

# VERDICTS & SETTLEMENTS

## A Practical Approach

Sheila Sonenshine's stint running a private investment company gave her a business savvy lawyers say helps her to settle complex cases.

By **Susan McRae**  
Daily Journal Staff Writer

LOS ANGELES — As a family law attorney, Sheila P. Sonenshine became expert in settling disputes short of trial.

As presiding judge of Orange County Superior Court's family law department, she did the same for its case settlement program.

And as a justice in Division Three of the 4th Appellate District for the California Court of Appeal, she launched the first ever settlement program for appellate cases, a program so successful in clearing out the backlog that, according to speculation, it was halted after three years because it would have made the court's plea for additional justices hard to justify.

So it seems fitting that after retiring from the bench in 1999 to run a private investment company, Sonenshine would return to the legal business a decade later as an arbitrator and mediator for JAMS.

"It's not that I left what I was doing, it's just that I found something new and different and very exciting," said Sonenshine, 65, of her foray into the business world. She also holds a Securities and Exchange Commission license and a real estate license.

"In my head, I never left the law," she said. "I have lots of good friends at JAMS, and it was just another opportunity. Once I did it, I fully embraced it."

Although Sonenshine spent only a third of her career in family law, she



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credits the practice with giving her experience in a broad range of disciplines.

"One thing that you learn as a family law lawyer is that some cases, or parts of them, need to be settled for a whole bunch of reasons," she said. "As it turns out, many of those reasons are applicable across the board, in all kinds of litigation."

Considered practical, knowledgeable, prepared and with a great deal of business savvy, Sonenshine is gaining a reputation for resolving complex litigation — either through arbitration or mediation — that others considered impossible to settle.

She once marched into a mediation room at 9 p.m., after the exhausted parties in a breach-of-contract suit had donned their coats and turned off the lights.

"Sonenshine turned on the lights and said, 'Nobody's leaving,'" said Brad A. Mokri of Mokri & Associates in Santa Ana said, who represented one of the parties in the dispute. "That is what we needed."

The long-running case already had been to trial, gone through two appeals, two cross complaints and two failed me-

diations, Mokri said.

He said Sonenshine was able to settle it after three full days of mediation and multiple phone calls. At one point, Mokri recalled, she sent him an e-mail at 2 a.m. from London, where she was vacationing.

"The only reason the case settled is because she pushed and pushed and pushed," Mokri said.

Sonenshine sees it more as keeping up the momentum. "It's not with the idea that you're going to wear people down. I take a clue from the lawyers."

"It's like that [song] by Kenny Rogers: 'You've got to know when to hold 'em and when to fold 'em.'"

Cases that are appropriate for mediation often involve disputes of a personal nature, as opposed to a purely legal one. For example, Sonenshine said, she once helped resolve a child-support issue in mediation that involved the father agreeing to buy the family a house.

"You can't go to court and tell the judge, 'Order him to buy me a house,'" Sonenshine said. "As a judge, your heart is breaking, because you want to be able to encompass those things, and you can't."

# A Practical Approach To Business Disputes

As a neutral, Sonenshine also has been known to suggest to parties in an arbitration that they rethink their strategies and first try mediation.

In one recent case, she said, the parties had scheduled an arbitration, but after she talked with them for a while, she determined they were arguing over financial statements, and that they needed to sit down and go over the documents with one another. So she suggested trying mediation. If it didn't work, she told them, she'd keep the arbitration date on calendar.

"I thought of the time and effort and money that was going to be spent in arbitration, and it wasn't worth the result," Sonenshine said.

The parties settled the matter after one session.

"She's personable, experienced, and it builds confidence with the clients to have a former appellate judge as a mediator," said Michael D. Stewart of Sheppard Mullin Richter & Hampton, who represented one of the parties in the dispute. "She was willing to stay late, and went to a lot of effort to understand the facts of both sides, more than any mediator I have encountered before."

Sometimes, Sonenshine said, mediation is a necessary step instead of a final solution, a tool that can be used to sort out the facts before an arbitration or trial can begin.

That was the case in another matter before her involving a divorce and the breakup of a business partnership. She asked the parties to make a list of the factual issues in dispute. With the list in hand, they settled what they could in mediation, and then proceeded to arbitration.

After two and a half days, the parties settled a case that had been dragging on for five years.

**B**orn in Butte, Mont., Sonenshine grew up as an only child in Las Vegas, where her father operated casinos at the Sahara and Aladdin hotels.

While in undergraduate study at UCLA, she met her future husband, Ygal Sonenshine, an Israeli citizen who had traveled to the United States to visit his sister. He's now a retired businessman and investor, and the couple has three children.

Sonenshine's interest in law was piqued while working at Neighborhood Legal Services when she was at UCLA. So after graduating, she enrolled at Loyola Law School, earning a law degree in 1970.

Unable to find a job in labor-and-employment law, a practice area she thought she wanted to pursue, she opened a solo practice in Newport Beach. One day, she realized that most of her cases related to family law, so she decided



**Shelia P. Sonenshine**

JAMS

**Age:** 65

**Areas of Specialty:**

Business/commercial, employment, estates/probate/trusts, family law, real property

divides her time between arbitrations and mediations. She said she enjoys both equally.

Her main objective, she said, is to try to understand the question at issue and to do the research to find the answer. One of her strengths, she said, is her ability to distill complicated material to its bottom line.

"The only question, ever, is what does it mean, what is it saying," she said. "So often, attorneys come in with a lot of briefs and facts, but haven't focused on what the question is.

"So when I stir and don't sleep at night, it's not because I'm afraid of coming to a wrong conclusion or offending somebody. It's because I hold this position of trust I'm charged with so strongly, of finding out what's at issue and doing my best to answer the question."

*Here are some of the lawyers who have used Sonenshine's services:* John R. Shiner, Holme, Roberts & Owen; William S. O'Hare, Snell & Wilmer; Brad Amir Mokri, Mokri & Associates; Marjorie G. Fuller, Orange County; Lewis Pl Janowsky, Rynn & Janowsky; Meredith L. Brown, Brown & Brown; Michael D. Stewart, Sheppard Mullin Richter & Hampton; Scott L. Gilmore, Hill Farrer & Burrill; Perry J. Viscounty, Latham & Watkins

to specialize in that area.

Ten years later, Gov. Jerry Brown appointed her to the Orange County Superior Court. After 18 months, Brown elevated her to the 2nd District.

As she neared the 20-year minimum for full retirement in 1999, Sonenshine had an opportunity to launch a financial business and decided it was time to try something new and different. She sold the company three years later and began investing in privately held, women-owned businesses.

Today at JAMS, Sonenshine