

# VERDICTS & SETTLEMENTS

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## Does the Homework

*Neutral Richard Buck is prepared for discussion on the merits of a case, lawyers say.*

By Shane Nelson

Special to the Daily Journal

Longtime litigator Richard E. Buck spent nearly four decades working as an attorney, but he's had his eye on shifting to private neutral work for quite some time.

He started doing mandatory settlement conferences in 1992, Buck said, noting that he still conducts MSCs on a pro bono basis for the Riverside County and Orange County superior courts and was recently appointed to the Central District's federal mediation panel.

"I like solving problems and helping people come to a resolution," Buck said.

A 1984 Washburn University School of Law graduate, Buck spent 38 years as a litigator, tackling personal injury defense work early in his career before shifting to representing developers and general contractors in construction cases. After adding settlement work to his calendar in the 1990s, Buck also started working as an arbitrator for the American Arbitration Association in 2003.

In February of last year, Buck joined the JAMS roster of private neutrals, and he's since been handling construction, personal injury, employment and habitability cases as a mediator and arbitrator.

Buck said he likes to conduct pre-arbitration management conference calls but said he provides counsel with an important checklist beforehand.

"It's about 20, 25 things that I want them to meet and confer about before they even talk to me," Buck explained. "Things like a timeline of written discovery, depositions, are there going to be dispositive



Thomas Kurtz / Special to the Daily Journal

motions, witnesses, exhibit lists and then potential hearing dates. ... Oftentimes they disagree about a few things, but we go through it. And I think it's really important that once the arbitration management conference goes forward, they have a detailed timeline of what they need to do."

Before mediations, Buck likes to receive briefs from all the parties and to speak over the phone with counsel. He also encourages parties to exchange their briefs beforehand.

"I think it's important that the parties know before going in, 'Here's the position that's being taken by

the other side,'" Buck explained. "And probably far more important that the attorney shows it to his client so that the client can see, 'All right, here's my attorney's mediation brief, but here's what the other side is saying.' I think it gives them a fuller picture of what to expect during the session."

On the day of mediation, Buck usually begins with an introduction but said he typically moves soon after into the plaintiffs' room.

"I think it's important that the plaintiff get an opportunity to discuss the case and how they feel about what's happened to them, why they

### Richard E. Buck

JAMS  
Irvine

#### Areas of Focus:

Construction  
Personal Injury  
Employment  
Habitability

have sued,” Buck explained. “That’s where active listening comes in because I want that client and the attorney for that client to know that I’m hearing what they’re saying, and to the extent that they’ll allow me, to convey that to the other side.”

Buck added that early on he also makes it clear to both sides that they’re in control of the mediation.

“They can decide their own destiny,” he said. “If they don’t settle, they go to court and a trial, and they’re going to leave their destiny in the hands of 12 unknown jurors and a judge. So, I stress to them now’s a pretty good day when you can control your destiny to try to resolve this case.”

Irvine construction attorney William D. Morrow opposed Buck on several cases over the last 30 years and recently used the JAMS neutral to successfully mediate a dispute.

“Rick has a really unique approach in that he gains everybody’s trust. He listens really well,” Morrow said. “Mediation - especially from the plaintiff’s standpoint - is

not so much about having the experts battle it out. It’s giving plaintiff a forum to feel like they’ve been heard and that somebody actually cares about what they’re saying and the situation they’re going through. And Rick is really good at that.”

Woodland Hills defense attorney Daniel A. Crespo also opposed Buck over the years but said he’s used him as a mediator on dozens of construction and personal injury matters.

“I’ve never had a case with him as the mediator that did not resolve,” Crespo said.

Like Morrow, Crespo said Buck has been terrific with his clients.

“He’s very good at having the tough conversations - if he has to - when it comes to maybe lowering a client’s expectations or evaluating a claim in real time,” Crespo said. “He’s really good at having that conversation with someone who is a non-lawyer in the mediation process.”

Crespo also said that attorneys who hire Buck as a mediator should expect him to show up well prepared.

“Definitely expect him to know

the case,” Crespo explained. “To me that means a lot because some mediators I think try to wing it too much on mediation day. Rick’s not one of those. Rick will definitely do his homework and try to figure out what’s unique about the case and not treat it like paint by numbers. And he will take the time to listen to you discuss the merits of the case, discuss the economy of the case. Because of his past as a litigator, I think he understands why those issues are important when you’re trying to mediate the case.”

San Diego plaintiffs’ attorney Luke P. Ryan also opposed Buck several times when he was a litigator and recently used him to mediate a construction defect case.

“He’s very experienced in the realm of construction defect litigation, having done hundreds of these cases,” Ryan said. “He knows the law. He knows the insurance. He’s a very good communicator. He puts people at ease. He shows people the strong points, the weak points of their case. And he makes very

good recommendations on how to get these cases resolved.”

Describing Buck as calm and collected, Ryan said he is very fair.

“You know he’s going to do the right thing. You know he’s not going to try to cheat you or double cross you in any way whatsoever,” Ryan explained. “He’s trying to point out the strong points and the weak points of the case to both sides - the plaintiff and the defense. And he’s trying to give an objective rationale to his suggestions. He just does a very good job with all these things. He’s very poised, and he’s always in charge of the conversation.”

*Here are some attorneys who have used Buck’s services:* Luke P. Ryan, Shinnick & Ryan LLP; William D. Morrow, Morrow & White; Daniel A. Crespo, Bremer Whyte Brown & O’Meara LLP; Bjorn C. Green, Demler Armstrong & Rowland LLP; Edward R. Huguenin; Plante Huguenin Lebovic Kahn LLP.

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