



By Brendan J. Begley

Lawyer Lore: The Indomitable Judge Raul Ramirez

We know that top litigators are skillful at marshaling favorable facts, employing their storytelling talents, and using compelling theories of recovery or defenses to advance their clients' interests. On the other hand, great mediators find ways – sometimes delicate, sometimes forceful – to get the parties and counsel to look beyond their well-crafted yet self-serving narratives or theories to see other possibilities.

The Hon. Raul Ramirez is a superb example of a mediator who has been able to combine the diplomacy of a statesman with the assertiveness of a hard-charging prosecutor to bring about resolution in thousands of cases. The former Sacramento judge says being an effective mediator is not an easy job because it “means you gotta look the people who are paying you in the eye and tell ‘em the hard truth.” He enjoys a well-deserved reputation of driving parties toward reasonable compromises with all the gentleness of a sword-toting knight chasing dragons from a village – but a suit of armor is not the only item of apparel in his mediation wardrobe.

“When I was on the bench, I don’t think I knew how to spell the word grovel,” Judge Ramirez recently joked. “But sometimes you gotta let go of your ego as a mediator and be humble – and, if that means I have to grovel to get a case settled, I’ll do it.”

Over the years, Judge Ramirez’s settlement batting-average has ranged between 70 percent and 95 percent, usually hovering in the mid-80-percent range. Given his strong yet amiable personality, sharp mind, and great attention to factual details – not to mention an authoritative voice that sounds like The Jungle Book’s Baloo the Bear with a juris doctorate – it is not surprising that he has achieved such impressive results.

The experience of working for many years as a criminal and civil practitioner, and then as a judge in state and federal court, undoubtedly contributed to Judge Ramirez’s mediation abilities. However, it is surprising that he did not receive any mediation training or significant mediation experience until later in his career. His first glimpse

of what a capable neutral can achieve came while overseeing plea bargains in criminal matters as a state court judge between 1977 and 1980.

“One problem with the legal profession is that lawyers are trained to be gladiators in the arena, but they aren’t taught how to end the war without spilling blood,” Judge Ramirez explained. “You know, a law student is regarded as the class genius if he can come up with the most claims or defenses from a law professor’s hypothetical.”

The scarcity of previous mediation training didn’t slow Judge Ramirez’s metamorphosis into one of the area’s top neutrals after he ascended to the bench. Indeed, his natural mediation talents took flight when he served as a settlement-conference judge in federal court between 1980 and 1990. Picture John, Paul, Ringo, and George having no formal musical training in school, but later becoming the Fab Four while playing tunes in a Hamburg nightclub for ten years.

Like the Beatles singing just for the joy of it, Judge Ramirez found non-monetary reasons to excel in his field. “When you’re a federal judge, your cases are assigned to you for all purposes,” he pointed out. “So the more cases on your docket that get settled, the more attention you can give to the

cases that really need to be tried.”

Judge Ramirez boasted the best judicial track-record for settling cases during his tenure at the federal court in Sacramento, and his achievements caught the attention of important peers. For example, the local U.S. Attorney at that time decreed that lawyers in his office would stipulate to allow Judge Ramirez to serve as the settlement-conference judge in cases where Judge Ramirez was serving as the trial judge. Moreover, Judge Ramirez was assigned the then-novel task of mediating appellate cases for the Ninth Circuit.

“I learned the only way to do a mediation is from A-Z,” he reminisced. That means starting out with a conflict check, then doing a conference call to iron out details, and then (except in exceptional cases) beginning the mediation with a well-controlled joint session.



Judge Raul Ramirez

"You gotta have the conference call to identify the folks who should or shouldn't attend and to take care of other pesky details so that we start off on the right foot at the mediation," Judge Ramirez insisted. Going from A to Z also requires getting the participants to relax at the mediation, because being too tense or rigid can get in the way of exploring promising options.

"I have them come to my office where there is plenty of indoor parking and lots of space in comfortable conference rooms," he revealed. "I give them refreshments and I tell them to take off their jackets, roll up their sleeves, settle in and, most importantly, to relax."

Telling participants to loosen-up does not always lead them to do it. In one probate mediation where the heirs were squabbling over the division of roughly \$50 million in assets, Judge Ramirez found himself breaking up a physical fight between two litigants and taking a knife away from one of them. The emotional experience he had in a different high-stakes case is far more touching.

That mediation involved the surviving parents of two teenaged girls who sued the drivers of two semi-trucks. The driver of one of the trucks was passing the other truck in a curve on a two-lane highway when the big-rigs collided head-on with the teenagers' compact car. The truckers walked away from the wreck, but they lived forevermore with the horrendous memory of the girls' mutilated bodies at the accident scene.

Fog did not cause that accident, but it almost thwarted the mediation. A dense layer of it lingered in Sacramento as a bleak obstacle to Judge Ramirez reaching Las Vegas on the morning the proceeding was to take place there. Two California Highway Patrol cruisers slowed traffic to a crawl on the interstate in order to guide drivers carefully through the pea soup, causing Judge Ramirez to worry that he might miss his plane. Upon reaching the terminal, he learned that flights were grounded due to poor visibility.


Nonetheless, and for unknown, but seemingly supernatural or divine reasons, Judge Ramirez's plane was the only one permitted to lift off that morning. Once in Las Vegas, and after spending many hours at the negotiating table, Judge Ramirez was able to help the truckers and the parents reach a voluntary resolution. He then took a momentous step further.

"The settlement only fixed the money part, and I knew that all of them were still suffering emotionally," Judge Ramirez recalled with a lump in his throat. "So after they signed the agreement, I invited the mom and dad to come into the other room to meet the drivers and let them ask for forgiveness."

According to Judge Ramirez, the devastated parents slowly rose from their seats, cautiously walked into the other room, paused to look the truckers in the eye and listen to their expressions of deep remorse – and then intensely hugged the defendants while everyone cried

tears of unimaginable loss, immeasurable regret, mutual understanding, and ultimate forgiveness. "I can't kid myself that the experience relieved all of their pain, but I think it helped the process of their emotional healing," he concluded solemnly.

Although the judge greatly enjoys the sense of accomplishment that comes from such successes, that is not the only reason that he remains in the mediation game. "I didn't stay at the state court or federal court long enough to retire from either place," he chuckled, "so I have to keep working hard as a mediator to pay the bills."

Judge Ramirez has been a neutral long enough to know that it is rare for parties to obtain their "wish list" in mediation, and that most times the parties on each side come away only with items on their "I can live with it" list. So he posts on his website articles and tips to help attorneys prepare their clients adequately for mediation proceedings. Given the valuable lessons that Judge Ramirez has learned and, in turn, shares to promote successful mediations, he has become an integral part of Sacramento's lawyer lore. 

Brendan J. Begley is a former chair of the SCBA Appellate Law Section and head of the Appeal and Writs Group at Weintraub Genshlea Chediak Tobin & Tobin Law Corporation. He is also a California State Bar certified appellate law specialist.