

VERDICTS & SETTLEMENTS

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Building Trust

Neutral Robert Sunderland says telling people things they don't want to hear is an art.

By Shane Nelson

Special to the Daily Journal

Signature Resolution neutral Robert J. Sunderland has held his general contractor's license for more than three decades.

"I decided to go to law school while I was still building houses," Sunderland said. "I was a contractor basically full time for about nine years. And then I morphed over to being a litigator after I graduated law school."

A 1996 alumni of Southwestern University School of Law, Sunderland said his fascination with construction contracts is what initially drew him to the law. He spent time in-house after he passed the bar, working as general counsel for an Oakland energy development company. But he launched his own litigation shop in 2000, hanging a shingle in San Diego as a founder of what began as Ginder & Sunderland. He regularly represented general contractors and real estate agents for more than two decades.

"Even as a litigator, I was known as a guy that found creative ways to get cases resolved," Sunderland said.

Although he's been tackling disputes as a mediator for years, Sunderland didn't strike out full-time as a private neutral until December 2023, when he joined Signature Resolution. He's since been handling some special master and arbitration work, but he's primarily been mediating construction, real estate, elder abuse and commercial disputes.

Sunderland described his move into full-time neutral work as "the very best decision I ever made," in part because he understands the positives that come from resolving disputes.



Thomas Kurtz / Special to the Daily Journal

"Not one of my clients in 20-plus years of litigation - not one of them - ever once turned to me at the end of a trial, or the end of a long, protracted matter, and said, 'Gee whiz, that was awesome. Let's do it again.' I saw the toll it took on people," Sunderland explained. "This is my way of letting people find that path forward, so they can clear their life up, they can make a better-informed decision and they're better off for it. And it's incredibly rewarding because ... after a settled matter, both sides - everybody's elated."

Before his mediations, Sunderland likes to receive briefs from all the parties and to speak over the phone with attorneys.

"I'm religious about pre-mediation calls with counsel. I find them to be exceedingly helpful," he said, noting the calls typically last 15 to 30 minutes. "It makes a huge difference because I can find out issues that, quite frankly, if I learn of them in the mediation, it's too late. It's too late to learn about them then and be able to be productive."

On the day of mediation, Sunderland said he likes to make sure everyone is comfortable with the process and knows what to expect. Then he offers a brief recap of what the case is about as he sees it. Sunderland noted that he also wants to be sure to do a great deal of early, careful listening with the parties.

Robert J. Sunderland

Signature Resolution
San Diego

Areas of Specialty:

Construction
Real Estate
Personal Injury
Commercial
Elder abuse

"I absolutely need to hear from them to make sure they've had their opportunity to be heard," Sunderland said. "And then I typically spin it back to them to make sure that's clear and they're very comfortable with what I've understood."

When the timing is right, Sunderland will also weigh in on a case's strengths and weaknesses.

"It's an art telling people things they don't like hearing, and there's a time for that," he explained. "So, my evaluative nature tends to increase as my credibility is earned with the parties. ... But I will be pretty evaluative. People come to me because I'm evaluative - especially with construction claims and real estate claims - because I spent so many years doing it" as a litigator.

San Diego defense attorney Larry D. Letofsky has used Sunderland to mediate more than 20 construction defect and personal injury cases and said the neutral's background as a general contractor and real estate litigator sets him apart.

"I've done construction defect for 40 years," Letofsky said. "And in our field, he is very knowledgeable about all things construction related."

That expertise helps Sunderland connect with the parties, according to Letofsky.

"He's able to get the trust of the plaintiffs, the plaintiffs' attorneys,

defendants and defendants' attorneys during his mediations, ... being insightful and being able to explain the situation to them," Letofsky said. "He's a straight shooter."

San Diego real estate litigator Thomas B. Goode opposed Sunder-

"He's an equal opportunity basher," Goode said with a chuckle. "He has a gift for sharing without offending the risk and pitfalls of going forward after mediation into litigation. ... He explains strengths and weaknesses of each side, and he does it with flair."

Neutral's background in construction industry sets him apart, attorneys say

land in several past litigations and has since used him to mediate dozens of nondisclosure real estate cases.

"Robert is always my first choice as my neutral," Goode said. "He just has a relentless pursuit of resolution."

Like Letofsky, Goode said Sunderland's background as a general contractor combined with his decades of construction and real estate litigation experience truly sets him apart.

"Robert clearly understands better than most anyone I know - including myself - the intricacies of defect claims and nondisclosure construction claims," Goode said, "because his life experiences add to his legal acumen."

Goode also agreed that Sunderland is excellent with clients.

Aliso Viejo defense attorney Catherine L. Deter has used Sunderland to resolve four real estate disputes involving non-disclosure claims, and said the mediator has an approachable demeanor.

"You can tell that he's experienced, so he gives credibility to the client, and then he can be firm occasionally," Deter said. "He's not one of the roughest, beat-up mediators out there, but ... he has a personable touch and commands a level of authority due to his experience, and he's just really good with clients."

Deter added that Sunderland was tremendously well prepared and understood the facts of each case.

"He's not one of those mediators that just gets straight to dollars and

cents and just walks into the room and says, 'How much money do you have today?'" Deter explained. "He's really interested in the facts. You can tell he's read the paperwork, done his homework, digs into the facts of the case, and he uses those facts to try to put pressure where appropriate to get the case resolved."

Sunderland said that if he feels he can help parties to resolve their dispute, and those involved want him to remain engaged, "you can't get rid of me."

"I get out of bed every time I mediate a case, and I say, 'I'm going to settle this case today,' and most of the time I do," Sunderland explained. "And when I don't, I say, 'Well, it might not settle before midnight tonight, but then I'm going to settle it tomorrow.' And I keep working on them, and they do settle. Almost every case settles. It's just a matter of when the parties are ready."

Here are some attorneys who have used Sunderland's services: Thomas B. Goode, Goode Hemme APC; Larry D. Letofsky, Letofsky McLain; Catherine L. Deter, Wood Smith Henning & Berman LLP; Kathryn B. Meadows, Law Office of Kathryn B. Meadows; Charles E. Purdy, Purdy & Bailey LLP.

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