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Firsthand Advice

Former superior court judge David Hunter has filed — and settled — a case of his own

By Hadley Robinson
Daily Journal Staff Writer

WALNUT CREEK — When former judge David Hunter sits down for mediations or arbitrations, he not only has 34 years worth of cases he presided over to draw upon, he also has personal experience. Hunter's been a litigant in two cases that settled — once as a plaintiff and once as a defendant.

He brings up his personal experiences frequently to help parties assess their risks and to demonstrate that he understands what it feels like to have to settle for less.

"I'm not looking for a number either side is happy with," Hunter said about mediations involving money. "I want a number each side can agree with."

Hunter owned a ranch in Utah, and an employee had a tractor accident and sued him. He hired a lawyer to defend the case, but quickly decided it would be best just to talk and see what the employee wanted.

Another time, Hunter sued the builder of a house he had in Georgia because the porch was defective and the roof developed dry rot. After appearing in court, he decided to settle the case, and he received a lot less money than he had hoped.

Hunter was an Alameda County Superior Court judge for 34 years until he retired in September 2012 and started working for JAMS. He said he participated in thousands of settlement conferences and bench trials during his tenure and frequently brings up his experiences from those cases when he's mediating.

"I can always come up with two or three cases I saw — what I tried, what happened — that can educate them on the risks," he said. "That's one thing staying so long has helped."

Marin County attorneys Cheryl D. Bossio and Justine K. Durrell had a mediation with Hunter involving

their specialty area of mold and indoor environmental illnesses.

"He had so much experience on the bench that he has pretty much overseen every trial of so many different subject areas including mold exposure and mold-related injury," Bossio said. "He was able to offer his own experience watching the plaintiffs and defense litigate both sides of the equation and talk about the outcomes he's experienced associated with these different subject areas, and that's a big thing."

As a judge, one of Hunter's accomplishments was being called on to resolve around 60 cases involving the Catholic clergy sex abuse scandal in the early 2000s.

"I did nothing but work on those cases for nine months," Hunter said. "We settled all of those on a case-by-case basis."

He managed teams of insurance lawyers and attorneys from the Catholic Church as well as the many plaintiffs. It was messy to figure out to what extent the insurance companies covered the church and how much each victim should receive.

The individuals resolved the cases for an average of \$1.1 million each, but Hunter said the real challenge was the emotion and trauma for the plaintiffs who had suffered the abuse.

"It's all about the money, but it's not all about the money because of the emotions involved," he said.

Handling those settlement conferences with so many emotional victims was good practice for future mediations, Hunter said.

"I try to find out what their needs are and their feelings. I try to gain their trust," he said. "You have to let them know you understand, yet let them know what the risks are."

Denise C. Standridge, general counsel for the AC Transit District in Oakland, conducted settlement conferences with Hunter when he was a judge and has hired him as mediator since, because he is patient and devoted to spending as much time as necessary to settle a case.

"My last mediation was a case with-



Hadley Robinson / Daily Journal

David Hunter

Affiliation: JAMS

Location: San Francisco

Area of specialty: personal injury, medical malpractice, employment, business, contracts, real property, trade secrets

out liability and I offered to pay the whole mediation fee if counsel would agree to him," Standridge wrote in an email. "I knew he was the only mediator that would be successful in getting a dismissal for me."

Hunter said as a judge he was known for working into the evening, often looking out the window of the courthouse to an empty parking lot.

"I have the reputation of staying late if something is happening," Hunter said. "I think... mediation is all about getting movement. If you're getting movement you have to keep going, keep it sustained."

As a mediator, he still stays late.

Oakland solo attorney Panos Lagos represented a plaintiff in a lawsuit involving several victims of a shooting at a public event. Working with Hunter and five law firms involved, they settled the case at 10:45 p.m.

Months before, the group of attorneys had tried to settle with a different mediator at JAMS and were unsuccessful.

"I don't know how he got the defendants to move like they did, but he did a great job on both sides," Lagos said. "I'm just looking at the results. My clients walked away satisfied. It was a stark difference to where we were eight months before. He was willing to spend as much time necessary, and he did."

J. Stephanie Krmpotic, a partner at Low, Ball & Lynch used Hunter for two mediations and was impressed by his willingness to pursue the issues until the dispute resolved.

"I think he had a little more hope

than perhaps the parties did," Krmpotic said. "You want to see that someone is willing to stick with something especially if you're getting tired."

Attorneys describe Hunter as calm, even-keeled and good at connecting with people.

"He's pretty even in how he handles things, and it helps bring the temperature down," Krmpotic said. "He'll tell you the bad news, but it doesn't always seem like bad news the way he communicates it."

Here are some of the lawyers who have used Hunter's services recently:

John C. Fish, Jr., Littler Mendelson P.C., San Francisco; Mary E. Alexander, San Francisco; Panos Lagos, Oakland; Denise C. Standridge, Alameda County Transit District, Oakland; Stephen H. Cornet, Oakland; Cheryl D. Bossio, Sausalito; Justine K. Durrell, Sausalito; J. Stephanie Krmpotic, Low, Ball & Lynch, San Francisco; Richard Zitrin, Carlson Calladine & Peterson LLP, San Francisco; Natalie P. Vance, Klinedinst PC, Sacramento; Mark G. Intrieri, Chapman & Intrieri LLP, Alameda

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