

Abstract Adjudications

Cecily Bond often relies on unique solutions to reach settlements

By John Roemer
Daily Journal Staff Writer

SACRAMENTO — Veteran mediator and arbitrator Cecily Bond sometimes resorts to the unorthodox to settle cases.

There was the time family members were squabbling endlessly over pieces of jewelry in a deceased woman's estate.

"It got to be 10 p.m., and we finally resolved matters by drawing straws," Bond said in an interview at JAMS headquarters in Sacramento.

In a wrongful termination case, the parties were a half million dollars apart. Bond said she was worried it wouldn't settle — until she seized on the idea of getting the bosses to offer the dismissed employee a recommendation letter filled with positive items from his personnel file.

"Well, if you can get me that, this is settled," the man told Bond, agreeing to forego the money in favor of improved prospects for a new job.

Another unusual role for Bond: she's been appointed on occasion as a third director of a small corporation when the other two can't get along, she said.

"Sometimes people come to mediations not well prepared, and my role is to get them to think about compromising their claim and how to think about the weaknesses in their position," she said. "People come in scared, and their attorneys sometimes want me to help convince their clients about problems with their case.

"What you do is risk analysis: the risk of going to trial and losing, the risk of failing to settle and exposing yourself to fees."

Over a long career, Bond has seen it all. Gov. Jerry Brown put her on the Sacramento County Superior Court bench in 1980, during his first gubernatorial stint. She served for 20 years, then joined JAMS in 2000.

Cecily Bond

JAMS Inc.
Sacramento

Areas of specialty: : Complex business, employment, health care, agribusiness and personal injury

Said Robert A. Buccola of Dreyer Babich Buccola Wood Campora LLP, a personal injury and wrongful death firm, "She was an extremely well-respected Superior Court judge, and now she's the Cal Ripken of mediators. She can do business matters, tort cases — she's very versatile. She gets 'em resolved."

Buccola attributes Bond's success to her tenacity. "She really pushes, and she knows the appropriate pressures to put on people. She's not afraid to make the tough call, and she gives tough love to parties who deserve it."

He was particularly impressed by a case that did not settle. "She pushed the plaintiff hard for a resolution, but he would not listen," Buccola said. "Since then, the case has gone sideways. Everything negative she predicted has come to pass. She was insightful and right on all counts."

A growing field for Bond concerns elder abuse and patient rights cases stemming from nursing homes. "It's a changing culture, and when people put their older relatives in homes and they're not treated well, they feel guilty and they make claims," Bond said.

In court, there are often multimillion-dollar verdicts. When the parties try mediation first, Bond gets involved. "I try to guide the defense into seeing it's a different dynamic these days. They have trouble believing that the way patients are treated, short of malpractice, is worth the kind of money juries are giving," she said.

Many of those cases are document-intensive. "If an institution's record keeping is bad, that's serious, and jurors get angry," she said.

Port J. Parker, a complex civil and tort litigation specialist at Radoslovich Parker PC, said he's impressed. "I'm a



Sam Attal / Special to the Daily Journal

big fan of Judge Bond," he said. "She never gives up. She's brutally honest. She gives it to you candidly, and she's willing to stay and get the job done."

Bond charges \$600 an hour or \$6,000 per day, a fee she has not changed for years.

She said she regularly hears litigants tell her, "I want to go to court because I want justice." She has a ready reply. "Justice can be had in a mediation room," she'll tell them. "If we have neighbors fighting over a fence, they could go to court or they could split the cost of putting in a new fence."

That's a simple example, but she said the reasoning behind it is sound. "You can get things in a settlement you can't get in a court order," she said. "Along with money reasons, plaintiffs can achieve changes."

"In a nursing home case, you might want to see more people on the night shift," Bond added. "In an employment case, you might want the company to do sexual harassment training. Those are things you won't get in a court order."

Off duty, Bond hikes, golfs and swims. She's an avid reader of historical biographies and mysteries. And she prefers actual ink on paper. "I like to hold the book," she said. She makes an exception for books on tape, which she listens to on the long drive south to her vacation home in Riverside County.

She's recently read Doris Kearns Goodwin's "Team of Rivals" about Abraham Lincoln's cabinet. "It relates to my work a bit," she said. "Conflict is fascinating."

Here are some attorneys who have uses Bond's alternative dispute resolution services: Mathew D. Evans, Evans, Wieckowski, Ward & Scoffield LLP, Sacramento; Karen Goodman, Goodman & Associates, Sacramento; Roger Schrimp, Damrell, Nelson, Schrimp, Palios, Pacher & Silva PC, Modesto; Nancy J. Sheehan, Porter Scott APC, Sacramento; Wendy C. York, York Law Firm, Sacramento; Port J. Parker, Radoslovich Parker PC, Sacramento; Tiffany R. Thomas, Reed Smith LLP, San Francisco