

# VERDICTS & SETTLEMENTS

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## Uncommon Experience

*Neutral Bill VanDeWeghe's unique business background sets him apart, attorneys say*

By Shane Nelson

Special to the Daily Journal

For litigants embroiled in complex commercial disputes, mediator Bill VanDeWeghe has an uncommon perspective.

"I tell the clients, 'Look I litigated, but I was also a managing director at an investment banking firm, and I co-founded ... a software as a service company, and I was the CEO of a lab equipment company,'" VanDeWeghe said. "I've served on a public board, and I've served on a private board. So, when I express an opinion, I have been on both sides of the table. I've been the attorney, and I've been the client."

A 1990 William and Mary Law School graduate, VanDeWeghe worked for 15 years as a litigator, representing companies in commercial disputes as well as attorneys and accountants in professional liability cases.

"One of the areas I was very good at was quickly assessing the value of a case and how much it was going to cost and the strengths of various claims," VanDeWeghe said of his time as a litigator. "And I was usually able to quickly determine a settlement range. As a result, I was able to resolve the vast majority of my cases."

Resolving disputes for clients was work VanDeWeghe found especially satisfying.

"I enjoyed ending the stress for my clients," he said. "I enjoyed ending the uncertainty."

VanDeWeghe said he also enjoyed the business development aspects of his work as an attorney, and in 2006, he left the law to join the investment banking firm RA Capital Advisors as managing director. In



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2015, he co-founded and served for a time as CEO of RippleNami Inc., a software-based service for businesses. And then in 2016, he was appointed president and CEO of BioSurplus, a buyer and reseller of lab equipment.

VanDeWeghe never forgot the fulfillment he took from resolving cases, however, and in January of 2024, he struck out on his own full-time as a private neutral. In September 2024, he went to work for JAMS, and he's since been focusing on complex business, professional liability, trusts and estates disputes as a mediator.

"You've been chosen by the parties to make a decision on their matter, so you've got to be very deliberate," VanDeWeghe said about working as an arbitrator, noting that he's not yet conducted an arbitration hearing. "You're going to have to make a decision, and you want it to be very well thought out, so the parties will all respect - even if they don't agree - with what takes place."

Before his mediations, VanDeWeghe likes to receive briefs from all parties and speak over the phone with counsel. Early on the day of mediation, he wants the parties to feel like they've been heard.

### Bill VanDeWeghe

JAMS  
San Diego

#### Areas of Specialty:

Business  
Professional Liability  
Trust and Estates  
Intellectual Property

"I want them to know they're integral to the process," VanDeWeghe explained. "They have to feel like they're helping ... and that they have some control. This can't be something that's imposed on them. This needs to be collaborative."

Even so, VanDeWeghe said attorneys and clients are often interested in a perspective they haven't considered before.

"And when we get to an impasse, my job is to find a way through it," he said. "You have to tweak the process, so [the parties] aren't just thinking about the same factors that are leading them to not see a result. Is there a way to make a change in the business relationship, in the agreements? How can I shake up the thought process and give the parties something more to think about to get past that impasse?"

San Diego litigator Christina M. Denning has worked with VanDeWeghe as a mediator on two business disputes, but Denning said she'd recommend him for any type of civil dispute.

"He's a very straightforward mediator with clients," Denning explained. "He's good with the clients, but he's

realistic with them. ... And he does a great job of explaining - based on his past practice and his past experience - the practical approach you have to have. It's not always about principles. You have to make good business decisions."

San Diego litigator Matthew W. Holder used VanDeWeghe recently to resolve a complicated business dispute, and he agreed that the JAMS neutral's background helped him to meaningfully connect with clients.

"A former judge may only have the perspective of having had such cases come before them, as opposed to Bill, who's actually worn those hats and has been on the front lines of those disputes. So, I think that makes him unique," Holder said. "It gives him valuable perspective. It enables him to speak to the participants and the dispute in a way that ... creates a lot of credibility with the litigants and also a lot of empathy with the litigants. He has the ability to give them very practical advice on the pros and cons of a particular proposed resolution versus continuing to fight."

While VanDeWeghe made it clear that he works hard to listen care-

fully to litigants respectfully, he did say that he's also "very direct with the parties."

"We don't have a lot of time, and we need to be very clear on the strengths, the weaknesses and the values," he explained. "From the start, I begin to get a range in my mind and start to work with the parties to narrow it down as much as possible. And then we're speaking very concretely as we get into the afternoon about where the case needs to go or could go."

San Diego litigator Christopher L. Walters used VanDeWeghe recently to resolve a complex commercial dispute involving fraudulent investment claims, and he also said the neutral's uncommon experience and expertise stood out.

"He can talk to a business owner as a former business owner, and he has investment banking experience," Walters explained. "Bill really has a unique background. ... So, when you're looking for a mediator who can relate directly to business operations, business owners, that's a unique approach Bill has, and I don't know of any other mediator that has it."

But like Denning, Holder said VanDeWeghe's approach to mediation is effective thanks to more than just a business background.

"Bill provides a good mix of both an evaluative perspective as well as a facilitative perspective," Holder explained. "At the end of the day, no one's making a decision on who wins or loses or even who's right or wrong. It's about doing everything within reason to see if the two sides can both come to yes. ... And at a certain point, that requires leaning on your persuasive skills to be facilitative - not necessarily getting bogged down in an evaluation on the merits. Bill did a really good job of keeping a nice mix of the two perspectives."

*Here are some attorneys who have used VanDeWeghe's services:* Matthew W. Holder, Sheppard Mullin Richter & Hampton LLP; Christina M. Denning, Denning Moores APC; Christopher L. Walters, Walters Law Group; Steven T. Coopersmith, The Coopersmith Law Firm LLP; Thomas E. Daugherty, Klinedinst PC

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