

## Efficacious Experience

*Robert Hamilton's career trying cases now helps him resolve disputes, lawyers say.*

By Shane Nelson

Special to the Daily Journal



Jana Ašenbrennerová/Special to the Daily Journal

**A**DR Services, Inc. mediator Robert P. Hamilton worked for 40 years as a trial attorney. “I have described trying cases as being the most fun I’ve had as a lawyer and the least fun at the same time,” Hamilton said with a laugh. “Because it was so exhilarating and engaging to do, but it was also tremendously difficult and stressful.”

A 1984 University of San Diego School of Law graduate, Hamilton frequently represented defendants in professional malpractice, personal injury and construction defect cases.

“To walk into courtrooms and talk to juries and judges and try cases - wow, what a fortunate person I am to have been able to have that opportunity,” Hamilton said. “But 40 years as a trial lawyer was enough. ... And it was time to move on to other things.”

Hamilton first started mediating cases about 15 years ago while still litigating, but he decided to focus full-time as a private neutral in August 2023, when he joined ADR Services, Inc.

Hamilton sees his extensive experience trying cases as a key asset in resolving professional malpractice, personal injury, construction defect and commercial disputes as a mediator.

“I understand what everybody is dealing with and going through - whether they’re representing a plaintiff or a defendant - and how much work they have to put into it and what the risks are and what the strains are,” Hamilton said. “And all of that goes into the calculus of, ‘Should we settle the case? If so, how much should we settle for?’”

Before his mediations, Hamilton likes to receive briefs from all parties and tries to speak over the phone beforehand with counsel. On the day of mediation, Hamilton will often begin with the plaintiffs.

“They’re a stranger to this, and it’s all foreign to them, so I spend a few minutes walking through the process, walking through my background,” he explained. “And I want to know from the plaintiffs what they went through. How they’re feeling, how they’ve dealt with it, how it’s affected their lives, the lives of their families, and get a sense of what their situation is beyond what’s in the actual written briefing.”

Mill Valley plaintiffs’ attorney Mark J. Zanolini opposed Hamilton on

cases when he was litigating and has since used him as a mediator to resolve dental malpractice disputes.

“My clients really like him,” Zanolini said. “And I think that’s half the battle - getting people to trust that the process is working in their favor.”

Hamilton noted that he will eventually move into a discussion about the merits of each case, but he wants to spend sufficient time in both rooms before doing that.

“Early on, I’m just trying to get a feel for where the claim is at,” he said. “But later on, yes, we certainly talk about challenges they may have to their case - whether it’s from a liability standpoint or from a damages standpoint, risks, expenses - all of those things that go into the calcu-

### Robert P. Hamilton

ADR Services, Inc.  
San Francisco

#### Areas of Specialty:

Construction Defect  
Professional Malpractice  
Personal Injury  
Commercial  
Elder Abuse

lus of whether the case should settle and how much it should settle for.”

Long Beach defense attorney James D. Savage has used Hamilton many times over the last decade to resolve personal injury cases, and he said the mediator’s considerable trial experience is a strong suit.

“He knows how to try a case, so he knows the insecurities, if you will, of each case on each side,” Savage said. “So, he will know when to hit each attorney in each room with some weakness of their case in order to help move the case along and get the case settled. ... He can speak to all sides from his experience as a trial lawyer, and that’s very helpful in being a mediator.”

Like Zanobini, Savage agreed that Hamilton is excellent with clients.

“On the defense side, we have the individual client in a malpractice setting that needs to consent or not consent, and he’s good with talking to them about that,” Savage explained. “And then with the other

client - which is the insurance company, who has the money and the authority there - he’s really good at putting them at ease. ... They can be honest in their evaluation and tell him what they want to spend and what they think the case is worth, and Bob works with them very well. All my claim professionals love using Mr. Hamilton.”

Orinda defense attorney Jianlin Song has used Hamilton to resolve 10 dental malpractice cases, and said she tries to use him as often as she can.

“If the other side does not strongly disagree, Robert would be my first choice,” Song said, adding he is very efficient. “He does his homework well before the session, so once the session starts, he’s already very well versed in the facts of the case, and the intricacies of the case, no matter how complex they are.”

Song said that isn’t always true with other neutrals.

“Some other mediators - you have to educate them during the session,

which is frustrating,” she explained. “But Bob really knows everything. ... And he can get to the heart of the matter within one or two hours.”

Song also said Hamilton has a terrific track record of making both sides happy at the end of his mediations.

“We always say that if both the plaintiff and defendant are pissed off at the end of a settlement negotiation, we’ll call it a successful settlement, but that is not true with Bob,” she explained. “I’ve witnessed both parties thanking him profusely and expressing how happy they are, what a pleasant experience it was working with him and just how happy and satisfied they are with the end result. It’s still a wonder to me how he does that, but he does it every time.”

Hamilton noted, meanwhile, that focusing on mediation work full-time has been transformative.

“It’s rejuvenated me,” he said. “It’s given me a new outlook and perspective.”

Hamilton attributed much of that

to helping people put difficult disputes behind them.

“The plaintiffs in a malpractice case or the doctors in a personal injury case or folks in construction cases - there’s something that’s gone wrong, and sometimes horribly wrong for them,” Hamilton said. “They’re very distressed and emotional about it. It’s like a cloud that’s following them around. Being in the litigation process is no fun for the actual litigants, and to the extent that I can assist them to bring closure to that chapter in their lives and get some resolution, I take great satisfaction in that.”

*Here are some attorneys who have used Hamilton’s services:* J. Brian Morrow, Newmeyer & Dillion LLP; Jianlin Song, Wilson Elser; James D. Savage, Ford, Walker, Haggerty & Behar LLP; Mark J. Zanobini, Law Office of Mark J. Zanobini PC; Dane Levy, Levy Law Firm.

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