

# VERDICTS & SETTLEMENTS

FRIDAY, FEBRUARY 19, 2021

## Setting the Stage

*Ruth Glick believes neutrals do their more important work before a mediation session begins.*

By Shane Nelson  
Special to the Daily Journal

Before law school, Ruth V. Glick was a trader on the floor of the Chicago Mercantile Exchange and host of a live television show.

“I interviewed a lot of financial people – CEOs, for example – and often senators or congressmen and economic experts,” Glick recalled, noting with a chuckle that the daily business program also featured a stock ticker at the bottom of the screen.

“I was one of the first women traders on the Chicago Mercantile Exchange trading foreign currencies,” she added. “And I was an executive of a foreign exchange arbitrage firm.”

During that time, Glick said she did a lot of work as a neutral, handling financial disputes and securities arbitration regularly.

“There were always disputes where money and traders were involved,” she said with a laugh. “And someone informally had to mediate it, or it would go – maybe a week or so later – to an impartial third party who would make a determination.”

Glick enjoyed working to resolve those disputes so much that she enrolled at UC Hastings College of Law, intending not only to become an attorney but to ultimately focus on full time work as an arbitrator and a mediator. She also completed

mediation training at Harvard Law School in the early 1990s and later taught arbitration for 10 years at UC Hastings.

Now based in Burlingame, Glick still handles securities and financial disputes, but she also works regularly to resolve employment cases as well as a range of health care, real estate, technology and other commercial matters. She even handled a dispute over the valuation of recovered art stolen during the Holocaust.

“The dispute du jour is the determination of whether people are employees or independent contractors,” Glick said, noting much of her focus is now committed to arbitration and done over Zoom.

“When you use Zoom, and someone’s dog is barking or their child is crying, it makes it a much more personal and less adversarial forum,” Glick said. “This whole idea of setting the stage for settlement, if it’s appropriate, can happen with a little bit more facility and ease on Zoom.”

Resolving disputes using online platforms is certainly a significant change from the early days of Glick’s full time career as an arbitrator and mediator in the 1990s, a period during which she said there weren’t many other women in the field.

“I would estimate that, in the ‘90s and early 2000s, maybe



Gary Wagner / Special to the Daily Journal

10% to 15% of the arbitrators were women,” she said.

Glick said she worked hard to raise awareness about that gender gap during her time as chair of the American Bar Association’s Dispute Resolution Section. She’s seen some improvement in the last 20 years and pointed to gender and diversity change at the American Arbitration Association, a panel she is part of today.

“I know now, at least in the American Arbitration Association, between 25% and 30% are women and diverse neutrals,” she said. “That’s a nice gain, but there’s still a lot of work left to do.”

When handling mediation, Glick said she likes to have briefs from both sides and will typically speak to attorneys individually over the phone after she receives them, looking to better understand “what the

### Ruth V. Glick

Burlingame

**Areas of specialty:**

Securities, financial disputes, employment, health care, real estate, technology

dispute’s about, why it hasn’t settled, and what the barriers are to settlement.”

“I think the best mediators do a lot of their work before the mediation,” Glick said, adding she also likes to bring parties together when possible. “If it’s going to work, if it’s productive, I love to keep the parties together, particularly in complex business disputes.”

San Francisco litigator Samantha D. Wolff, who worked with Glick to settle a recent

business dispute, said the neutral did a great job managing intense emotions during the mediation.

“She took a messy, sticky situation and really was able to help the parties focus on and resolve the issues so they could just walk away,” Wolff said, noting the disputants in the case had known each other a long time and both sides harbored hard feelings.

“She had a really personal touch,” Wolff added. “By showing the parties she cared and she understood what their concerns were, where the frustration and anger, where all the emotion came from, I think they were able to unload that emotion on her and move beyond it.”

Wolff said Glick settled the dispute the day of mediation, an accomplishment Wolff didn’t initially believe was likely, and that resolution came after Glick offered a mediator’s proposal, featuring “a number both sides could stomach.”

“But I think from the outset, she realized the case would never settle unless those uncomfortable and messy issues

were addressed upfront even though they weren’t legal issues,” Wolff said.

As an arbitrator, Glick described herself as “active and managerial,” and said her “objective is to keep the case moving forward in a cost-efficient, timely manner.” But in appropriate cases, she also likes to provide disputants opportunities for settlement.

“There are some cases when sometimes all they need is a little push,” Glick said. “I never change my role as the arbitrator, and I will never meet with the parties *ex parte*. I will only set the stage for a settlement if it’s appropriate.”

In circumstances where attorneys can get together and make their own decisions in an arbitration, Glick said she likes to encourage counsel to work cooperatively.

“If they can’t, I do it for them,” Glick said. “Arbitration is flexible, and the parties can stipulate to certain things. But if they can’t, then we have a hearing, I hear both sides and make a determination. We want to keep the case moving forward. It’s

supposed to be more cost-efficient, and I try my best to do that.”

Bay Area employment litigator Raymond F. Lynch, who worked with Glick on a commercial arbitration dispute a couple of years ago, described her as a very good arbitrator “who ran a very good hearing.”

“I felt she was very well prepared and kept the process moving,” Lynch said, adding he wouldn’t hesitate to use Glick again as an arbitrator and has referred her to other attorneys. “We got prompt responses and decisive determinations with respect to issues, document production, and evidentiary rulings. ... She allowed the parties to present their case and maintained good control.”

Lafayette trial attorney Ralph A. Zappala, who worked with Glick a few years back on a binding health care arbitration, said she was “a very quick study” and handled the challenging case very well.

“There was at least one extremely emotional party and one extremely emotional legal counsel,” Zappala recalled.

“And she handled that better than I think most would by remaining calm and objective and not letting that type of behavior derail anything or cause any disruption.”

Glick said her time hosting a live financial interview show taught her a few lessons about managing big personalities and heated emotions, but she doesn’t appear to have any regrets about moving away from television and the Chicago Mercantile Exchange and into a world of resolving disputes full time.

“I love what I do,” she insisted. “We all want to feel we have some access to justice, and you want someone who’s impartial and independent. If I can provide that service, that really brings me joy.”

*Here are some attorneys who have used Glick’s services:* Raymond F. Lynch and Samantha D. Wolff, Hanson Bridgett LLP; Paul J. Byrne, Cornerstone Law Group; Ralph A. Zappala, Busby Zappala & Sanchez LLP; Paul V. Simpson, Simpson, Garrity, Innes & Jacuzzi PC