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## Splitting the Difference Stein Ensures Time To Air Opposing Views

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SAN FRANCISCO - When William D. Stein started to pack up his legal materials into boxes as he considered retiring as a judge from 1st District Court of Appeal in 2004, he realized he wasn't ready to pack up his legal career.

He ended up staying on the bench for another four years.

"I just couldn't bring myself to put it away," said Stein, 69. "I have so much experience and time in the law, I just couldn't."

Still, by 2008 he was ready to retire, as long as he could keep his mind active in a field that tapped his experience. He considered becoming a neutral. After taking some alternative dispute resolution classes at Pepperdine University School of Law, he joined ADR Services' San Francisco office in January 2009.

"There's a great deal of difference dealing with attorneys when you aren't wearing a robe," he said. "You are not sitting up on a bench and there's no bailiff sitting there in front of you. You have to deal on a more personal level and accept that you aren't running the show anymore ... You make suggestions, you don't order people around."

Stein, a San Francisco native, developed his interest in legal matters as an undergraduate at San Francisco State University before he headed off to UC Hastings College of the Law in 1962.

He joined the California Attorney General's Office in San Francisco just after graduating in 1965 and never seriously considered becoming a judge during the majority of his time there. But he became ready for new opportunities after almost two decades with the attorney general's office and, at the suggestion of some colleagues, applied for a place on the bench.

After being appointed to San Francisco Municipal Court in 1984, he quickly climbed through the court ranks, rising to the San Francisco Superior Court in 1985 and becoming an associate justice at the 1st District Court of Appeal in 1988.



He retired in 20 years later.

Now as a neutral for ADR Services, he works on a range of mediations and arbitrations focusing on real estate, employment and personal injury cases based on toxic tort complaints. Attorneys who have used his services say they chose him because of his pedigree on the bench and found him to be a professional, prepared and knowledgeable neutral.

"You felt like he had a lot of experience," said Quinton B. Cutlip, an associate at Meis & Associates in San Francisco who worked with the retired justice a couple of months ago on a mold-related personal injury mediation. "He understood the issues and topics quickly. There wasn't a lot of explaining we had to do."

Making sure clients are fully up to speed on the worth and potential outcomes of their cases is also a priority, according to Stein. While attorneys are trained to deal with the ups and downs of the court system, he said, clients are just regular people who get anxious about the process and it's important to understand how they feel and what they believe they can accomplish.

"Often times the best service we can perform is to deliver the bad news the attorney can't," Stein said. "He doesn't want to disturb his relationship with his client. But the client's expectations may have gotten to a point where they are preventing the case from reaching a reasonable conclusion."

Jeffer Mangels Butler & Marmaro partner Paul L. Warner hired Stein in November for an arbitration involving a fee dispute. He described him as a fair arbitrator who didn't scrimp on time because he wanted to make sure everyone had the opportunity to be heard.

One of the best ways to identify a good arbitrator is to find one who will actually explain the reasoning behind his rulings, Warner said. While Stein ended up ruling in Warner's client's favor, he took the time to go through the opposition's arguments and explain why they weren't satisfactory.

"Now did that make the guy feel better about paying the fees he owes us?" Warner asked. "Maybe not. But at least you feel like you got your day in court."

Stein said he enjoys working on arbitrations but plans never to take on a dispute where the parties were forced into arbitration against their will because of a clause in a contract.

And generally, he noted, he prefers to work on mediations.

"Litigation and arbitration is like applying a broad sword or axe to the problem - there's only one party who can win," he said. "And no case I've ever seen has been 100 percent one way or the other. Mediation allows you to deal with the different strengths and weaknesses of the case and try to bring the parties to an agreed settlement."

If they don't immediately settle, Stein added, he hopes they will leave the mediation with some new ideas about their case and settle on their own.

"The lawyers have each other's phone numbers," he said.

*Here are some of the lawyers who have used Stein's mediation and arbitration services:* Quinton B. Cutlip, Meis & Associates; Paul L. Warner, Jeffer Mangels Butler & Marmaro; Judith Rentschler, Rentschler/ Tursi; Raymond D. Skelton, Field Warwick & Sanders; Randy Sullivan, McNichols Beers; David R. Treadway, Kennick & Associates; Fred G. Meis, Meis & Associates; Linnea N. Willis, Oakland

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