

## VERDICTS &amp; SETTLEMENTS

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## Getting Emotional

*Steven Rosenberg makes sure to take feelings into account when mediating cases. He compares the process to curling, where he tries to push aside all the obstacles.*

**By Dhyana Levey**

Daily Journal Staff Writer

LARKSPUR — Not many lawyers typically liken mediation to the sport of curling, but Marin County mediator Steven Rosenberg managed to do so as he described how he works with intensely emotional disputes to bring to light their key issues.

Rosenberg, 65, mediates contentious partnership divides and bitter family probate conflicts but says he doesn't shy away from the agitation that flairs up among the parties. While animosity can present obstacles in getting a case settled, listening to clients' feelings about their grievances can help him get around superfluous aspects of their cases to identify the real problems that need to be resolved.

It's a process similar to curling — in which players slide stones across ice to reach a target area, Rosenberg said.

"They run around with those brooms and try to get rid of these invisible obstacles," he explained. "That's sort of what I do. We are trying to get that stone moved to the right spot and my job is to find the obstacles and sweep them away."

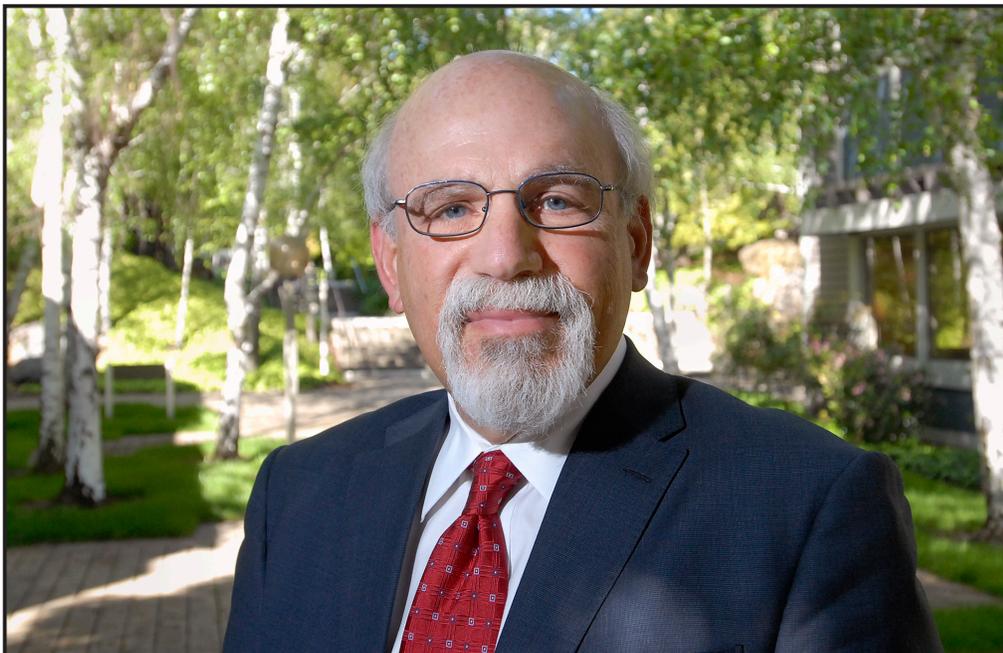
Attorneys who have hired the Bay Area mediator said his method and demeanor are effective, especially for particularly heated conflicts.

"Sometimes your client will want an apology," said Robert S. Jaret, a partner with Jaret & Jaret in San Rafael who has brought employment and construction disputes to Rosenberg. "We say, 'We're attorneys, we can only get you money.' But there are also emotions and he can work with that."

At the same time, Rosenberg is respectful to both sides and has the impressive ability to communicate to clients the weaknesses in their cases in a clear and tactful way, according to San Rafael sole practitioner Samuel F. Barnum, who represents policyholders in insurance-related disputes.

"The challenge for me, and any lawyer, is being able to talk to [clients] and at the same time not to undermine their confidence," said Barnum, who has worked with the mediator on three occasions. "It's a fine line a lawyer has to walk — fully advising the client but not undermining their effectiveness in the case."

Rosenberg, who grew up in Iowa, began his legal career far from the Marin County offices he works from today. After graduating from the University of Iowa College of Law in 1969, he became a judge ad-



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vocate for the U.S. Marine Corps stationed in Washington, D.C., and Iwakuni, Japan.

Three years later, with some good trial experience under his belt, Rosenberg and his friend Steve Trecker tried to figure out how they could carry on their work as attorneys while continuing to travel.

"I was out of the service and for the first time in my life, I could just go where I wanted to go," Rosenberg said. "I wanted to go to Europe."

So in 1972, the two lawyers opened up the military law practice Rosenberg & Trecker in Heidelberg, Germany, where they represented soldiers in everything from drug cases to alleged aircraft sabotage.

They maintained a practice that was enough to keep one lawyer busy and would trade off working while the other attorney traveled. "I traveled for three weeks and then I'd take over while he traveled," Rosenberg said. "It was the best situation. I probably went to Paris 10 times."

As he explored foreign cities, he found himself thinking over and over again how much the places he most enjoyed reminded him of San Francisco. So when the attorneys decided to move their practice to the United States, they headed for the San Francisco Bay Area.

They set up a general civil practice in Mill Valley in 1975, eventually opening another office in Honolulu, Hawaii, and adding a third partner to become Trecker, Rosenberg & Fritz.

Rosenberg broke off in 1980 to open his own Mill Valley law firm, and developed an interest in mediation after attending a training session in 1989. From there, mediation slowly became part of his practice, and in 1992 he decided to shutter his law offices to dedicate himself solely to mediation.

"I decided after 22 years, I was really ready for

a change and I really enjoyed mediation work," he said. "I found the parts I most enjoyed about the law — which is seeing a problem and how to apply the law to resolve it — I could still do."

Now, after 20 years of being a mediator, Rosenberg said making that change was clearly the best decision.

Virginia Palmer, a partner with Oakland's Fitzgerald Abbott & Beardsley, agreed Rosenberg made the right career choice as she recalled an extremely painful family dispute over a conservatorship that she hired him to mediate several years ago.

"What's unique about Steve is he has an enormous capacity to stand and not take personally complex emotions that may get directed at him," Palmer said. "It doesn't faze him."

*Here are some of the lawyers who have used Rosenberg's mediation services:* Samuel F. Barnum, San Rafael; Mitchell J. Green, Curtis Green & Furman; Virginia Palmer, Fitzgerald Abbott & Beardsley; Richard C. Wootton, Cox, Wootton, Griffin, Hansen & Poulos; Robert S. Jaret, Jaret & Jaret; John Robin Orme, Law Offices of Orme and Grabstein; Philip R. Weltin, Oakland; Thomas Cain, Walnut Creek; Chuck R. Farrar Jr., Grass Valley; John E. Haapala, Haapala, Thompson & Abern; Shahrad Milanfar; Becherer Kannett & Schweitzer

**Steven Rosenberg**

Mediator

**Age:** 65**Affiliations:** Mediation Offices of Steven Rosenberg**Location:** San Francisco Bay Area**Areas of Specialty:** Business, employment, real estate and probate**Rate:** \$500 per hour

