the Verdict
www.acctla.org
Spring 2026
Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION

Trial Judges of the Year



Hon. James Riley
Alameda County

Hon. Terri Mockler
Contra Costa County



ACCTLA would like to thank our Judges' Night Sponsors

— Platinum —

ADR Services
Burneikis Law
JAMS
Judicate West
Milanfar Law Firm, P.C.
Scranton Law Firm

— Diamond —

Arns Davis Law
Bracamontes & Vlasak, PC
Brady Law
Casper, Meadows, Schwartz & Cook
Fiore Achermann
Gwilliam, Ivary, Chiosso, Cavalli & Brewer
Haley Law Offices
Heinrich Law
Kazan, McClain, Satterley & Greenwood
Kaufman Law
Law Offices of John E. Hill
Law Offices of Michael E. Gatto
Law Offices of Suizi Lin
Law Offices of Susan Kang Gordon
Maune, Raichle, Hartley, French & Mudd, LLC
Mirador Law
Signature Resolution
Torres Law
Whiting, Ross, Abel & Campbell, LLP

— Gold —

Doctors on Lien
Steno

— Silver —

Chuck Dell'Ario

Statement of Editorial Policy

ACCTLA reserves the right to edit articles and letters sent in for publication. All editorial material, including editorial comment, appearing herein represents the views of the respective authors and does not necessarily carry the endorsement of the ACCTLA or the Board of Directors. Likewise, the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

contents

departments

4 **From the President**
Scott Lantry

Executive Director's Corner
Mariana Harris

6 **From the Editors**
Monica Burneikis & Ethan Niedermeyer

7 **Sustaining Members**

16 **Calendar of Events**

34 **CAOC Update**
Lea-Ann Tratten

features

8 **Contra Costa County Trial Judge of the Year: Hon. Terri Mockler**
Emily Dahm

10 **Alameda County Trial Judge of the Year: Hon. James Reilly**
Susan Kang Gordon

18 **Judges' Night Photos**
Hew Photography

20 **Revisiting 2018 ACCTLA Judge of the Year: Judge Herbert on What Actually Moves Cases**
Ethan Niedermeyer

22 **Let the People Be Heard: Judge Elizabeth Riles on Law, Community and the Bench**
Nicole Fuller

26 **Accountability Under Attack: How Uber is Trying to Undermine Justice**
Monica Burneikis

executive director's corner



Mariana Harris

A cancer diagnosis has to be one of the scariest things imaginable. My heart goes out to anyone who has — or has a family member who has — received such a diagnosis. Luckily, I have not received such a diagnosis, but have been informed that I carry the BRCA-2 gene, commonly referred to as the ovarian/breast cancer gene. (https://www.bebrcaware.com/).

Upon advice of my doctors and plenty of soul searching, I'm opting to have surgery to remove the organs that could result in a cancer diagnosis. I had the first of the two surgeries in February. The second surgery will be this summer. I urge anyone who may have this gene to get tested and talk to your doctor. I tell you this first, to urge you to get tested and/or take care of YOU, but also to ask for a bit of grace while I go through the next surgery.

If you can make an ACCTLA payment on the website, instead of mailing me a check, that would be very helpful. If you can send an email, instead of making a phone call, that would also be helpful. I'm not going anywhere, but for a few weeks after the surgery, I might not be as readily available as normal. I don't have an exact date for the surgery yet (gotta love Kaiser's strikes), but I will send out a listserve notice letting everyone know that I will be out of touch for a bit.

Thank you for all that you do for ACCTLA and, as always, pay your dues! ◆

from the president



Scott Lantry

I was so pleased that this year's March board meeting fell on the Feast of St. Patrick. On that day, *everyone becomes an honorary Irish person*, *regardless of race, creed, or background*. It is a celebration not only of Irish heritage, but of something profoundly American: the shared story of people striving for dignity, belonging and opportunity.

The *story of the Irish Diaspora in America is, in truth, the American story.* My Irish ancestors fled famine, persecution, and poverty, seeking on these shores the promise of a better life. Their early chapters were difficult. Far from being welcomed by the "natives," their first steps in America were marked by discrimination, hardship, and the violent turbulence captured in cultural touchstones like *Gangs of New York*. Sadly, their struggle echoes the experiences of many immigrant communities this very day: arriving with little, facing suspicion, expulsion and family separation. All while fighting for a place in the American mosaic.

Fastforward a few generations after the Irish Diaspora.

When you look at me, do you see an Irishman? *No. You see an American.*

That generational transformation — from marginalized outsider to fully integrated citizen — is the arc of countless immigrant families. Today, the descendants of those once-despised Irish newcomers are *100% embedded into America's legal, economic, and social structures*. They have become one with the American community. Their success illustrates the enduring power of our national motto: *E pluribus unum* — out of many, one.

That is why the work of our organization matters so deeply. Thanks to the efforts of our Diversity, Scholarship, Marketing and Membership committees, and our Association at large, we actively *support aspiring young lawyers from dispossessed or underrepresented backgrounds*, young people whose family stories, regrettably, often resemble those of my own ancestors. We strive with them as they integrate into the very same legal, economic, and social structures that once seemed so distant to earlier generations of immigrants.

On St. Patrick's Day, we celebrate not just heritage, but possibility. Not just Irishness, but Americanness. And above all, we celebrate the promise that across diverse stories, struggles, and journeys, *we continue to build one nation — together.*

E pluribus unum. ◆

—Scott J. Lantry is a State Bar of California certified Family Law Specialist. He is a partner with Whiting, Ross, Abel & Campbell, LLP. He can be reached at slantry@disso.com.



This is Lawyer Jayme



This is Lawyer Jayme
after advertising in *The Verdict!**

For affordable advertising that
reaches your peers and judiciary,
advertise in *The Verdict* today!

one-issue B&W ads from $250 - $500
four-issue B&W ads from $880 - $1,800

For rates, contact:
Mariana Harris
acctriallawyers@gmail.com

*Scott's results are not guaranteed.

Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION

Alameda-Contra Costa Trial Lawyers' Association
4450 Mira Loma Drive, Pittsburg, CA 94565
925.257.4214 • www.acctla.org

2026 Officers
Scott Lantry, *President*
Susan Kang Gordon, *President-Elect*
Tiega Varlack, *Treasurer*
Rosie Torres, *Secretary*

Executive Director
Mariana Harris

Board of Governors
Sophia Achermann
Monica Burneikis
Denyse Clancy
Emily Dahm
Nicole Fuller
Catherine Haley
Michael Haley
Laurel Halbany
Andrew Johnson
Ann Kariuki
JoAnn Kingston
Terry Leoni
Lia Marks
Valerie McGinty
Gunter Mihaescu
Shahrad Milanfar
Ethan Neidermeyer
Andrew Neilson
Rya Nelson
Andrew Oberst
Sonya Smallets
Brendt Spears
Isabelle Tan
Denise Top
Chris Viadro

Past Presidents
Peter Alfert
Bryce C. Anderson
Kelly Balamuth
Richard J. Baskin
Richard D. Bridgman
Cat Cabalo
Lyle Cavin
Stephen H. Cornet
A. Charles Dell'Ario
Steven W. Derby
Brian P. Evans
Jennifer Fiore
Daneen C. Flynn
William Gagen, Jr.
Michael Gatto
William D. Gibbs
J. Gary Gwilliam
Matthew Haley
John Hallbauer
Molly Harrington
Marjorie Heinrich
David Hicks
Peter J. Hinton
Casey Kaufman
Eric H. Ivary
Steven Kazan
Micha Star Liberty
Teresa Li
Suizi Lin
Michael J. Markowitz
David McClain
Alexis McKenna
Patrick J. McMahon
Anthony Petru
Paul L. Rein
Elise R. Sanguinetti
Eric Schnumacher
Robert G. Schock
Julia Sherwin
Aaron Simon
Richard J. Simons
Scott H.Z. Sumner
John M. Starr
Shawn Tillis
Leroy F. Vadney
R. Lewis Van Blois
Jayme Walker
Erika Jacobsen White
William F. Whiting
Jim W. Yu

THE Verdict
A publication of the Alameda-Contra Costa Trial Lawyers' Association
- Since 1970 -

Editors
Monica Burneikis • 510.328-3238
Ethan Niedermeyer • 510.907.9577

Design & Production
Young Design • 707.853.1417


Monica Burneikis


Ethan Niedermeyer

Dear Readers,

This issue of *The Verdict* belongs to the bench. It is dedicated to the judges who show up day after day in our local courthouses — prepared, patient, and committed to the fair administration of justice — and to the lawyers who work before them. It is also a call to action, because one of the most significant threats to civil justice in recent memory is currently gathering signatures for a spot on California's ballot.

In January, ACCTLA's Judges' Night Gala honored two jurists whose careers reflect everything we value in a trial judge. Judge Terri Mockler, this year's Contra Costa County Trial Judge of the Year, arrived on the bench after nearly three decades as a public defender, and it shows in how she runs her courtroom. Judge James Reilly, this year's Alameda County Trial Judge of the Year, brings the perspective of a seasoned litigator to the Settlement Conference Division, where his understanding of risk and resolution has made him one of the most effective settlement judges in the county. We also revisit Judge Herbert, ACCTLA's 2018 Judge of the Year, who sat down with us after leaving the bench to reflect on what actually moves cases and what he wishes more lawyers understood before walking into a settlement conference.

Also in this issue, Judge Elizabeth Riles of the Alameda County Superior Court sat down for a wide-ranging interview that members of the plaintiff's bar will not want to miss. Before taking the bench, she built her career exactly as many of us have: on the plaintiff's side, cofounding her own firm, and fighting for clients in employment and personal injury matters. What she has to say about courtroom preparation and what judges actually observe from the bench is worth reading carefully.

You will also find a clear-eyed look at Uber's October 2025 ballot initiative, which, if passed, would fundamentally alter the rights of injured Californians. The initiative would cap medical recovery at artificially low reimbursement rates, restrict the right to contract, and erect new procedural barriers that would make it harder for ordinary people to find and retain counsel. Our article examines what the initiative actually does — not what Uber claims it does — and why every trial lawyer in this state has a stake in its defeat. This is not a distant policy debate. It is a direct attack on the tools our clients depend on, and our client ability to access justice. It demands our attention.

As co-editors, we are grateful to the contributors who made this issue possible, and to the judges who generously gave their time to speak with us. The judiciary is not a monolith. It is made up of individuals who chose a different form of service, each bringing a distinct history to the bench. The profiles and interviews in this issue remind us of that, and of the importance of knowing who is presiding when we walk into the courtroom.

We hope this issue energizes and informs. The work of justice is ongoing — in settlement conferences and jury trials, in ballot campaigns and courtroom arguments. Thank you for being part of this community and for reading *The Verdict.* ◆

— Monica Burneikis is the founder of Burneikis Law, P.C., in Oakland. She represents plaintiffs in personal injury matters, including vehicle collisions, premises liability, and government entity claims. She can be reached at (510) 328-3238 or through burneikislaw.com.

— Ethan Niedermeyer is an attorney at Viadro Law, LLP, in Oakland, where he represents plaintiffs in personal injury actions often accompanied by a workers compensation claim. He can be reached through viadrolaw.com.

Would you like to be published?

Publication in **The Verdict** is excellent exposure. Our readers are most interested in issues surrounding plaintiffs' personal injury, family, appellate, criminal and/or business law.

If you're interested in submitting an article, please email it to:
Mariana Harris, acctriallawyers@gmail.com

Current ACCTLA Sustaining Members

MARY ALEXANDER

RICHARD BASKIN

BENNETT & JOHNSON
William Johnson
Andrew Johnson

BRADLEY BOSTIC

BRADLEY BOWLES

STEVEN J. BRADY

LILIA BULGUCHEVA

MONICA BURNEIKIS

CATHERINE CABALO

JOSEPH W. CAMPBELL

ADAM CARLSON

FELICIA CURRAN

JONATHAN DAVIS

A. CHARLES DELL'ARIO

JOHN FETTO

FIORE ACHERMANN
Sophia Achermann
Jennifer Fiore

GILLIN, JACOBSON, ELLIS, LARSEN & LUCEY
Luke Ellis
Andrew R. Gillin
Ralph Jacobson
James Larsen
Kristin M. Lucey

SARAH GILSON

TANYA GOMERMAN

MIKE GUASCO

GWILLIAM, IVARY, CHIOSSO, CAVALLI & BREWER
J. Gary Gwilliam
Winston Moody
Robert J. Schwartz
Jayme Walker
Rya Nelson

LAUREL HALBANY

CATHERINE HALEY

MICHAEL HALEY

CHE L. HASHIM

HEINRICH LAW
Marjorie Heinrich
Ethen Wimert

JOHN E. HILL

JEAN K. HYAMS

IKE KALUDI

SUSAN KANG GORDON

ANN M. KARIUKI

CASEY KAUFMAN

KAZAN, McCLAIN, SATTERLEY & GREENWOOD
Steven Kazan
David McClain
Joseph D. Satterley
Gordon Greenwood
Denise Abrams
Yemi Ajayi
Teresa Allen
Angelina Austin
Jennifer Bartlett
Denyse Clancy
William Cross
Petra DeJesus
Anderson Lam
John Langdoc
Michael Reid
Henry Steinberg
Michael T. Stewart

JoANN KINGSTON

SCOTT LANTRY

TERRY LEONI

SUIZI LIN

LAW OFFICES OF CAVIN & MARKS
Lyle C. Cavin, Jr.
Lia Marks

LAW OFFICES OF MICHAEL E. GATTO
Michael Gatto
Brendt Spears

VALERIE McGINTY

CELIA McGUINESS

GUNTER MIHAESCU

MILANFAR LAW FIRM
Shahrad Milanfar
Jonathan Lee
Lucas Anderson

MIRADOR LAW
Megan Burns
Emily Dahm

ANDREW NEILSON

O'DONNELL & SMITH
James O'Donnell
Sara Smith

DEMIAN OKSENENDLER

DAVID RATNER

WILLIAM F. RUIZ

ELISE R. SANGUINETTI

RICHARD SIMONS

SONYA SMALLETS

RANDY SULLIVAN

SUMNER LAW
Scott Sumner
Andrew Oberst

SHAWN TILLIS

DENISE TOP

ROSEANN TORRES

R. LEWIS VAN BLOIS

TIEGA VARLACK

VENARDI ZURADA, LLP
Mark L. Venardi
Martin Zurada

VIADRO LAW
Christopher Viadro
Ethan Niedermeyer

RYAN VLASAK

CHRISTINA WEED

JOHN WINER

DAVID WOLF

JIM W. YU

Contra Costa County Trial Judge of the Year

— Hon. Terri Mockler —

by Emily Dahm



Trial lawyers do not bestow praise lightly.

We see judges where it matters most — under pressure, with overflowing calendars, complex cases, difficult counsel, emotional litigants, and real consequences hanging in the balance. We see who is prepared. We see who is patient. We see who has perspective and appreciates the weight of their decisions on the lives of the litigants before them.

That is why it is especially meaningful that this year's Contra Costa County Trial Judge of the Year is Judge Terri Mockler.

Judge Mockler has served on the Contra Costa County Superior Court since 2012. Over the course of her judicial tenure, she has distinguished herself across each of her judicial assignments — civil, felony trials, family law and juvenile justice. In every assignment, she has earned a reputation for fairness, preparedness, efficiency and deep respect for the trial process.

But to fully understand what makes Judge Mockler an excellent jurist, it helps to understand what brought her to the law in the first place: an unwavering commitment to justice and fairness. Raised in the Midwest, north of Chicago, Judge Mockler developed early awareness of systemic injustice and inequity. That awareness did not remain abstract. It shaped her path, inspiring her to pursue a legal career grounded in service and advocacy. It also instilled in her a lifelong commitment to treating others with dignity and respect.

Before taking the bench, Judge Mockler spent nearly three decades as a public defender serving indigent defendants in Contra Costa, Solano and Tulare Counties. For almost 30 years, she stood beside individuals facing the immense power of the state, safeguarding due process and the rights of the accused when the stakes couldn't be higher.

Judge Mockler is a trial lawyer at heart. A passionate and prolific advocate, she loved being in trial. Three decades as a public defender gave her ample opportunity. Even after moving into management within the Public Defender's Office, she continued trying cases.

Her love of trial did not fade when she took the bench. Judge Mockler remains, at her core, a trial judge. She believes deeply in the right to a jury trial and in the value of community participation in our justice system. She respects tenacious advocacy. She understands what it means to stand at counsel table — because she has done it thousands of times herself.

In her courtroom, she is prepared. She reads the briefs. She knows the record. She moves cases efficiently while ensuring both sides are heard. She treats lawyers with professionalism and respect, and she creates a courtroom environment where justice can flourish because everyone is given space to be heard. Judges who truly understand trials create room for justice to thrive. Judge Mockler does exactly that.

Her leadership extends well beyond the courtroom. Judge Mockler is a committed contributor to the broader legal community. She serves on the Executive Board of the California Judges Association, chairs her court's Ethics and Bias Committees, serves on the statewide Judicial Council committee focused on access and fairness, and teaches judicial ethics throughout California. She frequently lectures on judicial independence — an issue of profound importance in today's legal climate.

> "Judge Mockler is a trial lawyer at heart . . . Her love of trial did not fade when she took the bench.

Her commitment to mentorship is equally remarkable. A longstanding member of the Robert G. McGrath Inn of Court, Judge Mockler has devoted years to guiding and teaching the next generation of trial lawyers. She has coached, scored and judged in the statewide High School Mock Trial program for nearly three decades — investing in students long before they ever consider law school.

Her service extends beyond the legal profession. Judge Mockler has mentored at-risk teen girls in partnership with the Contra Costa County Probation Department, tutored Afghan women learning English as a second language, delivered meals to house-bound seniors, and supported her local library.

In short, Judge Mockler embodies the qualities trial attorneys hope for in a judge: independence, preparation, fairness, community connection, inclusion, and a profound respect for the trial process. Her career reflects not only professional excellence but also a moral commitment to justice that has guided her from public defender to trial judge. It is fitting — and deeply deserved — that she is honored this year by the very trial lawyers who appear before her.

Congratulations to the Honorable Terri Mockler, Contra Costa County Trial Judge of the Year. ◆



— Emily L. Dahm is a partner at Mirador Law, where she practices plaintiff's personal injury and criminal defense law throughout the Bay Area. After beginning her career at Latham & Watkins, she became a trial attorney at the San Francisco Public Defender's Office before going into private practice. Ms. Dahm has tried over 30 criminal and civil cases to jury verdict and is a Fellow of the American College of Trial Lawyers. In 2025, she was a Finalist for the San Francisco Trial Lawyers Association's Trial Lawyer of the Year award and named by the Daily Journal as one of California's Top Plaintiff Lawyers in 2025. She can be reached at emily@miradorlaw.com.

Alameda County Trial Judge of the Year

— Hon. James Reilly —

by Susan Kang Gordon



Judge James Reilly is a true Golden Californian in every sense of the phrase. A sixth-generation Californian, Judge Reilly was raised with a bedrock foundation of values instilled by parents who understood that honor, respect, and service to the community are not merely aspirations — they are a way of life. These principles have guided every chapter of his distinguished career, from his early years in uniform to the courtrooms of Alameda County.

Following in his father's footsteps, Judge Reilly answered the call to serve by enlisting in the United States Navy. That experience of discipline, mission focus, and duty to something larger than oneself would prove formative, shaping the kind of practitioner and jurist he would become. After his military service, Judge Reilly continued his commitment to public service by pursuing a career in law.

He earned his law degree from the University of San Francisco School of Law, where he distinguished himself academically and as a leader. He served as Editor-in-Chief of the law review and was recognized with the prestigious Hon. Harold J. Haley Award for scholarship and leadership — an honor that speaks to both his intellectual rigor and his character.

For more than 30 years, Judge Reilly built a highly respected private practice, representing clients across a wide range of complex commercial matters. His areas of expertise included:

- *Business disputes and commercial litigation*
- *Securities fraud*
- *Antitrust matters*
- *Product liability*
- *Personal injury*

This breadth of experience gave Judge Reilly a rare and valuable skill: the ability to view litigation from multiple vantage points simultaneously — understanding the legitimate concerns of plaintiffs and defendants alike, and the pressures each side faces as a case winds through the legal system.

In 2018, Judge Reilly was appointed to the Alameda County Superior Court by Governor Jerry Brown, a recognition of his decades of service and his standing in the legal community. From 2019 through 2024, he was assigned to the Civil Division, where he presided over approximately one hundred trials — gaining deep familiarity with how cases develop, what drives them to verdict, and what might have led to earlier resolution. In 2024, Judge Reilly transitioned to the Settlement Conference Division, where he has since overseen hundreds — if not thousands — of civil case settlements spanning nearly every area of civil law, including:

- *Personal injury and wrongful death*
- *Employment disputes and workplace discrimination*
- *Breach of contract*
- *Elder abuse*
- *Professional negligence and malpractice*
- *Property disputes and boundary conflicts*
- *Product liability*
- *Landlord-tenant matters*
- *Construction disputes and mechanics liens*

That volume and variety of experience has made Judge Reilly one of the most seasoned settlement conference judges in the region — and one of the most effective.

Judge Reilly's Approach to Settlement Conferences

Judge Reilly approaches every Mandatory Settlement Conference (MSC) the same way he approached the practice of law: with competency, clear communication, and a firm belief in the power of zealous, professional advocacy. He understands that resolving a dispute is not simply a matter of splitting the difference — it requires each party to feel genuinely heard, to understand the real risks they face, and to make informed decisions with the guidance of capable counsel.

His philosophy is grounded in a fundamental truth about litigation: trials are uncertain, expensive and exhausting. The parties who do best are rarely those who win at trial — they are those who negotiate from a position of strength, clear-eyed about the value of their case, with counsel who have prepared thoroughly and communicated candidly. Judge Reilly's role is to create the conditions for that kind of settlement to happen, and he takes that role seriously.

What follows is a detailed look at the principles and practices that define how Judge Reilly conducts settlement conferences — and what attorneys and parties can expect when they walk into his courtroom.

1. Thorough Preparation

The Foundation of Every Successful MSC

Judge Reilly does not arrive at a settlement conference cold. Before the session begins, he reviews the parties' settlement conference statements carefully and examines the court's docket in detail, looking for patterns, procedural history, and any signals about where the case stands and where the sticking points might be. He approaches this pre-session review not as a formality, but as genuine preparation — because he believes that a well-informed settlement judge is a more effective one.

He then meets separately with each side at the outset to fill in any gaps left by the written submissions. These early conversations are not mere pleasantries. Judge Reilly uses them to take the measure of the case — and of the people involved. What are the real priorities? Where is the flexibility? What is the emotional temperature? Are there relationship dynamics at play that could either facilitate or derail settlement? He listens for the answers to these questions even when they are not explicitly stated.

Judge Reilly expects the parties to match his level of preparation. For plaintiffs' counsel, that means having a firm and defensible damages calculation — not a range pulled from thin air, but a number grounded in evidence, precedent, and a ▶

realistic assessment of what a jury is likely to award. He expects counsel to be able to walk through the elements of damages with specificity: medical expenses, lost wages, pain and suffering, future care needs, and any special damages particular to the case.

For defense counsel, preparation means being equally versed on the value of the case — not just the legal defenses, but the genuine exposure the client faces if the case goes to trial. That includes an honest appraisal of the strength (and the weaknesses) of the liability defense, the credibility and likability of key witnesses, the persuasiveness of the opposing expert, and the general tenor of jury verdicts in similar cases in Alameda County. Defense counsel who walk in armed only with their best-case scenario will quickly find that Judge Reilly is not interested in best cases — he is interested in realistic ones.

The practical takeaway is simple: come prepared, come organized, and come ready to engage. The MSC process moves quickly, and there is no time to reconstruct a case from scratch once the session is underway. Attorneys who have done their homework will find Judge Reilly to be a highly effective partner in reaching resolution. Those who have not will find the process far more uncomfortable than it needs to be.

2. Active Listening

Truly Understanding Each Party's Position

One of Judge Reilly's most distinctive qualities — and one that attorneys who have worked with him consistently remark upon — is his capacity for genuine, active listening. This is not a passive quality. It is a deliberate practice rooted in his deep respect for the parties and his understanding that people cannot move forward in a negotiation until they feel truly heard.

In practice, active listening means that Judge Reilly does not simply wait for his turn to speak. He absorbs what is being said, processes it against the facts he has already gathered, and pays close attention to what is not being said — the hesitations, the qualifications, the moments when a party or attorney holds something back. Often, the most important information in a settlement conference is communicated between the lines, and Judge Reilly has developed a refined ability to read those signals.

He is genuinely curious about the human dimensions of each case. Behind every dispute is a story, and Judge Reilly wants to understand it. Why does this matter so much to the plaintiff? What is the defendant actually afraid of? Is there a business relationship at stake? A reputation? A principle that feels non-negotiable but might actually have some give? Understanding these deeper motivations allows Judge Reilly to craft approaches to settlement that address what the parties actually need — not just what they have demanded in their pleadings.

His experience across so many different case types serves him especially well here. Having presided over personal injury cases, employment disputes, elder abuse claims, contract breaches and construction defects, he has developed an unusually rich frame of reference. When he hears a new case, he can quickly identify what type of dispute it resembles, what tends to drive resolution in cases like this, and what the common blind spots are on each side. That pattern recognition, built over years of intensive work in the Settlement Conference Division, allows him to listen not just to the specific facts presented but to the broader dynamics at play.

Attorneys should take note: Judge Reilly's active listening is also an invitation. He creates space for parties to tell their story fully, and he encourages counsel to let their clients speak. A plaintiff who has been waiting months or years to be heard deserves that opportunity — and sometimes, the simple act of being genuinely listened to by a judge makes the difference between a party who digs in and one who is willing to move.

3. Candid Dialogue

Confronting Strengths, Weaknesses, and the Reality of Trial

The settlement conference process is confidential, and Judge Reilly takes that confidentiality seriously — and uses it strategically. The protected space of an MSC is precisely where the most candid, productive conversations about a case can and should take place. Judge Reilly makes clear from the outset that what is said in the conference room stays there, and he uses that assurance to invite a level of frankness that is often impossible in other litigation contexts.

In his separate sessions with each party, Judge Reilly will ask counsel and their clients to engage honestly with the strengths and weaknesses of their own case. Not the version they would present to a jury — the real version. Where are the gaps in the evidence? Which witnesses are strong on paper but may not hold up under cross-examination? Is the damages theory vulnerable to a Daubert challenge? Does the liability theory depend on the jury accepting a chain of causation that could just as easily be characterized another way? These are the questions that tend to get glossed over in the adversarial heat of litigation, and Judge Reilly will not let them be ignored at an MSC.

He also wants parties to think carefully — and honestly — about the risks of proceeding to trial. Those risks are substantial and multifaceted. Juries are unpredictable. Even strong cases can be ▶



lost. Even weak defenses can carry the day. The cost of trial — in time, money, emotional energy and disruption to the parties' lives and businesses — is real and significant. And there is always the possibility of an adverse outcome that exceeds what could have been achieved at the settlement table, in either direction.

Judge Reilly is skilled at presenting these realities without alienating the parties. He does not lecture or moralize. He asks questions and presents scenarios. He might say: "Help me understand how you see this playing out at trial. What happens if the jury doesn't buy that theory?" Or: "I've seen cases like this go to verdict in Alameda County. Let me share what I've observed about how juries respond to this type of claim." These are invitations to think, not indictments.

Crucially, Judge Reilly adapts his approach to the specific needs and temperament of each party. Some parties need a gentle nudge — a quiet conversation that helps them see the case from a different angle and arrive at a more realistic assessment on their own. Others need a firmer hand — a direct conversation that does not allow them to retreat into wishful thinking or positional bargaining. Judge Reilly reads the room and calibrates accordingly. His goal is never to pressure anyone into a bad settlement, but to ensure that every decision made at the table is an informed one.

This candid approach extends to counsel as well. Judge Reilly respects the role of the advocate and values zealous representation. But he also knows that the best service an attorney can provide at an MSC is an honest assessment of the case — not cheerleading, not false confidence, and not an inflated demand or an unrealistically low offer designed to signal toughness. When counsel are candid with their clients and with the process, settlements happen. When they are not, opportunities are lost.

4. The Art of the Question

Guiding Parties Toward Realistic Assessment

Attorneys preparing for a settlement conference with Judge Reilly should expect to answer a great many questions. This is by design, and understanding the purpose behind his questioning will help counsel prepare more effectively and get more out of the process.

Judge Reilly asks questions for several distinct reasons, and skilled counsel will learn to distinguish between them. Some questions are informational: he genuinely does not know the answer and needs it to properly evaluate the case. What is the current status of the plaintiff's treatment? Has the expert been designated, and if so, what is the nature of their opinion? Are there coverage issues that could affect the settlement range? These questions are straightforward, and the answers help him understand the landscape.

Other questions serve a different purpose entirely. Judge Reilly will sometimes ask a question not because he needs the answer, but because he wants the party or attorney to hear themselves articulate it. When a plaintiff's attorney is asked to explain, step by step, exactly how they would prove causation at trial, and finds themselves struggling to answer clearly, that struggle is itself valuable information — for the attorney, and for the client sitting in the room. Similarly, when a defense attorney is asked to explain why a jury would find their client more credible than the plaintiff, and the answer is less compelling than they expected, that realization can shift a negotiation that has been stuck.

Judge Reilly also uses questions to surface issues that parties have downplayed or overlooked. A damages calculation that omits a significant component. A liability theory that depends on an inference the jury may not draw. A witness whose credibility issues have been rationalized away rather than honestly confronted. A prior verdict in a similar case that cuts against one party's position. By asking the right questions at the right moment, Judge Reilly can bring these issues into focus without being confrontational — and in doing so, move the negotiation toward a more realistic zone of potential agreement.

Experienced litigators sometimes assume they have heard every question a settlement judge might ask. Judge Reilly has a way of surprising them. His depth of experience across so many types of cases — and his genuine engagement with the specific facts of each matter — means that his questions are tailored, probing, and sometimes uncomfortably incisive. The best preparation for this is the same preparation that good lawyering always requires: know your case thoroughly, know its weaknesses, and be ready to discuss both honestly.

Clients, not just counsel, should be prepared for this process as well. Judge Reilly values direct engagement with the parties themselves — not just their attorneys. A client who has been coached to simply follow their lawyer's lead and say nothing will find the process less effective than one who is genuinely prepared to participate. Judge Reilly wants to understand what the case means to the parties, what resolution would look like for them, and what is standing in the way. When clients can articulate those things directly, the path to settlement often becomes much clearer.

5. Building and Sustaining Momentum Toward Resolution

An MSC is not a leisurely private mediation with unlimited time for the negotiation to unfold at its own pace. The session has a defined window, and Judge Reilly is acutely aware of that constraint from the moment the conference begins. His focus, accordingly, is on generating momentum early and sustaining it throughout the session.

Momentum in a settlement conference is a fragile thing. It builds when parties feel progress is being made — when an offer is responded to thoughtfully, when a concession is met with genuine movement, when both sides begin to sense that resolution is within reach. It collapses when parties dig in, when offers are met with silence or dismissal, or when the conversation stalls on a point that one side refuses to move beyond. Judge Reilly has learned to recognize the early signs of both and to intervene accordingly.

One of his most effective tools for building momentum is his ability to help parties identify what they actually need — as opposed to what they initially demanded. In many cases, the gap between the parties is smaller than it appears on the surface. A plaintiff who demanded a large number may be primarily motivated by a desire for acknowledgment or an apology; a defendant who has offered very little may have more flexibility than their opening number suggests, but is waiting for some signal that the plaintiff is serious about settling. Judge Reilly excels at creating the conditions under which these underlying interests can surface and be addressed creatively.

He is also skilled at helping parties move off positions that have become entrenched not because of principled disagreement, but because of pride, stubbornness, or a reluctance to appear weak. Litigation can create its own internal dynamics — sunk cost fallacy, ego investment in a legal theory, a client who has told friends and family they will 'win' — that have nothing to do with the merits of the case. Part of Judge Reilly's role is to gently and respectfully disentangle those dynamics from the actual legal and factual issues, creating space for more rational decision-making.

When movement begins to happen, Judge Reilly works to keep it going. He will often suggest specific next offers, provide perspective on whether a proposal is within a realistic settlement range, and help counsel sequence the negotiation in a way that keeps the other side engaged. He is not a passive facilitator who simply shuttles numbers back and forth — he is an active participant in the negotiation, offering perspective, challenging assumptions, and helping the parties find the path to agreement.

Importantly, Judge Reilly does not treat the end of the conference session as the end of the process. If a case has not settled during the MSC but he believes resolution is genuinely close, he will follow up with counsel after the session — in the evenings, over weekends, during holidays if necessary. He has settled many cases in the hours and days after an MSC formally concluded, often with a phone call that helped move a stalled negotiation over the finish line. Counsel should be ready for those calls. When Judge Reilly believes a deal is there to be made, he will work tirelessly to make it happen.

6. Professionalism, Civility and Respect

Non-Negotiable Expectations

Judge Reilly's settlement conferences operate within a framework of mutual respect, and he makes clear from the outset that this is not a suggestion — it is an expectation. Professionalism and civility are not merely courtesies in his courtroom; they are the foundation upon which productive negotiation is built.

This expectation extends to all participants: counsel, clients, and any other representatives present. Acrimony between parties may be entirely understandable given the nature of the dispute, but allowing that acrimony to dominate the conference room will not serve anyone's interests. Judge Reilly has a practiced ability to de-escalate emotionally charged situations — to acknowledge the legitimacy of strong feelings while redirecting the energy of the room toward constructive problem-solving. He does this with patience and sincerity, never in a manner that dismisses or minimizes what the parties are experiencing.

Counsel, in particular, are expected to model the professionalism they would want to see in the process. This means listening respectfully when the other side speaks, refraining from inflammatory characterizations of opposing counsel or their clients, and engaging in the negotiation in good faith. It means being honest with Judge Reilly — even when honesty is uncomfortable — about the real dynamics of the case and the real constraints on settlement. And it means treating the process itself with the seriousness it deserves.

Judge Reilly also places a high value on good working relationships within the legal community. He recognizes that the attorneys who appear in his courtroom will go on to work with each other on future cases, and that the manner in which they handle themselves at a difficult settlement conference reflects on them professionally long after the specific case is resolved. He actively discourages tactics that damage those relationships unnecessarily, and he models the kind of engaged, respectful professionalism he expects to see from others.

In short, attorneys and parties who approach Judge Reilly's settlement conferences with professionalism, preparation, ▶

Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION

— Calendar of Events —

Thursday, April 23
Think Like a Doctor: *Tips for Introduction of Medical Evidence*
MCLE-Zoom | Noon (See page 25 for more information)

Thursday, May 7
Attorney Advertising in California: *Navigating the New Normal*
MCLE -Zoom | Noon (See page 31 for more information)

Thursday, July 16
Diversity Mixer — Tipsey Putt
Emeryville | 5:30pm

Sunday, July 26
Annual BBQ | Roberts Regional Park, Oakland

Friday, August 14
Scholarship Fundraiser (location & final date tbd)

Thursday, August 20
MBC Mocktail Mixer
Gwilliam's Office | 5:30pm

Thursday, September 10
The Nuts & Bolts of Medicare Secondary Payer Compliance
MCLE | Noon

Wednesday, September 16
Fall Social | Lafayette Park Hotel

Thursday, January 21, 2027
Judges' Night Gala | Bloc15

Neurology, Neurotoxicology, Occupational and Environmental Medicine

Jonathan S. Rutchik, MD, MPH, FACOEM, FAAN
Professor, University of California at San Francisco

— Worker's Compensation, Personal Injury, Fitness for Duty —

Board-certified in both Neurology and Occupational / Environmental Medicine. Focuses on Neurotoxicology, Organic Solvents, Heavy Metals, Mold, Pesticides, Neuropathy, Brain Trauma, Disability, Risk Assessment, Neuroepidemiology, Product Liability, Utilization Review, Upper/Lower Extremity Head, Neck, Back Injury, Plaintiff, Defense.

C: 415.606.1465 • F: 415.381.3131
jsrutch@neoma.com • www.neoma.com

Locations in San Francisco, Richmond, Petaluma, Sacramento and Eureka/Arcata

and a genuine commitment to resolution will find him to be an extraordinarily effective partner. Those qualities, combined with his depth of experience, his genuine investment in each case, and his willingness to go the extra mile to bring parties together, make him one of the most valuable resources available to litigants in Alameda County.

A Judge Committed to Resolution

Judge Reilly brings to every settlement conference the same values that have defined his career: honor in how he engages with others, respect for the parties, their counsel, and the process itself, and a genuine sense of service to the community he has spent his life serving.

He is fully committed to helping all parties reach resolution — not because settlement is always easy, but because in most cases it is the wisest path forward. With his decades of litigation experience, his breadth of exposure to virtually every type of civil dispute, and his deep investment in each case he touches, Judge Reilly ensures that every party who walks into his settlement conference receives a fair, thorough, and — in the vast majority of cases — a successful process.

For attorneys and parties preparing for an MSC with Judge Reilly, the message is simple: come prepared, be candid, and be ready to engage. He will meet you more than halfway. ◆



— Susan Kang Gordon practices personal injury and elder abuse in her Orinda Office. She was the 2022 Trial Lawyer of the Year for the San Francisco Trial Lawyers Association and the 2021 Trial Lawyer of the Year for the Ventura County Trial Lawyers Association. She can be reached at susan@skg-law.com.

GWILLIAM IVARY CHIOSSO
CAVALLI & BREWER
COMPASSION . EXPERIENCE . RESULTS

1999 HARRISON ST., SUITE 1600, OAKLAND, CA 94612
(510) 832-5411 / WWW.GICCB.COM



OVER 40 YEARS OF EXCELLENCE IN CIVIL LITIGATION

Since 1978, our mission has been clear: helping people who are injured and suffering get the compensation and results they need to move foward. In turn, we endeavor to help create safer and more just communities for everyone. We are a 100% contingency law firm.

The Leading Plaintiff's Employment Law Firm in the East Bay.
Generous referral fees paid.

How We Can Help:

Employment Law/Personal Injury
Discrimination and Retaliation/Police Misconduct
Whistleblower/Civil Rights/Insurance Disputes and Bad Faith

Judges' Night Gala

January 29, 2026 | Bloc15, Oakland

Honoring

Terri Mockler

Contra Costa Trial Judge of the Year

and

Hon. James Riley

Alameda Trial Judge of the Year



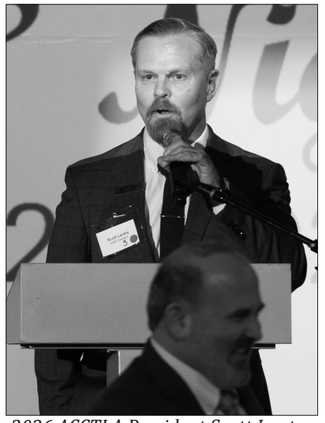
Event MC Jennifer Fiore



Hon. James Reilly, Alameda County Judge of the Year, receives his award from Susan Kang Gordon



Emily Dahm and Contra Costa Judge of the Year, Hon. Terri Mockler



2026 ACCTLA President Scott Lantry



Keynote Speaker Erwin Chemerinsky



Matthew Haley, Michael Haley and Scott Lantry

Anne Bloom and Nicky Ozer





Jonathan Davis, Marissa Boling, Juan Flores, Shounak Dharap and Juancarlos Hernandez

photos by Stephen Hew Photography

Lyle Cavin, Gary Gwilliam and Eric Ivary





Judge Robert McGuiness (Ret.), Justice James Lambden (Ret.), Eric Ivary, Judge Steve Austin (Ret.) and Justice Maria Rivera (Ret.)

Casey Kaufman and Mariana Harris





Marjorie Heinrich, Judge Tara Flanagan and Deb Kinney

Revisiting 2018 ACCTLA Judge of the Year

Judge Herbert on What Actually Moves Cases

by Ethan Niedermeyer



If you've practiced in Alameda County over the past decade, there's a good chance you've stood in a hallway waiting for your case to be called — watching settlement conferences unfold under the steady hand of Judge Herbert. And if you did, you probably noticed something: cases moved.

Now, after more than 40 years in civil litigation, appellate work and over a decade on the bench, Judge Herbert is bringing that same approach to his work as a private neutral. For ACCTLA members, his perspective is especially valuable — not just because of where he's been, but because of how clearly he sees what actually drives resolution.

We asked Judge Herbert what younger attorneys tend to misunderstand about how judges evaluate cases. His answer wasn't about a formula or a damages model — it was about credibility. Settlement value, in his view, is not just about the numbers. It's about how the case presents: how prepared you are, how consistent your story is, and whether you've done the work to understand both sides of the dispute. That perspective comes from years of seeing cases at every stage — first as an appellate attorney drafting opinions for the California Court of Appeal, then in private practice handling complex civil and insurance matters, and finally on the bench managing both direct calendars and high-volume settlement dockets.

"Each side has 50% of the power to settle — and 100% of the power not to"

Judge Herbert's first judicial assignment included multiple settlement conferences per afternoon, and it clearly left an imprint. One of his core takeaways is something every trial lawyer should keep in mind:

Each party has 50% of the power to settle — and 100% of the power not to.

It sounds simple, but it reframes how you approach mediation. Too often, lawyers walk in expecting the judge — or now, the mediator — to "solve" the case. Judge Herbert sees his role differently. He facilitates, tests assumptions, and helps parties evaluate risk — but resolution ultimately belongs to the parties.

One of the more interesting insights from Judge Herbert's time as a settlement judge is how much environment matters. When he was running a busy settlement calendar with multiple cases set at the same time, he would often start with the case most likely to settle. Why? Because success breeds success. Once one case resolved in short order, the tone of the courtroom shifted. Lawyers waiting their turn understood that the settlement process in his department would be substantive and meaningful. Settlement became the expectation, not the exception. That positive mindset carried over to the other cases and became a realistic option for their consideration. There's a lesson there for all of us: mediation is not just about your case in isolation. It's also about the energy in the room, the positive mindset you bring to the process, and whether you're signaling to your client that resolution (through reasonable compromise) is a worthwhile, achievable goal.

Judge Herbert is a strong believer in early mediation, with an important qualifier: the case has to be developed enough that the narratives are "locked in." If you go too early, before each side has committed to a theory, mediation can turn into a dress rehearsal — an opportunity to refine arguments rather than resolve the dispute. But when timed correctly, early mediation can be powerful. It can narrow issues, focus discovery, and create a more collaborative process. Judge Herbert has found this particularly effective in employment cases, where early resolution can significantly reduce costs and exposure for both sides.

Since leaving the bench, Judge Herbert has had more time to do what many of us wish judges could do more of — prepare for each mediation. He now conducts in-depth pre-mediation conferences with each side. These conversations, often held without clients present, allow attorneys to speak candidly about strengths, weaknesses and real settlement ranges. Think of it as a sidebar you actually have time for. He also places a strong emphasis on follow-up. Settlement doesn't always happen at 4:30 p.m. on mediation day, and Judge Herbert stays engaged in the days that follow to help bridge remaining gaps.

Judge Herbert's advice for practitioners is straightforward — and worth taking seriously:

- *Be in the room with your client. Zoom has its place, but when it comes to hard settlement conversations, being physically present matters. You need to be able to look your client in the eye when you're talking about risk.*
- *Work with opposing counsel, not just against them. Some of the most effective lawyers Judge Herbert observed — people like Gene Majeski and Joe Cotchett — were fierce advocates who also knew how to communicate and collaborate when it counted.*
- *Give younger lawyers real opportunities. Judge Herbert credits much of his own development to mentors who let him take on meaningful work early. That's something worth paying forward.*

Part of what makes Judge Herbert effective is the range of experiences he brings to the table. He spent years at the California Court of Appeal, drafting opinions under tight deadlines and learning to think like a judge. He practiced in complex civil litigation, including insurance coverage and bad faith. And on the bench in Alameda County from 2013 to 2024, he saw firsthand how cases succeed — or fall apart — in real time. That combination is relatively rare. As he puts it, appellate lawyers don't often get to see what happens in trial courts, and trial lawyers don't always get the appellate perspective. He's had both.

For all the discussion of strategy and process, Judge Herbert comes back to something simple: the people involved in the process. Whether it's maintaining professionalism with opposing counsel, building trust with your client, or creating the right tone in a mediation, outcomes often turn on human dynamics as much as legal ones.

Outside the courtroom, that perspective carries into his personal life. A lifelong Bay Area sports fan who grew up going to Giants games at Candlestick and watching the early Warriors teams, he now spends more time with family — and has even taken up ballroom and Latin dancing with his wife.

One "wellness" suggestion for all lawyers? Take weekly dancing lessons with your life partner. "Dancing gives you an opportunity to hold your partner in your arms for a "date night" once a week — it's much more fun, effective, and cheaper than couples counseling." Not a bad reminder for busy lawyers, like us, who spend most of their time in adversarial settings. If there's a throughline to Judge Herbert's career, it's this: preparation, professionalism, and respect still win the day. This remains an honorable profession. And if you find yourself in a mediation with him, you can expect one thing above all: a transparent process designed to actually get your case resolved. ◆

Let the People Be Heard

Judge Elizabeth Riles on Law, Community and the Bench

by Nicole Fuller



Not every judge arrives on the bench by a straight path — and Judge Elizabeth Riles would be the first to tell you that hers was not. She came up through the trenches of plaintiff's side litigation, co-founded her own firm out of necessity, and spent nearly two decades fighting for clients before a chance conversation after a trial set her on an entirely different course. Appointed by Governor Gavin Newsom on January 29, 2024, Judge Riles brings to the Alameda County Superior Court a career defined by hard-won experience rather than institutional advancement. A Berkeley native who grew up in Oakland and attended Stanford University and earned her J.D. from U.C. Berkeley School of Law in 1998, she specialized in employment discrimination and personal injury cases. She has remained grounded in the place that shaped her, guided by a commitment to integrity, fairness and service.

A Career Built on Advocacy

Judge Elizabeth Riles continues a path of service deeply rooted in the Bay Area community where she was born and raised. Before taking the bench, Judge Riles built a career advocating for others, including co-founding the Piedmont-based firm Bohbot & Riles, where she specialized in employment discrimination and personal injury cases. She later served as an administrative law judge for the California Unemployment Insurance Appeals Board and as a commissioner for the Alameda County Superior Court.

Throughout her career, Judge Riles has remained committed to public service. Alongside raising two children and practicing law, she has consistently dedicated time to volunteering and supporting organizations within her community. Now on the bench, Judge Riles carries forward the legacy of the judges who came before her — guided by a deep respect for the law and a commitment to integrity, fairness, and sound judgment for all who enter her courtroom.

We met in her chambers one afternoon after court had adjourned for the day. Though the courthouse hallways had quieted, Judge Riles was still at work — having just wrapped up a call regarding an informal discovery request when I arrived. Nearly two years into her tenure on the Alameda County Superior Court bench, her focus and dedication to the work were immediately apparent.

In Her Own Words

I know that you just were appointed to the bench about two years ago.
Yes, so I was hired as a commissioner in February of '23. And then at the end of January of '24, I was appointed by Newsom as a judge.

What is the difference between a commissioner and a judge?
A commissioner is what we call a subordinate judicial officer… authority is granted via statute. They're hired by the county, and they get delegated duties by the presiding judge. In some way, like in federal court, it's the difference between an Article 3 judge and a magistrate. Commissioners are kind of like the magistrates of state court… They have full jurisdiction in small claims matters, and can get assigned to any other matter, but the parties have to stipulate to use a commissioner.

So that's like a formal process that they have to go through?
It's usually like… if you decide to stick around and you don't say "hey, I want a judge," then you have agreed to the commissioner for that situation.

Do you have to be a commissioner prior to being a judge?
No.

So that's just the step that you took. Was it for the purpose of seeing if you liked it before doing this?
It wasn't for that purpose. What I did to see if I liked it was I volunteered as a judge pro tem. Judge Hernandez got me thinking about being a judge and recommended volunteering as a judge pro tem. I really enjoyed it.

Prior to Judge Hernandez recommending that, had you ever considered it before?
No, I hadn't really thought about it. After a trial, he talked to me in chambers and said, "Have you ever thought about being a judge? I think you would make a good judge." That's what started it.

What's your current assignment?
I'm in a civil direct calendar assignment. All civil cases, limited and unlimited, from beginning to end.

So you even handle personal injury matters, things like that?
Everything.

And you used to do personal injury and employment.
That's correct.

Has that been your career path since you graduated law school — personal injury and employment?
No.

What did you desire to go practice?
When I was in law school, I wanted to do civil rights. Before law school I worked at a firm doing employment discrimination, then I tried other things. I worked at a boutique law firm doing general litigation work, then Brobeck in San Francisco doing insurance coverage, then a small firm doing personal injury and employment. Then that dissolved, and my colleague and I started our own practice in 2003 through 2022.

I saw you did have your own practice, and I was curious why you chose to go into your own practice.
It was very scary but we were going to be out of work. I felt like I didn't have anything to lose and it turned into 19 years. We had lean years, but we made it.

Were you on plaintiff's side or defense side?
Plaintiffs.

Have you ever been in any other assignment outside of employment or anything civil — family law, criminal, anything like that? ▶

No. As a commissioner I did small claims and civil harassment. Small claims is everything; civil harassment sometimes rubs up against family law.

How would you say that you are as a judge… how do you show up in your courtroom?
That's for other people to say. My intention is to show up prepared, listen to people, allow them to be heard, make their record… I try to show up humble. I want to make the right decision.

Were there any habits or anything you took from your experience as a lawyer that you now implement as a judge?
Being prepared… knowing deadlines and rules… being compliant… being responsible… taking responsibility.

It has been two years now — has it flown by? How do you feel in these first two years?
It's going by fast. I really love it and I love helping resolve disputes. There's a lot of work in civil — most judges have 850, 900, 1,000 cases… I can't know them all intimately, but I try to give each case attention.

Was there anything you were nervous about or skeptical about before becoming a judge that didn't come into play?
Practicing lawyers have a perception of judges as hallowed figures. Now we're colleagues. It takes time to get over intimidation… but everyone is warm and friendly.

Any surprises you've come across in the past two years as a judge?
There's a very wide array of lawyering, wider than I expected. Sometimes I'm surprised when people seem less than prepared, deadlines missed, things not filed, producing fake cases...

Has an AI case come before you?
Oh yeah — more than one… at least two or three times in the last two years… a brief or motion where the case was non-existent or didn't stand for what they said it did.

Do you ever have hard days as a judge? What does that look like and what do you do on those hard days?
Yes, hard days come for different reasons. Jury trial in the morning and a heavy afternoon calendar, difficult personalities, big decisions. I remind myself of my role — make the right decision, let people be heard.

Do you have a work-life balance?
Yes. I'm married, with two teenage kids. I usually leave court around 5:00 or 5:30 and I'm not doing a lot of work at night. I had more flexibility in private practice, but it's manageable.

Have you always been able to maintain that — even when you had your own practice?

> "My intention is to show up prepared, listen to people, allow them to be heard, make their record... I try to show up humble. I want to make the right decision.

Yes, that was a priority for me and my partner. We made choices and prioritized family. We supported each other and made sacrifices, but it was all worth it.

There aren't that many people on the bench that look like you… How does that feel to be an inspiration?
I don't think of it that way but representation matters. And I do take that seriously. I think it's important for our bench to reflect the community that we serve. I think that's something that's special about the Alameda County bench. It's a really diverse bench and I appreciate that.

Has anybody inspired you?
Yes, not only from colleagues but also judges who've been here and who've taken me under their wing, like Judge Jones. Also, my parents. My mother was a school teacher and my father was a city councilman. My grandparents. People who fought for what they believe in in the face of adversity.

Any advice you would give to somebody who's considering being a judge?
Find a mentorship program through the local bar. Talk to a judge. Volunteer as a judge pro tem. It's different than you think; it's weighty. You're not an advocate anymore. It's a good way to figure out if you want to do it every day.

What She Carries Forward

Judge Riles left a 19-year plaintiff's practice to take on one of the most demanding roles in the legal system — and by every measure, the transition suits her. She brings to the bench the same values that defined her career as an advocate: preparation, accountability, and a genuine desire to get it right. In a courtroom where litigants arrive at some of the most consequential moments of their lives, that orientation matters. For the Alameda County bench, and for the community it serves, Judge Elizabeth Riles is exactly the kind of judge the work calls for. ◆



— Nicole Fuller is a trial attorney whose private practice is focused on personal injury and criminal defense, driven by a genuine commitment to helping people through some of the most difficult moments of their lives. She combines strong advocacy with a compassionate, client-centered approach, always fighting to protect her clients' rights and secure the best possible outcome.

Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION

Think Like a Doctor:
Tips for Introduction of Medical Evidence

Michael Gatto has handled complex medical cases ranging from birth injury to end of life for the last 28 years. He has developed a method to facilitate comprehension by any audience – adjuster, defense attorney, Mediator, Judge and Jury, if necessary. He will also discuss imaging studies as well as "seeing" all damages to obtain maximum recovery. Michael will be joined by Brendt Spears, his associate and M.D. Together, they will provide tips to better understand and advocate regarding your clients' damages and debunk defense arguments.



Michael E. Gatto is a former prosecutor and has tried over one hundred jury trials. Michael owns and manages his own Firm, Law Office of Michael E. Gatto, PC, located in Walnut Creek, CA. Michael specializes in cases involving complex legal and medical issues and accepts catastrophic injury cases on a referral basis. Michael has handled matters involving medical malpractice; skilled nursing facilities; product liability; premises liability; exceptions to Worker's Compensation; motor vehicle and trucking accident matters; and general negligence and intentional torts. Michael uses his extensive knowledge of medicine to obtain favorable resolutions for his clients by effectively communicating complex medical issues to mediators, judges and when necessary, jurors. Michael holds the record for the largest medical malpractice verdict in Contra Costa County, a 2014 birth injury, that was the 8th largest in the Nation that year. Michael is a member of, AAJ, CAOC, Alameda Contra Costa Trial Lawyers Association (Past President – 2018), SFTLA and Western Trial Lawyers Association. He is admitted to practice in California and Arizona.

Date and Time
April 23, 2026 - Noon
Location
Zoom – details provided following registration
Cost
$15 for ACCTLA Members
$30 non-members
To Register
Visit http://acctla.org/products-page/
e-mail
ACCTrialLawyers@gmail.com
MCLE 1 hour
The Alameda-Contra Costa Trial Lawyers' Association is a State Bar of California approved MCLE provider. #5132



Brendt Spears specializes in prosecution of personal injury claims involving complicated medical issues and medical malpractice claims for the Law Office of Michael E. Gatto, PC, located in Walnut Creek, CA. Brendt received a Doctor of Medicine degree from St. Louis University, School of Medicine in Missouri. Thereafter, he was a resident in General Surgery at Kansas University Medical Center, performing surgeries ranging from appendectomy, cholecystectomy, to bowel resections. He was also exposed to the gamut of traumatic injuries as the trauma ICU resident at a Level 1 trauma center. Brendt made a pivot in careers to attend law school at John F. Kennedy University, College of Law. When not fighting for justice of catastrophically injured patients, he spends his time with his wife and two children. Brendt grew up in San Francisco and resides in Contra Costa County. He enjoys traveling, skiing, and cinema. Brendt recently became a Board member for the Alameda-Contra Costa Trial Lawyers' Association.

ACCTLA would like to thank our generous sponsor for helping make this event a success:

Anytime AI

ACCTLA 4450 Mira Loma Drive Pittsburg, CA 94565 ACCTrialLawyers@gmail.com ACCTLA.org

Accountability Under Attack

How Uber Is Trying to Undermine Justice

by Monica Burneikis

Uber likes to describe itself as a technology company — a neutral platform, a convenient app that simply connects riders and drivers. But when people are injured, assaulted or financially devastated because of what happens on that platform, Uber's posture shifts quickly. The company that markets innovation and disruption becomes defensive, evasive, and aggressively resistant to accountability.

In October 2025, Uber took that resistance a step further by filing a California ballot initiative that would fundamentally alter the rights of people injured in automobile and truck crashes across the state. Marketed as "reform" and sold as a cost-saving measure, the initiative would in reality restrict what victims can recover for medical care, interfere with their ability to hire the lawyer of their choice, and shift the financial burden of serious injuries away from corporations and onto injured individuals and the healthcare system.

If successful, the measure would tilt the justice system even further toward well-funded corporate defendants with vast legal resources, while limiting the tools ordinary people rely on to seek accountability. This is not about efficiency or eliminating frivolous lawsuits. It is about power — who holds it, who avoids responsibility, and who pays when preventable harm occurs.

And this fight is not just about Uber. It is about whether powerful corporations can use the ballot box to weaken long-standing civil justice protections whenever accountability becomes inconvenient.

Limiting Medical Recovery: A Direct Hit to Injury Victims

At the core of Uber's initiative is a proposal that would cap what injured victims can recover for medical treatment. Instead of allowing recovery of the full cost of care, the measure would limit reimbursement to artificially low government reimbursement rates — even when the injured person is not part of that system and even when the actual cost of treatment is substantially higher.

This change would have immediate and severe consequences.

When someone is injured in a crash, medical treatment is not optional. Surgeries, imaging, rehabilitation, follow-up care, and long-term treatment are often necessary just to restore basic function. The financial cost can be enormous. Under Uber's proposal, victims would be forced to absorb the difference between actual charges and reduced reimbursement caps.

The injury does not become cheaper. The victim simply pays more.

Worse, the initiative increases procedural hurdles and burdens of proof related to medical liens and reimbursement claims. In practical terms, this makes it harder for doctors and providers to extend treatment to accident victims who rely on delayed payment structures. If providers cannot be assured they will be compensated fairly, fewer will be willing to treat injured plaintiffs on a lien basis. That means delayed care, interrupted treatment, and worse medical outcomes.

Uber frames this as cost control. But the only costs being controlled are the company's own.

Instead of internalizing the financial consequences of harm associated with its platform, Uber's initiative externalizes those costs to families, healthcare providers, and the broader public. ▶

Los Angeles Times

Uber is trying to snow voters with a supposedly pro-consumer ballot initiative. Don't buy it.

- *"Uber says its proposed ballot initiative will save consumers money. It's really designed to save Uber money, at its passengers' expense"*
- *"We have plenty of experience about what happens when contingency fees are capped: Plaintiffs who have suffered grievous injury (or if they've died, their survivors) have trouble even getting through the courtroom door."*

The Gold Standard in Private Dispute Resolution

JUDICATE WEST
Alternative Dispute Resolution
Results Beyond Dispute℠

Judicate West is proud to feature these experienced Northern California neutrals.


Hon. David W. Abbott, Ret.


Melissa Blair Aliotti, Esq.


Alan R. Berkowitz, Esq.


Hon. Christine A. Carringer, Ret.


Hon. David De Alba, Ret.


Douglas deVries, Esq.


Rachel K. Ehrlich, Esq.


Susan G. Feder, Esq.


Hon. Geoffrey A. Goodman, Ret.


Rebecca Grey, Esq.


Jeffrey A. Harper, Esq.


Hon. Judy Hersher, Ret.


Hon. Lesley D. Holland, Ret.


Hon. Russell L. Hom, Ret.


Robert Jacobs, Esq.


Hon. Kendall J. Newman, Ret.


Robert J. O'Hair, Esq.


Jeffery Owensby, Esq.


David L. Perrault, Esq.


Hon. M. Bruce Smith, Ret.


Daniel I. Spector, Esq.


Hon. Donald J. Sullivan, Ret.


Lauren E. Tate, Esq.


Bradley S. Thomas, Esq.


Peter Thompson, Esq.


Hon. Emily E. Vasquez, Ret.


Russ J. Wunderli, Esq.

Learn More About Our Northern California Neutrals

JudicateWest.com

And it does not stop with rideshare cases. The measure applies broadly to all motor vehicle accidents across California — affecting passengers, drivers, pedestrians, cyclists, and anyone harmed in a car or truck crash. The reach is sweeping.

Restricting Access to Counsel: Weakening the Equalizing Force of the Courts

The initiative also interferes with contingency fee structures that allow injured people to hire experienced attorneys without paying upfront. This is not a minor adjustment to fee rules; it is a strategic move designed to choke off the very mechanism that allows ordinary people to take on powerful corporations.

For many clients, especially those facing lost income and mounting medical bills, this structure is the only realistic path to representation. Under a contingency arrangement, the lawyer assumes the financial risk, advances the costs necessary to retain experts and conduct discovery, and is paid only if the case succeeds.

Uber's proposal restricts that structure in ways that could make certain cases economically unviable, particularly those involving moderate damages or complex liability. The initiative does not place similar constraints on corporate defense spending. Uber would remain free to pay its defense lawyers unlimited hourly rates, deploy large legal teams, and aggressively litigate cases.

The imbalance is obvious.

But this is not simply a plaintiffs' bar issue. The consequences ripple throughout the entire legal ecosystem.

If the number of viable personal injury cases declines because medical recovery is capped and representation becomes economically constrained, the consequences will ripple far beyond injured plaintiffs and their counsel. A contraction in cases affects defense attorneys who rely on active litigation for billable work, independent medical examiners who evaluate injuries, accident reconstruction experts who analyze liability, economists and vocational experts who assess damages, court reporters and litigation vendors who support proceedings, jury consultants, mediators and arbitrators who facilitate resolution, and trial technology professionals who assist in presenting complex evidence. In short, shrinking the value and viability of injury cases does not just limit plaintiffs' recoveries — it contracts the entire litigation ecosystem that depends on a functioning civil justice system.

Defense firms may assume that limiting plaintiffs' recoveries benefits their clients. But when the volume and scope of cases narrow, the entire adversarial system changes. Fewer cases proceed. Fewer experts are retained. Fewer trials are conducted. The system becomes smaller and more consolidated — dominated by corporate repeat players with leverage over smaller firms and independent professionals.

A healthy civil justice system depends on balance. When one side can reshape the rules through a ballot initiative, that balance erodes.

A Pattern of Avoiding Responsibility

Uber's initiative does not arise in isolation. It follows years of mounting scrutiny over safety issues and liability disputes.

Reports have documented alarming levels of sexual assault and misconduct associated with rideshare operations. Litigation has exposed internal policies and responses that have drawn significant criticism. In at least one high-profile case, a jury found Uber liable for sexual assault committed by one of its drivers — one of thousands of cases the company faces.

> ***New York Times***
> **Every Eight Minutes: Uber's Alarming Sexual Violence Problem**
>
> • *"A Times investigation found that measures to stem violence were set aside in favor of protecting the company's business."*

Against that backdrop, Uber's decision to pursue a ballot initiative limiting recovery and restricting access to counsel appears less like reform and more like insulation.

Rather than embrace heightened accountability standards commensurate with its scale and influence, Uber is attempting to narrow exposure. While advocates push for stronger background checks, common carrier standards, public reporting, and clearer responsibility structures, Uber is asking voters to reduce the financial consequences of harm.

The contrast could not be clearer: one side seeks increased safety and transparency; the other seeks reduced liability.

The question becomes whether a company that moves millions of Californians daily should be held to a heightened duty of care — or whether it should be permitted to operate under diluted responsibility while enjoying the benefits of massive market dominance.

What Uber's Initiative Means for the Catastrophically Injured and Their Families

Behind the policy language of Uber's initiative are real people whose lives have been permanently altered. The measure may be framed in terms of "cost control" and "reform," but its practical impact falls hardest on those who have suffered the most severe harm. ▶

ADR SERVICES, INC.

ADR Services, Inc. Proudly Features

Your Partner in Resolution



Hon. Suzanne Ramos Bolanos (Ret.)



Hon. Evelio M. Grillo (Ret.)



Hon. Kathleen A. Kelly (Ret.)



Hon. Jo-Lynne Lee (Ret.)



Hon. Vedica Puri (Ret.)



Gary R. Selvin, Esq.

For information and scheduling, please contact Joanna Barron at Joanna@adrservices.com (415) 772-0900



Consider the person who sustains a catastrophic spinal cord injury in a crash and will never return to work. A construction worker who loses mobility. A nurse who can no longer perform the physical duties of her profession. A parent who loses a limb and must adapt to a lifetime of prosthetics, rehabilitation, and physical limitations. Or the family whose loved one is killed in a preventable collision, leaving behind children who depended on that income and support.

For these individuals, medical care is not temporary. It is lifelong. Catastrophic injuries often require multiple surgeries, extended rehabilitation, assistive devices, home modifications, psychological treatment, in-home care, and ongoing monitoring for complications. The costs can reach into the hundreds of thousands — or millions — over a lifetime.

Uber's initiative directly limits the recovery available for those medical expenses by capping reimbursement at artificially reduced rates rather than the actual cost of care. That difference does not vanish. It becomes a financial burden carried by the injured person and their family. When recovery is restricted to a fraction of the true expense, the shortfall must be absorbed somewhere — often by families already struggling to adjust to permanent disability.

The consequences are compounded when a person can no longer return to their prior employment. Catastrophic injuries frequently mean lost earning capacity, reduced retirement savings, and long-term financial instability. When medical recovery is constrained and access to full legal representation is weakened, the ability to secure the resources necessary to rebuild a life is diminished at precisely the moment stability is most needed.

In wrongful death cases, the effects are even more profound. A spouse left behind may suddenly face mortgage payments, childcare expenses, and college tuition without the income of the deceased. Civil recovery exists in part to prevent surviving families from falling into financial crisis because of another's negligence. By limiting recoverable medical damages and interfering with the structures that allow victims to pursue claims effectively, Uber's initiative shifts the economic impact of preventable harm away from the corporation and onto grieving families.

This is not an unintended side effect. The initiative is structured to reduce financial exposure for corporations in serious injury and wrongful death cases. The people most affected are those with the largest medical expenses, the most complex needs, and the longest road to recovery. In other words, the very people the civil justice system is designed to protect.

When a corporation like Uber spends hundreds of millions to change the rules governing how catastrophic injuries are compensated, it is not acting out of concern for patients or families. It is acting to reduce liability. The ballot measure does not make catastrophic injuries less devastating. It makes surviving them more financially precarious.

At its core, Uber's initiative asks voters to accept a system where those who suffer the most serious harm recover less — while the company associated with that harm bears less responsibility. That is not reform. It is insulation for the most powerful and richest corporations.

For families confronting permanent disability or the loss of a loved one, the stakes are not abstract. They are immediate, personal, and lifelong. The question is whether California will maintain a system that allows full accountability in catastrophic cases — or allow a corporation — Uber — to narrow that accountability when it matters most.

The Broader Stakes: Corporate Ballot Power and the Future of Civil Justice

Ballot initiatives are powerful tools. They were designed to allow voters to check entrenched interests — not to allow corporate entities to rewrite accountability rules when litigation becomes inconvenient.

If Uber's initiative succeeds, it will set a blueprint. Other industries facing liability exposure could follow suit. Pharmaceutical companies. Logistics firms. Autonomous vehicle manufacturers. Any industry with sufficient capital could attempt to limit recoverable damages through voter campaigns framed as "cost control."

The civil justice system would become increasingly shaped not by judicial precedent or legislative deliberation, but by corporate marketing budgets. That shift carries long-term consequences.

Civil litigation does more than compensate victims. It deters unsafe practices. ▶

Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION

ATTORNEY ADVERTISING IN CALIFORNIA
Navigating the New Normal

California's SB37 mandates new rules for attorney advertising, in addition to those already imposed by the California Rules of Professional Conduct. Learn from ethics attorney Emil J. Ali as he discusses what has changed, what remains the same, and what just doesn't make sense.

Emil will provide practical tips and best practices for compliance, including helping lawyers and law firms navigate the new normal and augmenting their advertising compliance.



Emil J. Ali is a partner at McCabe & Ali, LLP where he focuses his practice on helping lawyers understand their obligations under state and federal law. Emil's practice involves advising lawyers and law firms on all aspects of legal ethics and the law of lawyering. Emil's work includes counseling clients on lateral transitions, malpractice avoidance, expert opinion and testimony, and respondent's defense work before various bars and courts. He is a member of the State Bar Committee on Professional Responsibility and Conduct (COPRAC).

Date and Time
May 7, 2026 - Noon
Location
Zoom – details provided following registration
Cost
$15 for ACCTLA Members
$30 non-members
To Register
Visit http://acctla.org/products-page/
e-mail ACCTrialLawyers@gmail.com
MCLE 1 hour ethics
The Alameda-Contra Costa Trial Lawyers' Association is a State Bar of California approved MCLE provider. #5132

ACCTLA 4450 Mira Loma Drive Pittsburg, CA 94565 ACCTrialLawyers@gmail.com ACCTLA.org

It compels document disclosure. It uncovers systemic failures. It creates public records. It forces internal reform. When financial exposure is artificially constrained, deterrence weakens.

This moment calls for clarity: accountability is not an inefficiency in the system. It is the mechanism that keeps the system honest.

Call to Action:
What Plaintiff Attorneys Must Do Now
This initiative represents a pivotal moment for California's civil justice community.

Plaintiff attorneys understand the real-world impact of these proposed changes. They sit across from families who cannot afford surgery without lien treatment. They see how contingency arrangements allow injured workers, pedestrians, and passengers to pursue justice against corporations with immense legal budgets.

Now is not the time for passive concern. It is the time for coordinated action.

Engage Financially
Ballot campaigns are resource-driven battles. Sustained financial contributions to committees opposing this initiative are essential. Uber has demonstrated its willingness to spend heavily to protect its profits. The response must be disciplined, organized, and adequately funded.

Educate Beyond the Plaintiffs' Bar
This is not solely a plaintiff attorney issue. Reach out to defense colleagues, expert networks, medical providers, and professional associations. Explain how shrinking recoveries and constricting cases affect the entire litigation ecosystem.

Participate in Signature and Coalition Efforts
Qualification and outreach require compliance, coordination, and infrastructure. Volunteer. Connect organizers with community groups. Help ensure accurate messaging and disciplined execution.

Maintain Message Discipline
Public communication matters. Stay aligned. Avoid fragmented narratives. The core message is simple: this initiative limits medical recovery, interferes with access to counsel, and shifts the cost of harm away from corporations and onto injured people.

Most importantly, remember what is at stake
This is not about preserving attorney fees. It is about preserving a civil justice system that allows ordinary people to seek full recovery when they are harmed. It is about ensuring that corporations cannot use the ballot box to narrow accountability when juries begin to hold them responsible.

If the legal community does not respond forcefully and collectively, the precedent will extend far beyond a single company or a single election cycle.

Now is the time to act. The integrity of our justice system hangs in the balance. It is up to us to save it. ◆

LAW OFFICES OF CAVIN & MARKS

Maritime ▪ Personal Injury ▪ Wrongful Death

Specializing in the representation of victims of commercial and pleasurecraft accidents

Lyle C. Cavin, Jr.
Lia T. Marks
11 Embarcadero West, Suite 134 | Oakland, CA 94607

888-crew-law
(888-273-9529)
www.sealawyer.com

Over 50 years of extensive trial and settlement experience

— Referral Fees Paid —

Did you know...

ACCTLA now has an auto renew feature on the website for your ACCTLA dues. It works great! You just choose the appropriate category from the drop down and then hit "subscribe," input your credit card information and you never have to get another dues reminder.

If you prefer to receive the reminders, please add ACCTrialLawyers@gmail.com to your address book. ACCTLA relies on dues for everything!

For questions or further information, please contact Mariana Harris at ACCTrialLawyers@gmail.com.

DUES NOTICE

Alameda-Contra Costa TRIAL LAWYERS' ASSOCIATION

To pay by debit or credit card, go to http://acctla.org/products-page/ – or –

Mail payment to: Mariana Harris, Executive Director
4450 Mira Loma Drive, Pittsburg, CA 94565
(925) 257-4214 • acctriallawyers@gmail.com

___ Enclosed is my check payable to ACCTLA for my membership dues.

Name:_____
Firm: _____
Address:_____
_____
Phone:_____**Fax:** _____**Email:**_____
Website:_____**Bar Number/Admission Date:**_____
Area(s) of Practice:_____
Referred by: _____

I apply for the following type of membership:

___ Law Student - $ 25
___ Legal Assistant - $ 50
___ 0-5 years in Practice - $150
___ 5 years in Practice and Over - $195
___ Sustaining Membership - $475** **Includes one year's membership, one admission to Judges' Night banquet, one admission to *What's New in Tort and Trial Practice* seminar, special recognition in *The Verdict,* and on our website**
___ Expert/Vendor - $200
___ Retired Judge/Neutral - $125

Voluntary Statistical Information:

Membership Status:
___ I am a new member.
___ I am renewing my membership.
___ I am rejoining after a lapse

I am also a member of: (Check all that apply)
____ SFTLA ____ CCCBA ____ AAJ
____ CAOC ____ ACBA
____ Other _____

Race: (Check all that apply):
___ African American ___ Caucasian
___ Asian/Pacific Islander
___ Native American ___ Latino/Latina
___ Mixed Race ___ Other

Gender:
___Female ___Male ___Other

By signing below, I hereby certify that I am:
___ A regular member (voting member whose practice predominantly involves representing plaintiffs in tort matters, criminal defense, family law or general civil litigation)
___ I am an associate member (non-voting member whose practice primarily involves insurance defense or criminal prosecution.)

Signed: _____ Date: _____

An update on CAOC's Fight Against the Uber Initiative

by Lea-Ann Tratten
CAOC Political Director

On October 3, 2025, Uber filed a deceptive ballot initiative designed to fundamentally weaken the rights of automobile and truck accident victims across California. The measure limits victims' recovery of medical expenses and restricts the ability to hire an attorney of choice on a contingency fee basis — all to protect Uber's profits.

The campaign has moved from early infrastructure-building into visible, measurable momentum — in fundraising, paid media, qualification, and coalition expansion.

Building the Winning Campaign Infrastructure

Statewide initiative fights are not spontaneous. They require integrated teams across strategy, paid media, digital, communications, organizing, polling, and legal. In February, the Alliance Against Corporate Abuse (AACA) formally announced its senior campaign team, assembling nationally recognized campaign professionals.

This level of infrastructure typically takes months to assemble. We built it in weeks.

The objective is clear: qualify our initiatives, maintain pressure on Uber, and be fully positioned to defeat their measure in November if necessary.

Exposing "Uber's Alarming Sexual Violence Problem"

In November, we launched the *Every 8 Minutes* public awareness campaign highlighting reporting that Uber receives a sexual assault or misconduct report nearly every eight minutes. Uber responded not with safety reforms, but with legal threats. Uber tried to delay the bellwether trial and sought to silence our ads. A federal judge rejected those attempts.

During the Super Bowl, AACA placed targeted ads in San Diego, Fresno and Sacramento to highlight Uber's alarming sexual violence problem. In San Diego, the NFL intervened and pulled the ad from the NBC affiliate, benefiting its major partner Uber.

Instead of silencing the message, that intervention *generated significant earned media attention and drove additional traffic to the ad online.*

This occurred just days after a federal jury found Uber liable for a sexual assault committed by one of its drivers — the first of thousands of cases the company faces.

The contrast could not be clearer:

- *A jury holding Uber accountable in court.*
- *Uber and its allies attempting to block public safety messaging.*
- *Uber simultaneously spending millions to rewrite California law.*

As a result of Uber's tactics during the trial and continued reporting on the issue, we have seen a groundswell of opposition against Uber — a recent *New York Post* column had the headline "Car service apps promise safety, but that turns out to be one big lie."

The ad has not reached saturation. Engagement metrics show the message resonates strongly — particularly with women and high-propensity rideshare users.

Phase 2: Paid Media Expansion

The Super Bowl buy marked the launch of Phase 2 of paid communications.

We are now expanding across:

- *Streaming platforms and YouTube CTV*
- *Digital advertising via Meta and Google*
- *Digital audio placements*
- *Targeted geofencing around high-volume Uber pickup zones*
- *Direct targeting of political insiders and executive audiences*

We are planning to launch updated creative emphasizing: *"Here's the ad Uber doesn't want you to see."*

This is not broad persuasion yet. This phase is about:

- *Driving narrative dominance*
- *Demonstrating strength*
- *Reinforcing accountability themes*

Surpassing the 25% Signature Threshold — Ahead of Schedule

Despite beginning signature gathering a month after Uber, our Sexual Assault Against Rideshare Passengers and Drivers Prevention and Accountability Act has already surpassed the 25% signature threshold.

This milestone:

- *Triggers formal notice and legislative hearings*
- *Demonstrates early grassroots strength*
- *Signals that voter appetite for accountability is strong*

Petition circulation remains competitive and dynamic. Uber has the ability to increase per-signature pricing at any time. Several new, well-funded initiatives have also entered the marketplace.

We are monitoring daily and adjusting tactics accordingly.

Activating Legal, Medical and Survivor Communities

We have received strong interest from attorneys, medical professionals, survivor advocacy groups and women's organizations across California who want to help qualify the initiatives and defeat Uber's measure.

Signature gathering is technical; it requires:

- *Proper petition printing formats*
- *Compliance training*
- *Distribution logistics*
- *Validation safeguards*
- *Organizer coordination*

We are scaling the infrastructure necessary to convert enthusiasm into legally valid signatures at volume.

Beyond CAOC and the trial bar, coalition work is accelerating. Coalition-building requires targeted outreach, disciplined messaging and sustained engagement. That work is underway.

Fundraising and the Path Forward

CAOC has announced raising more than $50 million into ballot measure committees to fight Uber's deceptive initiative. That early show of strength matters.

But campaigns are dynamic. Uber has signaled its willingness to spend heavily to protect its profits and shield itself from accountability.

Between now and June, our priorities are:

- *Qualify our initiatives.*
- *Demonstrate visible, sustained momentum.*
- *Continue narrative pressure.*
- *Build the financial reserve necessary for Phase 3 — a full November fight, if required.*

Uber's strategy is clear: force early spending, attempt to drain resources, and hope our March 31 report shows a weakened position.

We are structuring expenditures deliberately to avoid that outcome — but sustained engagement from the legal community remains essential.

Campaigns win or lose on two factors: messaging and resources.

We have proven our message resonates, that we can build infrastructure quickly, and strong early qualification momentum.

Now we scale. ◆

ACCTLA's Mentoring Program

Take advantage of ACCTLA's Mentoring Program to improve the quality of litigation in our courts.
Attorneys who call will be referred to a mentor attorney for a free consultation.
The mentor will not prepare your case but will assist you in your approach to the case.

This program is not just for newer attorneys, but also is available for seasoned practitioners who run into problems or simply want to bounce ideas off another seasoned practitioner. The mentors — who are all ACCTLA members — have varied degrees of experience in varied areas of the law, and can address your concerns regarding Motions in Limine, jury selection, problems that arise during trial or issues relating to proposed instructions, or questions involving any of the earlier stages of litigation.

For further information, please contact Mariana Harris
(925) 257-4214 or acctriallawyers@gmail.com

Alameda-Contra Costa
Trial Lawyers' Association
4450 Mira Loma Drive
Pittsburg, CA 94565

Presorted Standard
U.S. Postage
PAID
San Ramon, CA
Permit #297

Alameda-Contra Costa
TRIAL LAWYERS' ASSOCIATION

— BENEFITS OF MEMBERSHIP —

https://acctla.org/sign-up/

Become a sustaining member and reap the benefits!
They include free admission to Judges' Night,
the *What's New in Tort & Trial* seminar and the chance
to be featured on our website in our Member Spotlight.

Become a mentor or use ACCTLA's mentoring program.
Both will help you become a better lawyer.

Publish your firm's recent news or successes in *The Verdict*.

Membership entitles you access to ACCTLA's web listing
of all the members of our organization.

Benefit from the experience and advice of other members
by participating in the LISTSERV!

❖ ❖ ❖

For further information on any of the above, please contact:
Mariana Harris, ACCTLA Executive Director
(925) 257-4214 • acctriallawyers@gmail.com