

VERDICTS & SETTLEMENTS

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Authority Lends Credibility *Preparation is the most important aspect, neutral Russell Hom says*

By Shane Nelson

Special to the Daily Journal

After serving as presiding judge for the Sacramento County Superior Court during the worst of the pandemic, Russell L. Hom decided he was ready for a change.

"I was presiding judge for all of 2 1/2 months before I had to make a decision to shut a legal system down," said Hom, noting he oversaw 70 judicial officers and more than 750 employees during that time.

"I had to make decisions that were more significant decisions on a daily basis than I'd ever had to make during my entire career as an attorney or as a judicial officer," Hom explained. "After doing that for two years, I didn't see myself just going back and sitting in a trial department, hearing accident cases or whatever else I might get. I just thought it was time to move on. The court was in good hands, ... and it was a good time for me to leave."

A 1981 graduate of UC Hastings College of the Law – now UC Law San Francisco – Hom worked for three years in the Sacramento County district attorney's office before moving into private practice, where he handled civil and criminal cases as a defense attorney for 18 years. After his appointment as a Sacramento County Superior Court judge in 2002, Hom spent two decades on the bench until he retired last year.

Hom has been with Judicate West since then, working full-time as a special master, mediator and arbitrator on personal injury, employment, elder abuse, business, real estate and medical negligence cases.



Malcolm Maclachlan/ Special to the Daily Journal

"Preparation is for me the most important aspect of the arbitration process," Hom said, noting that litigants are usually hoping for an expeditious and efficient resolution that minimizes cost but also expect well-founded decisions.

"You want to have a clear understanding about what the issues are and what you believe to be the evidence as well as the substantive law that will be applied at the conclusion of the case," he added. "You don't have the luxury of taking a three-hour break on Day 3 of the trial to research an issue. So the more I can be prepared in the front end of that makes the limited time the attorneys have before me during the arbitration hearing a much more efficient process."

Preparation is also critical before a mediation, according to Hom, who said he likes to receive briefs from both sides but also tries to speak over the phone with attorneys.

"I want to find out whether or not there is something that's not in their mediation brief that may relate to the client themselves, the relationship between the attorney and the client or the relationship between the parties," he explained. "Although 90% of cases are based and resolved on dollar figures, oftentimes there's something else that's motivating the parties to either settle or not settle that is unstated and has little to do with money. Money oftentimes is tangential to the underlying roadblock, and you want that information."

Russell L. Hom

Judicate West
Sacramento

Areas of Specialty:

Business
Elder Abuse
Employment
Medical Negligence
Personal Injury
Real Estate

Hom added that he tries to enter into all of his mediations with a tailored strategy in mind crafted from his extensive preparation, but he typically focuses on listening early during the day, hoping to build trust with the parties. The retired judge also noted that – unless he’s asked – he makes it clear to all involved that he will not tell litigants what he thinks the case is worth.

“The last thing you want to do is anything that undermines the attorney-client relationship,” Hom explained. “And you know the attorney has already told the client what the case is worth.”

Sacramento attorney Jamie P. Dreher has been on the defense side in contractual and insurance disputes Hom has mediated, and Dreher described the neutral as very perceptive.

“He had a really nice touch with the parties,” Dreher said. “He really comprehended all the not court related, nonlegal issues in terms of leverage points and pressures and personal concerns people have.

... cost, delay, emotional imposition of the process on everybody. He was very helpful in talking to clients on those nonlegal aspects.”

Dreher said Hom was also terrific from a client management perspective.

“In my cases, I feel like I’ve got the strengths and weaknesses pretty well sussed out, but one thing that was helpful was hearing some of those things reinforced in front of the client,” Dreher explained. “So the client is hearing – for the most part – some similar things to what they’re already hearing from me. Having that second voice really helped.”

San Francisco plaintiffs’ attorney Efigenia G. Dominguez used Hom recently to resolve a difficult premises liability case, involving a client who slipped on gravel at a home improvement store but didn’t hit the ground.

“Her boyfriend grabbed her when she was going to fall, so she kind of tweaked her back,” Dominguez recalled. “But this client really had

expectations that were beyond reasonable. She came in wanting something like \$350,000, which is unheard of because she had no impact. ... She was very, very upset with me, thinking I was selling her out, and Judge Hom came in and caught that and explained to her, ‘Here are the defects of your case, and it doesn’t matter how much your attorney is going to litigate this. The issues are this.’”

Dominguez said Hom did a terrific job demonstrating his empathy for her client while explaining the weaknesses of her case in a considerate fashion.

“That really showed his professionalism because she felt like he understood where she was coming from,” Dominguez explained. “My client ended up accepting a much more reasonable amount in mediation, and Judge Hom really restored her belief in the system because to this day that client refers to me family and friends.”

Sacramento plaintiffs’ attorney Daniel R. Del Rio recently used Hom

to settle a hard-fought personal injury case, and said the former judge’s extensive legal background made a big difference.

“It’s really nice when you have someone with that level of authority and 30, 40 years of experience, who can tell the clients, the adjusters, ‘No, look, this is how it will actually play out,’” Del Rio said. “It keeps everybody in line. His experience gives credibility, it gives authority. If it’s a client control issue, if it’s a legal issue that you’d like a little preview about how it will potentially come out in court – it’s just fantastic to have somebody with Judge Hom’s level of experience and credibility behind them.”

Here are some attorneys who have used Hom’s services: Daniel R. Del Rio, Del Rio & Caraway PC; Karen L. Jacobsen, Jacobsen & McElroy PC; Jamie P. Dreher, Downey Brand LLP; Ognian A. Gavrilov, Gavrilov & Brooks; Efigenia G. Dominguez, Efigenia G. Dominguez Attorney at Law.

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