



## Hon. Joseph F. Biafore, Jr. (Ret.)

### Case Manager

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## Biography

**Hon. Joseph F. Biafore, Jr. (Ret.)** has been a full time neutral at JAMS since 2003, and has earned a reputation for his fairness and ability to focus on the important issues in a case. Judge Biafore joined JAMS following nearly four decades of distinguished service with the Santa Clara trial courts and as a trial attorney in private practice. His experience includes business and commercial disputes, employment disputes, intellectual property matters, as well as professional liability and construction disputes.

Judge Biafore's even temperament, coupled with his ability to relate to all parties in a case, has made him a sought out mediator, arbitrator and special master/discovery referee for all types of cases, from complex business disputes to heated and emotional employment cases. He works diligently to get to the heart of a case and brings parties to a fair resolution, which has earned him the reputation of an effective neutral.

## ADR Experience and Qualifications

- As a full time neutral, has conducted hundreds of mediations and arbitrations across a variety of practice areas, including employment, business, construction, real estate, personal injury and professional liability
- Appointed as a Special Master/Discovery Referee in numerous matters
- As a judge, conducted trials, settlement conferences, and mediations in a wide variety of areas including: bad faith, business, intellectual property, fraud, product liability, negligence, and construction defect
- As a judge, heard and resolved numerous disputes in employment, personal injury, insurance, and wrongful death matters

## Representative Matters

## **Business and Contract Disputes**

- Successfully mediated contentious dispute over a family business after the case had been tried and jury rendered a verdict
- Successfully mediated a dispute between the owners/shareholders of a corporation which advises investors who purchase securities
- Mediated a business dispute between parties to a contract that provided for outsourced professional services pertaining to software tools used in the semiconductor manufacturing process
- Mediated numerous shareholder derivative action matters
- Mediated dispute between two high tech companies over the sale of alleged faulty technology equipment
- Mediated and settled complex case concerning commercial contract for the sale of an aviation company and the rights to use airport facilities
- Effectively mediated multi-party, multi-million dollar dispute over the closure of major hospital and the distribution of patients and physicians to other facilities
- Successfully resolved dispute between surgical device manufacturer and supplier over the quality of the surgical device
- Resolved an issue regarding the importation of exotic beverages and alleged inferior quality and quantity of the beverage
- Mediated and settled matter involving the purchase and payment of diagnostic imaging equipment
- Arbitrated, as a member of tripartite arbitration panel, and issued award in theft of trade secrets dispute wherein one party allegedly misappropriated intellectual property trade secrets, including customer lists and names of hired-out consultants
- Successfully resolved dispute over the violation of exclusion distribution rights of computer components
- Settled a conflict over the purchase and sale of computer components and their valuation
- Mediated and resolved numerous lemon law matters

## **Employment**

- Mediated and resolved an employment dispute at a major medical center wherein a disabled nurse maintained that improper accommodation was provided
- Mediated and resolved an employment matter regarding a worker who claimed racial discrimination by a school district
- Mediated and settled an employment dispute in which a worker claimed wrongful termination by a computer manufacturing business
- Successfully mediated a wrongful termination employment dispute concerning alleged sexual harassment
- Successfully resolved a wrongful termination case involving allegations against an insurance company executive and his alleged sexual misconduct
- Successfully settled an employment matter in which employees claimed entitlement of additional compensation

## **Professional Liability**

- Heard and rendered award in an alleged malpractice matter involving a hospital in charge of the care of an anorexic/bulimic patient who died
- Arbitrated to award a legal malpractice case alleging that an attorney overcharged for services rendered and results obtained after the attorney sued plaintiff for fees
- Arbitrated medical malpractice dispute alleging that patient was given wrong medication for AIDS and thus suffered from Thalidomide toxicity

## **Torts/Product Liability**

- Successfully settled dispute in excess of one million dollars between major automotive manufacturer and multiple parties over a product defect that allegedly caused major injuries
- Mediated and resolved wrongful death action involving drug use of multiple youths on a parent's property and resulting death
- Mediated and resolved personal injury case involving postal worker injured on the job by alleged

negligence of transportation company

- Mediated and resolved a dispute between the parties over allegedly counterfeit diodes obtained by the defendant broker who shipped them to plaintiff

## Real Estate/Construction Disputes

- Arbitrated claim involving leasehold interest of large commercial warehouse and dispute over warehouse space
- Arbitrated a construction defect claim involving electrical subcontractor and general contractor over monies due under contract; cross-claim of defective workmanship and damages
- Effectively resolved multiple unit construction defect cases involving all trades and phases of construction
- Mediated and resolved a case concerning the defective design and construction of a large parking lot at an industrial center
- Mediated and resolved a dispute between a city and a county over the construction of a proposed public building
- Mediated and settled a public entity sued for design defect in highway
- Mediated and settled an inverse condemnation real estate matter involving improper drainage and collapse of an adjoining hillside
- Arbitrated a real estate dispute between buyer and seller over zoning issues
- Mediated and resolved a dispute between an owner and tenant whereby the tenant was charged with destruction of trees in an attempt to enhance view
- Mediated and settled a real property dispute involving the sale of a multiple density residential complex
- Successfully resolved a commercial property disagreement between a broker and sales agent over payment of real estate commissions
- Successfully settled an eminent domain case related to several pieces of real property owned by multiple homeowners that was condemned by the city
- Handled class action involving faulty furnaces where one of the defendants went into bankruptcy and had to work through bankruptcy trustee
- Mediated a dispute between a prominent homebuilder and multiple owners relative to faulty construction defect issues

## Honors, Memberships, and Professional Activities

- Member, California and Utah State Bar Associations
- Board member, South Valley Community Theater, 2012 – present
- Member, California Judges Association, 1977 – present
- Appointed Special Master by Chief Justice of California Supreme Court in matter before the Commission on judicial performance
- CALJIC West's Committee on California Criminal Jury Instructions, 2004 – present
- Recipient of Santa Clara County Trial Lawyers Association Lifetime Achievement Award, 2004
- Board of Trustees, Santa Clara County Law Library, 1997-2002
- Administrative Office of the Courts Task Force for Trial Court Funding, 1995-1996
- Judicial Council Trial Court Presiding Judge Standing Committee, 1995-1996
- Executive Board, California Judges Association, 1997-2000; (Vice President, 2000)
- Board of Directors, California Judges Foundation, 1987-1990
- President, Gilroy-Morgan Hill Bar Association, 1972-1973
- Board of Trustees, United Way of Santa Clara County
- Taught educational programs for judges at California Center for Judicial Education & Research and California Judges' Association

## Background and Education

- Judge, Santa Clara County Superior Court, 1983-2003; (Presiding Judge, 1995-1996) First Superior Court Judge in Santa Clara County to serve a 2 year term as Presiding Judge
- Santa Clara County Superior Court Civil Supervising Judge, Case Manager 2002 – 2003
- Judge, Santa Clara County Municipal Court, 1977-1983; (Presiding Judge, 1981-1982)
- Presiding Judge, Gilroy-Morgan Hill Justice Court, 1974-1977
- Partner, Jacobs & Biafore, Gilroy, CA, 1966-1974

- Private Practice, Cotro-Manes & Cotro-Manes, Salt Lake City, UT, 1964-1965
- Straus Institute for Dispute Resolution, Pepperdine University, School of Law
- J.D., J.R. Quinney College of Law, University of Utah, 1964
- B.A., Business and Industrial Management, San Jose State University, 1960

## Practice Areas

- Arbitration
- Business/Commercial
- Construction Defect
- Employment
- Family Law
- Insurance
- Intellectual Property
- Personal Injury/Torts
- Professional Liability
- Real Property
- Special Master/Discovery Referee

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