, looking to show you that it would be in your best interest to try to resolve it. He’s saying the exact same thing to the other side, ... trying to show people there’s a real benefit for them to come together. And he’s just very adept at that.”

Even after 50-plus years of family law, Schnider said he still finds the practice area terrifically rewarding.

“I care about the people,” he said. “And I care about the cases.”

Here are some attorneys who have used Schnider’s services: Steven A. Mindel, Feinberg, Mindel, Brandt & Klein LLP; Daniel J. Jaffe, Jaffe Family Law Group; Neal R. Hersh, Hersh Mannis LLP; Donald S. Eisenberg, Law Office of Donald S. Eisenberg; Leslie E. Shear, Law Office of Leslie Ellen Shear

news@dailyjournal.com