

VERDICTS & SETTLEMENTS

FRIDAY, FEBRUARY 14, 2020

The Showrunner

Mediator Charles Rubin encourages dominant litigators to step back and let him do his job.

By Gina Kim
Daily Journal Staff Writer

Charles G. “Skip” Rubin has made a successful career out of second acts — prosecutor, defense attorney, getting himself elected to the superior court — but his latest act as a neutral has been just as fulfilling. Rubin left the superior court in 2006 after more than 23 years and surviving three elections with no challengers. He hasn’t looked back.

“I do miss the ability to do justice as I see it, but I felt I did my part and found fulfillment in doing this,” he said. “But I was ready to move on to my present career as a mediator and arbitrator.”

Rubin dreamed of being on the bench, and it wasn’t the money that motivated him.

“I took a huge pay decrease coming out of my private practice,” Rubin said. “It didn’t bother me at all because I love the satisfaction of doing something beneficial.”

While he misses the bench and the power that came with it, Rubin said he uses similar skills as a neutral for Alternative Resolution Center. He helps settle matters in downtown Los Angeles and

Century City and travels around the state. He focuses on cases involving business, contracts, employment, landlord-tenant matters, habitability, construction defect, medical and legal malpractice and personal injury disputes.

On average, he’ll hear between 150 to 175 matters per year with a settlement rate of 95%. Rubin’s arbitration matters are limited to large cases, so he only takes two per year at the most.

Oftentimes, he will have cross-cultural parties bring their dispute before him, which he said are often the biggest challenges to settle. A case that stands out during the early stages of his mediation career involved five Persian parties and four Koreans, disputing over a garment manufacturing and payment deal that involved millions of dollars.

The garment industry is already a contentious industry, and Rubin quickly learned both cultures have a very distinct and unique way of approaching negotiations.

“Back then, I told myself, if I could settle this case, I can settle anything, and I did,” he recalled. “I was very proud of this case.”



Gina Kim / Daily Journal

The case also taught the retired judge that the average dispute must be approached in two parts: 75% of the mediation skill comes from psychology and 25% the law.

It doesn’t mean manipulating individuals but rather understanding how people might observe or perceive their own positions and the other side’s as well, he said.

Each situation requires a different approach but Rubin said he feels blessed with the ability to identify with other people’s positions and perspectives.

“I found that nothing has prepared me better for being a mediator than my prior experience in criminal law as a deputy prosecutor and a state [and] federal criminal defense attorney,” Rubin said.

“It’s important for me to understand people and communicate with them. A lot of lawyers in civil law don’t have a clue about what real,

Charles G. Rubin

Alternative Resolution Centers
Los Angeles, Century City

Areas of specialty:
employment, landlord/tenant, insurance, personal injury, medical and legal malpractice

average, everyday ordinary people go through. They know nothing about the streets and the real world out there,” he said.

But in criminal law, “you learn it all,” he said. “As a prosecutor you get a condensed exposure to the underbelly of life. In criminal defense, you deal with the whole spectrum of people from abject criminals to wonderful, decent people who have been

wrongfully accused. You learn to understand the differences.”

Rubin tries to be candid and address each point with honest objectivity. He advises against litigators who impose themselves on the mediator’s approach.

“Sometimes, very experienced and successful lawyers will come to mediation and try to run the show as if it was their own, and I think that’s a mistake,” he said. “Don’t hire me if you don’t trust me to resolve your dispute. I’m here to tell you what I see are strong points in both cases.”

As he points out strong or weak points in either side’s case, the retired judge will provide reasons for compromise and restores perspectives, which he says can be tough to do as everyone suffers from confirmation bias. Rubin prides himself on being well-prepared, reading everything that falls onto his desk. He requires lawyers to submit briefings five days prior to mediation, so he can read it multiple times leading up to mediation day. He advises against filing papers the day before mediation or the morning of.

“Some of these briefs aren’t briefs,” he said. “Sometimes I’m up until 1 a.m. reading everything because I’m obligated to do it. I won’t be well-prepared with a last-minute read than the chance to think about it carefully.”

Rubin carefully customizes and tailors his strategies for each dispute ahead of time.

“Do your homework,”

Rubin advised. “Sometimes I see briefs that have just been pieced together at the last second. It hampers my ability to reach a good resolution.”

Rubin dislikes using mediator’s proposals and prefers having parties arrive at a resolution among themselves. He’ll only provide a proposal at the request of all parties. He also avoids using joint sessions and rarely uses midpoint considerations in his cases.

“It’s unproductive to do so,” Rubin said. “You have to move it along until you get to a ballpark negotiation and perhaps at the very end, when you’re at a set of brackets, you’ll see a midpoint that’s beneficial for everyone. Then and only then I will encourage them to ‘split the baby.’ But any mediator whose modus operandi is a ‘split the baby’ approach isn’t an effective mediator in my opinion.”

Craig P. Fagan, partner at the Law Offices of Craig P. Fagan, who specializes in civil rights and housing discrimination cases, called the retired judge “the Babe Ruth of mediators.”

“This judge is really at the pinnacle. He’s the absolute best mediator in the state,” Fagan said. “He’s very persistent and extremely involved. There have been times where I’d think there is no way we’d settle, but lo and behold, he always pulls a rabbit out of a hat each time.”

In instances where he can’t settle a case after an initial session, Rubin will follow up

with lawyers several times, Fagan said.

Fagan praised Rubin for taking copious notes on papers “like he’s a first-year law student studying for a final.”

“You’ll see he’s written all over the darn thing, dog-ears them and knows every square inch of your papers when you go in,” he said. “He only charges an hour for that, but I know it takes him three hours to be as thorough as he is.”

Rubin received his law degree from the UCLA School of Law in 1965. He was elected to the Beverly Hills Municipal Court in 1982, where he served several terms as presiding judge. He remained there from 1990 to 2000, handling civil and felony criminal trials. He was elevated to the Los Angeles County Superior Court in 2000 during unification.

Rubin was interested in running in 1982 for judge against incumbent Jill Jakes, who had backing of prominent politicians across the state. Jakes’s team sent him a letter Rubin believed was meant to intimidate him from running against her. The letter listed her endorsements from a U.S. senator, the governor, and several members of Congress.

It wasn’t until he got a call from a fellow litigator, who encouraged him not to run, that his fire was lit. His tenure ran more than 23 years.

“It was that phone call that changed my mind. Everyone laughed at me when I filed papers. I had no money, no committee, nothing. I ran a

sole practitioner law practice,” he said. “They laughed, but I won.”

Senior partner Mark R. Israel of Daniels, Fine, Israel Schonbuch & Lebovitz LLP said he keeps using Rubin’s services because of the neutral’s settlement record.

“Skip managed to settle all six of my cases, which dealt with either insurance, business or bad faith dealings,” said Israel. “He’s relentless. He’ll stay late, have multiple sessions if needed. He’s very good at findings ways to convince folks they’re better off with a settlement than with continuing litigation.”

Israel advises future litigants to be honest with the judge but trust that he’ll run the show.

“I always let him do his thing, and he always figures it out,” said Israel. “I’m hiring someone because of their expertise and ability to find a way to resolve, but I don’t try to steer the boat myself. I know where I want to get to but don’t tell him how to get there because he knows where to go.”

Here are some other attorneys who have used Rubin’s services: Paul P. Cheng, managing partner at the Law Offices of Paul Cheng & Associates; Jason S. Wilson of Hartsuyker, Stratman & Williams-Abrego; Jeffrey M. Yoss of the Law Office of Jeff M. Yoss, APC; Raymond Sarraf of the Law Offices of Raymond Sarraf

gina_kim@dailyjournal.com