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Ramirez finds a surprising ally in Zoom

Retired state and federal judge Raul A. Ramirez once thought remote mediation would never work. Now the longtime neutral says Zoom has improved his settlement rate by making participants more relaxed and less combative.

By Shane Nelson
Special to the Daily Journal



Malcolm Maclachlan / Daily Journal

Retired judge Raul A. Ramirez doesn't mind admitting he was wrong about Zoom.

"I always thought, 'Hey, I'm a judge. I can tell when people are BS-ing me or exaggerating. I can see it by their body movement, by their eyes, by the way they're acting or responding. You can't do that on Zoom."

"Well, I was wrong. I settle more cases now on Zoom than I did in person."

The longtime private neutral said he seriously considered retiring from mediation and arbitration when remote proceedings suddenly became commonplace during the pandemic.

"I thought, 'Zoom? What is Zoom? I don't know anything about Zoom. I'm old. I hate computers. They hate me,'" Ramirez recalled with a chuckle. "And I said, 'I guess I'm done.'"

But his colleagues at ADR Services, Inc. persuaded him to give it a try and taught him how to use the technology.

"I had to admit I was wrong," Ramirez said. "You don't have to be there in the same room. You don't have to be there mano a mano, eye to eye."

Ramirez believes his settlement rate has improved because participants are more comfortable, often joining mediations from their homes or offices without the stress of travel.

"What's worse than having a very important mediation — the case of your life — and you pull up to the building, and the parking lot's full?" he said. "You're in a strange city. You don't know where in the hell to park, you're late and you're embarrassed."

At home, meanwhile, participants can have coffee, play with the dog, make a meal or simply relax while Ramirez is meeting privately with the other side.

"They're not operating with the go-go-go attitude," he said, "and that really helps to settle cases."

A 1970 graduate of the University of the Pacific McGeorge School of Law, Ramirez likes to say he "wore four different robes" before becoming a private neutral in the early 1990s. He served on the Sacramento County Municipal and Superior courts and spent 10 years as a U.S. district judge in the Eastern District of California, while also handling appellate assignments for the 9th Circuit.

"I specialized in doing settlement conferences when I was a judge," Ramirez said. "And I just fell in love with mediation. That's what I brought with me when I left the bench. It's a challenge, but ... I was hooked line and sinker."

Raul A. Ramirez

ADR Services, Inc.
Sacramento

Areas of Specialty:
Employment
Civil Rights
Personal Injury

Most of Ramirez's practice today is mediation, although he still arbitrates cases that catch his interest, particularly difficult personal injury, employment and civil rights disputes.

"I look for the cases that are challenging," he said.

As a mediator, Ramirez works to strip away some of the formality and combativeness associated with litigation.

"If we're going to do it by Zoom, ... no robes, no suits, no ties. Let's get relaxed," he said. "I try to turn mediation into a business meeting, where people aren't coming to the table with guns drawn, knives out, armor ready."

A litigator primed for battle, he added, can be an impediment to settlement.

"It's like asking Attila the Hun to come to the peace table and be quiet and be nice."

Ramirez instead encourages participants to approach mediation as they would any other business problem.

"How do we make money? How do we not lose money? How do we not waste time?" he said. "I pride myself on calming people down. ... The longer we talk, the better chance we have of resolving."

Attorneys who have worked with Ramirez said that relaxed atmosphere does not mean he avoids telling parties what they may not want to hear.

Glendale plaintiffs' attorney Aliza M. Grossman, who has used Ramirez roughly 20 times to mediate employment disputes over the past three years, described him as a "straight shooter."

"He's a clear, direct communicator. He's a good listener. He asks the right questions, and he will give you his honest opinion on the case," Grossman said. "You'll know if he thinks some of your arguments aren't as persuasive or strong as you may think they are."

Val Verde plaintiffs' attorney Oshea V. Orchid, who has used Ramirez in two employment mediations, said he combines patience with a willingness to push attorneys and clients when necessary.

"There were times where he had to give us some tough love to make us work harder towards a settlement," Orchid said. "Judge Ramirez is definitely patient with clients. But he's also taken a no-nonsense approach with my clients, holding them accountable. Making them put time in, asking the hard questions."

Fresno defense attorney Ian B. Wieland, who has used Ramirez about half a dozen times each as a mediator and arbitrator, likewise praised his candor and preparation.

"If you're going to use him as a mediator, you've got to be prepared, too," Wieland said. "Because he's going to give you his opinion. He's going to read everything, hear both sides and tell you what he thinks."

Wieland said the same qualities characterize Ramirez's work as an arbitrator.

"Even if I don't like his rulings or decisions, he always is fair and reasoned, and he calls it in the strike zone," Wieland said. "And I think that's what any attorney wants from an arbitrator."

Here are some attorneys who have used Ramirez's services: Ian B. Wieland, Sagaser, Watkins & Wieland PC; Oshea V. Orchid, Sethi Orchid Miner LLP; Aliza M. Grossman, Lawyers for Justice PC; Michael J. Christian, Jackson Lewis PC; Adante Pointer, Pointer & Buelna LLP

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