

VERDICTS & SETTLEMENTS

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Committed To Closing

Mediator Catherine Gallagher has a reputation for persistence, even when a case looks destined for trial.

By Ben Adlin

Daily Journal Staff Writer

Lawyers say when it comes to settlements in mediations, retired Judge Catherine A. Gallagher is ruthless.

"She's just got no quit in her," said James McManis, a name partner at McManis Faulkner in San Jose. "She's not one of these 5 o'clock mediators who say, 'OK, you've had your day and it's time to go home.' She wants so much to help parties settle their dispute that she'll work until 1 o'clock in the morning. If she can't get it done today, she'll be on the phone tomorrow."

Steven P. Braccini, a trust and estates lawyer at Hopkins & Carley in San Jose, said all three of his mediations involving Gallagher ended in settlements. One case, however, was "a little more adversarial than it could have been," and ended up going to trial before a separate judge. The matter was decided, he said, then the other side appealed. But while the case was on appeal, Gallagher stepped back in.

"She stuck with it," Braccini said. Over the year the matter was in trial, he said, Gallagher coordinated phone calls with the parties and helped move them toward a resolution. Before the appellate court's ruling, Gallagher brokered a settlement. "Her dedication and diligence is second to none."

"She's not going to pull the ripcord early," agreed Jeffrey A. Riebel, who brought a family law case to Gallagher after nearly a year with another judge. The case involved three separate settlement conferences, throughout which he said Gallagher remained "very optimistic that the case should settle and that settlement was the best path for both parties."

Her optimism, Riebel said, is contagious. She has "a way of talking to people and ap-



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proaching cases that makes them inherently act in a more reasonable matter," which helped nudge parties into rethinking their positions, he said.

But despite Gallagher's efforts, Riebel's matter didn't settle. It went to trial, and the parties picked Gallagher to hear the case.

"When it came down to it, she pulled the trigger," Riebel said. "She wasn't wishy-washy. She was extremely clear."

Gallagher said her passion for reaching resolutions stems in part from her time as a Santa Clara County Superior Court judge. Over her 25 years as a bench officer, she heard cases in every division and spent two years as the court's presiding judge.

"Being a judge for so many years, I never had anybody tell me that they enjoyed litigating a case," Gallagher said. Parties often complained of high stress and lost sleep, she said, and, at the end of it all, very few who went to trial actually got what they wanted.

She recalled a medical malpractice suit she heard from the bench. The patient, who eventually lost the case, went home without a dime. And though the doctor technically won, he still felt his reputation had been ruined.

"That's why I'm so hot on ADR," she said, "because you can creatively fashion a solution to the unique facts of the case."

While some neutrals handle just one type of law, Gallagher's work spans family, employment, trusts and estates, professional liability and business and commercial matters.

Catherine A. Gallagher

JAMS

Location: Silicon Valley

Areas of Specialty: Trusts and estates, family law, employment, business and commercial law, professional liability

Her experience in the division of enforcement at the Securities and Exchange Commission even gives her the expertise to sift through complicated financial matters, attorneys said.

Neda A. Mansoorian, a litigator at McManis Faulkner, said that one of Gallagher's greatest strengths is how she manifestly listens.

"Most clients view mediation as the first time that somebody's listened to them about their side of the case," she said. "And what Judge Gallagher does is she really makes clients feel like they're being heard."

Here are some lawyers who've used Gallagher's services: James McManis, Neda A. Mansoorian and Pallie B. Zambrano, McManis & Faulkner, San Jose; Natasha M. Parrett and Philip L. Hammer, Hoge Fenton Jones & Appel, San Jose; Jeffrey A. Riebel, Simborg, Killingsworth & Riebel, Corte Madera; Stephen S. Picone, Picone & Defilippes, San Jose; Steven P. Braccini, Hopkins & Carley, San Jose; Joshua Z. Feldman, Littler Mendelson PC, Los Angeles; David I. Kornbluh, Miller Morton Cailat & Nevis LLP, San Jose; and Stephen D. Pahl, Pahl & McCay PLC, San Jose.