Letting Loose

After serving as a federal prosecutor and a judge, Nancy Stock is letting her hair down

By Matthew Blake
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ORANGE — Just two years out of law school in 1978, Nancy Wieben Stock joined the U.S. Attorney’s office criminal division where precise protocols were the order of the day.

“You could be blown out the back door by putting your hand in your pocket,” Stock recalled. “It was a very formal process, but I understand it was necessary to have that barrier up so that people would understand the judge was truly neutral.”

Stock carried over that formality when she became an Orange County Superior Court judge after 12 years as a federal prosecutor. Her most publicized case as judge was awarding O.J. Simpson custody of his children, a decision that occurred between Simpson’s criminal and civil double murder trials. Stock defended the ruling, which an appellate court later reversed following the civil trial, as strictly adhering to the law.

Over the past decade Stock has begun to let her hair down in front of lawyers, particularly during her 19 months as neutral at JAMS.

“In mediation my role is to be friendly,” Stock said in an interview at JAMS’ Orange office, which lies on a quiet boulevard overlooking the Angels baseball stadium. “I would describe my style as facilitative and I want to remain flexible.”

Stock speaks carefully in describing her new job; one lawyer, Robert Gerard, an employment defense attorney at Friedman, Stroffe & Gerard PC noted, “She speaks really slowly because she thinks about what she’s saying.”

But the neutral became animated about a few topics, one of which is technology advancement in the courts. Stock has spent years pushing courts to view themselves as “donors of data” both amongst each other and other parts of government.

She applauds JAMS for recently adopting message boards and document portals that “frankly, are superior to most current court systems.”

Stock’s workload is 70 percent mediation, 20 percent arbitration, and 10 percent refereeing discovery disputes, and her focus is on complex matters, business disputes and family law.

The neutral noted that formality remains the order of the day with arbitration. Stock looks to provide a reasoned award within 30 days after the parties’ final arguments.

With mediation, Stock enjoys the opportunity to build more nuanced relationships with lawyers. But she is also frustrated with attorneys who do not fully engage in the process, namely withholding documents from opposing counsel.

“I’d like to see a little bit more transparency in the exchange before mediation, especially in cases that have already been heavily litigated,” Stock said. “I don’t understand why lawyers still persist in filing a completely confidential brief that the other side doesn’t see and only I see.”

Upfront information would also let an attorney’s client know what they are up against. “You could eliminate hours of confusion if parties extended some baseline information,” Stock added.

Attorneys who have gone in front of Stock say they now get the message. “My advice to lawyers appearing before her is to prepare a concise and well-thought out mediation brief, and give a copy to your opponent,” said Dennis B. Atchley, a San Diego attorney who represented a client accused of Riverside County of unlawfully taking away their child.

According to Atchley, Stock’s stress on upfront documentation stems from her desire to mediate disputes in one day. The lawyer recalled Stock staying until 11 p.m. at the JAMS office to settle his dispute for $750,000 when other neutrals would “pick up their coat and leave” at 5 p.m.

Charles E. Purdy IV, an attorney at San Diego’s Purdy & Bailey, had a similar experience. Purdy defended the landlord of a Pomona shopping center that was being razed. His client hoped mediation would settle a dispute with a tenant who ran a day care center.

At 9 a.m., the start of Stock’s mediation session, the tenant asked for $3.5 million, while Purdy’s client offered $50,000. By 10:00 p.m. both sides agreed on $700,000.

Going to Stock was not cheap, the attorney acknowledged — she charges $600 per hour or $5,500 each day. But the expense was worth it given Stock’s commitment toward quick resolution.

“She was absolutely tireless,” Purdy said, “in racing back and forth” between lawyers and also facilitating a substantive pre-mediation phone session free of charge.

Both Atchley and Purdy made an unprompted comparison between Stock and Henry Kissinger for the neutral’s “shuttle diplomacy.”

Stock’s diplomatic touch was first forged through adjudicating contentious family law disputes and later as presiding judge over Orange County Superior Court, which meant representing Orange in the state judicial council.

“That tour gave me a perspective on how strongly held beliefs can be and how you need to be an conciliatory leader,” Stock said of her presiding judge role, which lasted from 2006 to 2009. “I considered myself as a servant leader through those years because you can’t just run over and steamroll people.”

Next up was four years in complex civil court where she developed a taste for mediation. “In complex, I began to experience for the first time the ability to become much more intensely involved in the matters and problems actually baffling the litigants,” the neutral said, adding, “There was room for subtle discussion and outside-the-box thinking.”

Disputes included matters of environment contamination, wage and hour class actions, and allegations of widespread financial misleading. The matters “really whetted my appetite” for a role in private mediation.

That said, Stock only imparts her bench experience if asked. Otherwise she simply tells the parties at the start of each mediation, “Today will reveal choices that were not available before.”

Here are some attorneys who have recently used Stock’s services: Paul Singarella, Esq., Latham & Watkins, Costa Mesa; Robert Gerard, Esq., Friedman Strogge & Gerard P.C., Irvine; Wendy A. Sugg, Troutman & Sanders LLP, Irvine; Dennis B. Atchley, Law Offices of Dennis B. Atchley, San Diego; Charles E. Purdy IV, Purdy & Bailey, San Diego; Douglas E. DeGrave, Poliquin & DeGrave, Laguna Hills; Carol Zaint, Newmeyer & Dillion, Newport Beach.