

Richard Rybicki | Effective ADR - Employment Dispute Resolution

Background - Alternative Dispute Resolution

Richard Rybicki first encountered Alternative Dispute Resolution as a student at Cornell Law School, where it was taught by law faculty and Cornell's Industrial and Labor Relations School (ILR). After returning to California, he enrolled in one of the state's first bar-sponsored mediator certification programs, completing the Los Angeles Bar Association's Dispute Resolution Services training in 1993.

In the 1990s, he was active in both the Beverly Hills Bar Association Mediation Subcommittee and the Southern California Mediation Association, including its early programs at Pepperdine University's Straus Institute for Dispute Resolution. He remains active in local organizations and has been a member of the American Bar Association's Mediation Committee and the ABA Section of Dispute Resolution's Publications Board.

Mr. Rybicki is a strong advocate of mediation, actively contributing to the development of Alternative Dispute Resolution law. He represented the California Institute of Technology in *Garstang v. Superior Court*, the first case recognizing a constitutional privacy right in mediation communications, and has participated in various *amicus* matters on ADR issues as well.

He is also active in public and academic education, presenting mediation seminars with agencies such as the Equal Employment Opportunity Commission and the Federal Mediation and Conciliation Service. Mr. Rybicki has taught employment mediation and bargaining skills at places such as Sonoma State University's Wine Business Institute and Stanford Law School's Gould Negotiation and Mediation Program.

Legal Expertise

Mr. Rybicki's expertise includes unlawful harassment and discrimination, disability accommodation, wrongful termination, wage-and-hour rules, reductions in force, contract and misrepresentation claims, trade secrets and unfair competition, employee privacy and drug testing, defamation and common-law torts, employee benefits and benefit plan administration, Labor Code penalties, class and collective actions, representative actions, and most other employment-law issues.

He also works to resolve labor-management disputes during collective bargaining, contract interpretation, grievance negotiation, and labor arbitration.

Mediation Style

Mr. Rybicki believes that successful mediation requires both "substance" and "process." He relies on substantive employment law experience to help parties assess their own positions and possible outcomes, while incorporating traditional mediation process to break impasse and achieve solutions.

Professional Experience

Mr. Rybicki was a shareholder with the nation's largest labor and employment law firm prior to opening his own practice in 2002. He advises management in all areas of labor and employment law, representing employers, employer associations and employee benefit plans in courts and administrative proceedings throughout the United States. He also practices under state and federal labor relations laws including collective bargaining, arbitration, and matters before various labor relations boards.

As an employee advocate, Mr. Rybicki has handled matters ranging from individual Labor Commissioner claims to class and collective actions involving thousands of workers. His average individual and class-action recoveries top six and seven figures, respectively. Significantly, he was lead counsel in the first two claims brought under California's Private Labor Code Private Attorneys General Act ("PAGA").

Mr. Rybicki attended the University of California, Los Angeles, and the University of Cambridge. He graduated from Cornell Law School, with a Concentration in Advocacy, and is admitted to practice in California, various federal District Courts and Courts of Appeal, and the United States Supreme Court.

Contact Information

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