

Daily Journal

VERDICTS & SETTLEMENTS

www.dailyjournal.com

FRIDAY, OCTOBER 16, 2015

Reading the Room

On the bench and as a neutral, William Cahill cultivates a reputation as a people-person

By Kevin Lee
Daily Journal Staff Writer

William J. Cahill passed along a challenge to courtroom staff: “Be perfect but have fun.”

Cahill embraces his own work philosophy. He left the state court bench in 2000 to become a full-time neutral at JAMS and has since developed a national practice as a mediator and arbitrator on a variety of complex civil disputes.

Cahill is also serving a second three-year term on the JAMS Board of Directors that oversees President and CEO Chris Poole, after he was elected twice by a group of the company’s most experienced and successful neutrals.

The transition to private ADR services can be difficult for those used to sternly wielding the authority of the gavel, according to the former state court judge.

“The best predictor of success here is how the judge treated lawyers on the bench,” Cahill said.

“The ones who treated lawyers with dignity and respect do well here,” he added. “The ones who were abrupt and yell at people or were impatient or wouldn’t allow oral argument, they don’t do so well here.”

“People aren’t going to pay a lot of money to be yelled at,” Cahill added.

Cahill gained a reputation as a judge who excelled at settling cases, according to Kathryn A. Stebner, a San Francisco-based lawyer who represents plaintiffs in elder abuse disputes.

Stebner has called on the JAMS neutral to mediate cases involving individual claimants and multiple plaintiffs.

“He is hard when he needs to be and soft when he needs to be,” Stebner said. “A lot of mediators don’t know how to go back and forth when they talk hard about the law and soft when they are talking to people.”

Frances C. Fort can attest to Cahill’s interpersonal skills first hand. Fort served as a legal clerk at San Francisco County Superior Court in 1995, where she worked primarily with Cahill for two years.

After his move to JAMS, Cahill hosted

William J. Cahill

JAMS
San Francisco

Areas of specialty: commercial, securities, employment, health care, intellectual property

a Christmas party to reconnect with former court staff from his bench tenure. Cahill mentioned to Fort that he was looking for someone who could provide part-time research and writing assistance.

She jumped at the opportunity and has worked with Cahill at JAMS for more than a decade.

“He has an incredible sense of reading people, of being so human about things,” Fort said. “He has talked about the loose thread that unravels the sweater ... what’s really motivating this person?”

Forrest A. Hainline III, a Goodwin Procter LLP partner, has both won and lost arbitration proceedings before Cahill, and he has been involved in several mediations before the JAMS neutral.

Hainline said that Cahill has a tendency to be comedic and that lawyers should respond in kind.

“He puts people at ease, he has the ability to defuse [situations] because he has a sense of humor and a sense of fun,” Hainline said.

“One of the biggest impediments of rational behavior among litigators is that they get seduced by their own posturing ... and he undresses the posturing.”

Behind the JAMS neutral’s gregarious personality is someone meticulously devoted to his craft and determined to put in the long hours.

Marcy J. Bergman, a Bryan Cave LLP partner, recalled how Cahill mediated a marathon 20-hour session in March to settle an intellectual property dispute involving her client, plaintiff Airwair International Ltd., which sells the famous Dr. Martens shoe line.

Bergman said the litigants were working on a truncated timeline because representatives had flown out from England to attend the mediation. Without a settlement, the case was on course to proceed to trial.

“Judge Cahill was able to exert a very good balance of patience and urgency,” Bergman said. “He encouraged both sides to get to the meat of things. He



Matthew Blake / Daily Journal

emphasized that we couldn’t deal with every possibility that could happen in the future.”

As a neutral, Cahill strongly prefers to keep opposing parties in separate rooms to allow himself more time to communicate one-on-one with practitioners and, sometimes, their clients.

Cahill adheres initially to mediation by separation out of concern that joint sessions can lead to emotional confrontations.

“I stopped doing them a long time ago, the automatic [joint] sessions where I don’t know what’s going to happen,” Cahill said.

“I find that it takes two hours to undo the bad feelings because the lawyers become aggressive,” he added. “I’ve had cases that didn’t settle because of something a lawyer said in the joint session.”

Cahill worked 12 years as a civil litigator, the last five years of that time at now-defunct Bronson, Bronson & McKinnon LLP.

Through his practice, Cahill crossed paths with G. Joseph Bertain Jr., a key advisor to Gov. George Deukmejian on judicial appointments.

Deukmejian picked Cahill for the San Francisco Superior Court bench in 1991. Serving as a judge appealed more to the UC Hastings College of the Law graduate than working as an advocate.

“I liked being a judge a lot more than I liked being a lawyer because you get to do what you think is right every day,” Cahill said. “It’s a great profession if you do it right.”

Douglas W. Sullivan, a partner at Crowell & Moring LLP, said Cahill was one of the top three mediators in the San Francisco Bay Area because of his

breadth of experience working on all types of civil disputes.

“He’s first and foremost a true gentleman. He has a nice way of telling you you’re wrong without making you feel bad about it,” Sullivan said. “He recognizes the goal is to settle cases even if it might be painful for a party.”

Andrew H. Struve, a partner at Manatt, Phelps & Phillips LLP, cites Cahill’s patience and empathy as his most compelling strengths.

“When I have a case that I really want to get settled, where it’s particularly important, he’s on a very short list,” Struve said.

Here are some attorneys who have recently used Cahill’s services:

William R. Friedrich, Farella Braun & Martel, San Francisco; Forest A. Hainline III, Goodwin Procter LLP, San Francisco; Linda E. Klamm, Hanson Bridgett LLP, San Francisco; Andrew H. Struve, Manatt, Phelps & Phillips LLP, Costa Mesa; Christopher S. Yates, Latham & Watkins LLP, San Francisco; Douglas W. Sullivan, Crowell & Moring LLP, San Francisco; Mark G. Sheridan, BatesCarey LLP, Chicago; Stephen L. Goff, King & Spalding LLP, Sacramento; Michael P. Tone, Wilson Elser Moskowitz Edelman & Dicker LLP, Chicago; Daniel H. Bookin, O’Melveny & Myers LLP, San Francisco; Marcy J. Bergman, Bryan Cave LLP, San Francisco; David S. Steuer, Wilson Sonsini Goodrich & Rosati PC, Palo Alto; Richard F. Schwed, Shearman & Sterling LLP, New York; Kathryn A. Stebner, Stebner & Associates, San Francisco; Michael H. Wetmore, Poisinelli PC, St. Louis; Donald J. Putterman, Putterman Logan LLP, San Francisco