

Relaxed Environment

Mediator Richard Huver creates a calm setting to help spur resolution.

By Lyle Moran
Daily Journal Staff Writer

SAN DIEGO — Richard Huver recently oversaw a mediation featuring two wrongful termination lawsuits against the same employer.

Emotions ran high, and a planned half-day session that started at 9 a.m. lasted until 8 p.m. One attorney involved said she was impressed that Huver did not let the length of the day or the difficult issues phase him, and both cases were resolved.

“He maintained a really positive attitude and his energy throughout an 11-hour day,” said Sierra J. Spitzer, a partner at Schwartz Semerdjian Cauley & Moot LLP in San Diego. “I think it was contagious. He kept everyone going.”

Other lawyers who have worked with Huver agreed his warm demeanor creates a relaxed atmosphere conducive to settling disputes.

Huver, who will soon complete his second year as a mediator after nearly three decades as a plaintiffs’ attorney, said creating a peaceful setting for all involved is a priority.

“I really do try to make it a calm, comfortable environment for them, even if it gets heated later in the day,” he said.

Huver tries to defuse tension by telling the parties they are in a safe place. If they have emotional baggage or concerns to work through, he encourages them to share.

“Whatever it is, that’s the day for them to get it out, and I let them talk,” said Huver, of West Coast Resolution Group.

“They want to be able tell their story, explain how it made them feel and how they feel wronged, or how they didn’t do anything wrong and were innocent here,” he said. “If you stop them, then you have kind of derailed the process.”

John E. Petze said he found Huver to be an attentive listener with attorneys and clients.

“He would repeat things back, and say, ‘Let me make sure I understand what you are telling me,’” said Petze, a senior trial attorney at McDougal, Love, Boehmer, Foley, Lyon & Canlas in La Mesa. “He made the client feel as though what they had to say was important.”

Kellie B. Thompson agreed that Huver is a great listener, and said it



Lyle Moran / Daily Journal

Richard Huver

Huver Mediation, Exclusively With
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San Diego

Areas of specialty: business
and contract disputes, insurance
bad faith, employment, personal
injury and wrongful death

helps him get to know everyone present at a mediation. As an insurance defense attorney, Thompson said she appreciated that Huver made the adjusters feel included.

“He takes the time to get to know people on an individual basis, so the mediation is not just about the case itself, but also the cast of characters,” said Thompson, a trial attorney at Hartsuyker, Stratman & Williams-Abrego.

Huver said his favorite part of the job is interacting with and meeting new people. “I’m very much a people person,” he said.

Lawyers, including Spitzer, said Huver uses his sense of humor to create a comfortable environment.

His ability to relax the participants extends beyond his initial conversations with the parties and their attorneys, Petze said.

In one case Huver mediated, Petze said his side had impeachment evidence that would impact his own evaluation of the case. Rather than Huver seeing that information as an obstacle to settlement, he said, the mediator used it to help resolve the case.

“When all the world around him was in panic, Richard was a calm, steady voice and influence,” Petze said.

The types of cases Huver mediates include insurance bad faith, employment, business disputes, personal injury and wrongful death.

Huver, a former president of Consumer Attorneys of San Diego, worked on a similar variety of legal

Michael L. Branch of Schneider & Branch said he noticed quickly that Huver likes to dig into the evidence and focus on the key issues.

“He still knows what evidence is going to be required to convince the trier of fact,” said San Diego-based Branch. “That was helpful for the parties to see how good a position was and whether we needed to move off our original position.”

Prior to a mediation, Huver said he likes to receive a brief of one to two pages highlighting who the parties are, what the case is about, the major issues in dispute and the history of settlement negotiations.

Joshua Bonnici said Huver wants to know information such as whether a client will need hand-holding or if there are roadblocks that could be addressed ahead of time.

“He wants to streamline things so that once we are in there, we don’t have to tackle any extraneous issues that could be avoided early,” said Bonnici, managing attorney at Bonnici Law Group.

Huver also wants attorneys to let down their guard once they arrive for mediation. “That really is the day to take the armor off and check it at the door,” he said.

Huver said his time serving as San Diego County Bar Association president in 2015 and overseeing board meetings helped him improve his ability to manage heated debate featuring competing viewpoints.

As he reflected on how he would parlay his time as president meeting lawyers with a wide spectrum of specialties to bolster his career, Huver said it clicked in his head that mediation was one way to do that.

“It was like, ‘Wait, what if all these lawyers in town are my clients and not my clients being my clients?’” Huver said. “Then the dominoes went boom, boom, boom, boom.”

He said he especially appreciates how a dispute being settled can help parties move beyond the physical toll legal battles often inflict.

“There is satisfaction when I see a case resolved, and I see it immediately makes a difference in somebody,” Huver said.

Here are some attorneys who have used Huver’s services: Joshua Bonnici, Bonnici Law Group; Michael L. Branch, Schneider & Branch; John E. Petze, McDougal, Love, Boehmer, Foley, Lyon & Canlas; Sierra J. Spitzer, Schwartz Semerdjian Cauley & Moot LLP; Kellie B. Thompson, Hartsuyker, Stratman & Williams-Abrego; James S. Iagmin, Williams Iagmin LLP.

issues during his career as a plaintiffs’ attorney.

The Southwestern University School of Law graduate first worked for his uncle Ned Good, a well-known aviation lawyer in the Los Angeles area. Huver moved to Levine, Steinberg, Miller & Huver in San Diego, where he worked for 16 years.

On his office wall hangs a framed Daily Journal article about the \$11.9 million he and the late Harvey Levine helped the San Diego Padres recover from Lloyd’s of London in 2003 as part of settling an insurance claim involving former Padres pitcher Randy Myers.

Huver became a sole practitioner in 2009. He said he uses his litigation experience to press attorneys to provide solid evidence to support their positions and will remind plaintiffs’ lawyers they have the burden of proof.

“You can make any contention you want to, you can make any claim you want to, you can raise any defense that you want to, but the rubber meets the road if you go to court and you have to put on witnesses, documents and testimony,” he said.