

VERDICTS & SETTLEMENTS

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Fitting Decisions

Signature Resolution neutral B. Scott Silverman has no trouble navigating difficult situations.

By Shane Nelson
Daily Journal Staff Writer

B. Scott Silverman's affinity for the law took root early.

"I was sort of a prenatal lawyer," the Signature Resolution neutral said with a laugh.

A fan of public speaking as a kid and a member of his junior high and high school debate teams, Silverman was also attracted to politics at a young age.

"My perception was our successful political leaders were mostly trained as lawyers, and I had a lot of admiration for some of them," Silverman said, recalling one politician who stood out. "John Kennedy was my hero as a young child. I was 13 years old when he died."

After completing his degree at UC Hastings College of Law and clerking for California Supreme Court Justice Raymond Sullivan, Silverman spent 30 years at Morrison & Foerster LLP and started the firm's labor and employment practice in Los Angeles.

He was elected commissioner to the Los Angeles County Superior Court in 2007 and received his judicial appointment in 2008. Silverman served for 11 years as a family law judge on the Los Angeles County Superior Court, which included time in the long cause trial department and, during his final two years on the bench, the

family law settlement conference division.

"I liked trying to be helpful," Silverman said of his time on the bench. "A lot of people find the level of emotion in family law off putting or stressful, and I won't say I didn't find occasions where it was that, but I liked the fact I was dealing with individual people and their individual problems. And I liked helping solve problems for kids."

Attorney Alex Grager, who appeared before Silverman a number of times, described him as one of the county's most experienced family law judges.

"On the bench, I always found him to be fair, even when he found against my client," Grager said. "He explained his reasoning, and he did it graciously. He never made someone feel less than."

Grager recently completed a successful three-session mediation with Silverman and said the Signature neutral's straightforward approach was really helpful.

"I don't think he leaves much unsaid. I think you know exactly what he's thinking at any given time," Grager explained. "And what I like about him is he is always looking for practical solutions."

Silverman started at Signature in November of 2019, and he works today as a mediator, arbitrator, judge pro tem, and



Gary Wagner / Special to the Daily Journal

discovery referee, focusing on family law matters along with labor and employment cases as well as some business and commercial disputes.

In preparation for mediation, Silverman asks attorneys to file briefs about a week prior and will frequently speak over the phone with lawyers before a session begins.

"The more information I can get in advance from each side on their particular perspective, obviously the better I understand the differences between them and how to help them move together," he said.

Silverman mentioned he prefers opposing attorneys ex-

B. Scott Silverman

Signature Resolution
Los Angeles

Areas of specialty:

Family disputes, labor and employment, business and commercial disputes.

change briefs prior to mediation.

"Although I won't refuse confidential briefs, frankly I don't think they are as helpful," he explained.

Silverman also said he generally prefers to keep litigants

separate, whether he's handling a family law matter or an employment dispute, as emotions can often boil over in either setting.

"Particularly in individual claims cases, an employee who has been terminated or harassed or discriminated against has very strong emotional feelings," he said. "And very often, the management personnel who are involved in the case, who are accused of wrongful behavior, have their own emotional feelings."

Encino employment attorney Polina F. Bernstein, who recently completed a successful mediation with Silverman in a multi-defendant unpaid wage dispute, said the neutral's even-keeled approach with litigants played an important role.

"He has a very calm demeanor, and I know he had some challenges – particularly in the other room," Bernstein said. "There were a lot of different personalities involved, and we thought he did a good job."

Bernstein noted Silverman's three decades as an employment law attorney also distinguish him.

"You just can't do a good job mediating employment cases unless you have that deep ex-

perience in the area," she said.

Silverman has been conducting mediations and arbitration hearings over Zoom since this spring and said despite some early anxiety about the technology, he's become a big fan of the online video platform.

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— *B. Scott Silverman, a mediator, private judge and arbitrator with Signature Resolution.*

rapport with people," he said of Zoom. "And in some ways, the intimacy of a camera, where people see your faces pretty clearly, can enable you to establish a relationship. So I've been comfortable with doing it."

Silverman, who completed his first arbitration as a private neutral this summer, said he is in the middle of several others and likes to begin them with management conferences with attorneys. .

"I want to get a feel for what the case is about, how long it's going to take, when might we

be looking to a hearing and what other issues might be cropping up," he said.

Silverman noted he encourages attorneys to confer and work out their differences prior to the start of an arbitration, and he will do his best not to needlessly interfere. But he

also won't hesitate to step in, for example, in situations where discovery limitations are a key factor.

"I will insist they meet and confer and try and to work out their own limitations," Silverman said. "If they can't agree, then I'll get involved."

Beverly Hills family law attorney Raymond Hekmat, who appeared before Silverman during his time on the bench, is now handling a pending matter in which the Signature neutral is serving as a discovery referee.

"He's high on my list of

retired judges I would love to continue working with," Hekmat said. "I always found him to be reasonable and thorough and to hear people out on the bench, and that has transferred over to his private practice."

The arbitration work ahead on Silverman's calendar is of particular interest to the retired judge, who said making decisions was one of his favorite responsibilities during his time on the Los Angeles County Superior Court bench.

"Learning how to run a jury trial is an important thing as a trial judge, but I just found it more fun to be the guy making the choices and trying to get it right," he said. "It can be really satisfying to try to put all the pieces together and make a decision you think fits the facts and the law."

Here are some attorneys who have used Silverman's services: Raymond Hekmat, Hekmat Law & Mediation PC; Polina F. Bernstein, Bernstein & Friedland, PC; Alex Grager, Feinberg, Mindel, Brandt & Klein, LLP; Nicholas A. Salick; Salick Family Law Group; Marie B. Kenny, Procopio, Cory, Hargreaves & Savitch LLP.