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**HON. RICHARD HODGE**  
Judge, Alameda County Superior Court  
(Retired)

## **JUDICIAL BACKGROUND**

Retired since April 2001, Judge Hodge has established a busy ADR practice and is available as a mediator, arbitrator, or private judge. Praised for his diligence, understanding and adaptability, he continues to mediate and arbitrate a broad array of civil matters as was the case while on the bench.

During his 20 years of service to the Alameda County Superior Court, Judge Hodge presided over civil trials and settlement conferences encompassing personal injury, professional negligence, products liability, contracts, wrongful termination, asbestos, environmental and CEQA issues, commercial and consumer fraud, eminent domain and a variety of class actions. He served several years as law and motion judge and also served in the criminal, mental health and juvenile departments.

Judge Hodge has served on the Judicial Council and on four separate occasions has served as Justice Pro Tem of the First District Court of Appeal, authoring nearly 100 opinions.

## **EDUCATIONAL BACKGROUND**

Judge Hodge is a 1960 graduate of Ohio Wesleyan University and a 1963 graduate of The University of Chicago Law School

## **PRIVATE PRACTICE**

1979- 1981 Partner with Gordon & Hodge, specializing in entertainment law.

1968-1979 Practiced in San Francisco with Hodge & Zweig specializing in criminal defense and entertainment law. Represented a broad spectrum of musicians, novelists, artists, cartoonists, actors and directors including Richard Brautigan, William Hamilton, Steve Miller Band, Boz Scaggs, Kenny Loggins, Joy of Cooking, Commander Cody and many others.

1966-1968 Served as a litigation associate with Miller, Starr & Regalia

1964-1966 Served as Deputy District Attorney for Contra Costa County handling criminal cases of every variety and magnitude, including major felony trials, murder trials, and consumer fraud trials.

## **HONORS & AWARDS**

- 2013 Named Top Master Neutral in California by the Daily Journal
- 2011 Named Top 50 Neutral in California by the Daily Journal
- 2010 Named Top 50 Neutral in California by the Daily Journal
- 2009 Named Top 50 Neutral in California by the Daily Journal
- 2008 Named Top 40 Neutral in California by the Daily Journal
- 2007 Named Top 40 Neutral in California by the Daily Journal
- 2006 Named Top 30 Neutral in California by the Daily Journal
- 1994 California Superior Court Judge of the Year by California Trial Lawyers Association
- 1991 Trial Judge of the Year by the Alameda-Contra Costa Trial Law Lawyers Association

## **NON-JUDICIAL LEGAL EXPERIENCE**

Judge Hodge has lectured extensively before attorney organizations, environmental groups, at various educational institutions, including The Practising Law Institute, Boalt Hall, University of California at Berkeley, Hastings Law School and Golden Gate Law School.

He has lectured extensively on “The American River Case” (Environmental Defense Fund v. East Bay Municipal Utilities District), a case decided by Judge Hodge which has spawned extensive legal commentary.

## **COMMENTARY**

Over the course of a 20-year career on the Alameda County Superior Court, Judge Hodge presided over every type of civil matter imaginable. The quality of his jurisprudential work is typified by his landmark ruling in Environmental Defense Fund v. East Bay Municipal Utility District, a 20 year battle over water rights to the American River. Judge Hodge’s 130 page ruling was hailed by all parties as a “victory” and viewed by the press as a “perfect balancing of competing interests”. The case has become a prototype for the adjudication of complex water disputes, with extensive law review and text book commentary.

The various awards received by Judge Hodge as a trial judge reflected, in significant part, his role in the settlement of cases. His experience in the trial and settlement of cases provided a sound basis for his current mediation and arbitration practice, for which he continues to receive recognition as one of California’s most accomplished neutrals.

## **REPRESENTATIVE CASES**

### **CLASS ACTION**

The arbitration of eleven nationwide or statewide class actions, including:

- Several wage and hour claims against national restaurant chains
- A fraud and breach of contract case arising from a Cartage agreement between independent truckers and express delivery companies
- A franchise contract dispute in the business services industry
- A case against a trade college for alleged violations of the Student Protection Provisions of the Education Code,
- A case involving a class of automobile dealerships suing a computerized parts distributor
- A disability access case against a beverage chain.

### **BREACH OF CONTRACT & BUSINESS**

- Breach of contract claims between the Doors rock band and a major merchandising company.
- Breach of contract claims between the Golden State Warriors and Alameda County and The City of Oakland
- Breach of contract between cable television company and municipality.
- Breach of contract between professional sports franchise and cable television station.
- The "sex.com" case (Kremer v. Network Solutions) addressing the responsibility of defendant to properly register domain names on the internet.
- The arbitration of a 1.7 billion dollar contract dispute between major pharmaceutical manufacturers. Involved breach of contract and trade secret misappropriation.
- The arbitration of a fraud action against tax shelter providers (see Wall Street Journal, March 6, 2007, page 17 re: my CFO)
- Arbitration involving a co-generation contract between providers and users of electric power arising from the California "energy crisis".
- Arbitration of trade secrets case between architectural firms
- Trade secret misappropriation between cosmetic manufacturers regarding formulas and customers.

## **EMPLOYMENT**

- Wrongful termination cases between terminated senior management personnel and major internet, financial, media and pharmaceutical companies.
- Discrimination and other personnel disputes between the City Auditor and City of Oakland.
- Wrongful termination case involving an assistant City Comptroller and the City of Oakland
- Contract dispute between the Board of Education and Superintendent of the John Swett Unified School District
- Numerous employment cases involving gender, race, age and disability discrimination.

## **PROFESSIONAL LIABILITY**

- Legal malpractice alleged in the handling of a class action lawsuit involving employees of a major insurance company
- Several medical malpractice cases.
- Several legal and professional malpractice cases.

## **REAL ESTATE, LANDLORD-TENANT AND EMINENT DOMAIN**

- Numerous landslide and soil subsidence cases.
- Numerous cases involving breach of contract, fraud, and failure to disclose defects in the purchase and sale of real property.
- Eminent Domain action by owner of commercial property against a wastewater disposal district
- Public nuisance dispute between municipality and national restaurant franchise.
- Numerous landlord-tenant case involving issues of wrongful eviction and habitability.

## **OTHER**

- Numerous product defect cases involving elevators, heavy construction equipment, vehicles, scaffolding, warehouse equipment (fork-lifts, etc.), surgical tools, welders, etc.

### **“MEDIATION OF THE UNUSUAL CASE”**

- A case against a therapist in which, just after couples' therapy, the husband murdered his wife
- A case in which a hospital turned over to the crematorium the wrong corpse for cremation
- A case in which a mental patient escaped from a hospital, car-jacking and wrecking a car, injuring a pregnant hospital patient
- A case in which two individuals were engaged in an amorous embrace when their power boat crashed, resulting in the death of one of the parties
- A case in which a tree fell in a forest, which struck the top of another tree, which fell on a roadway, crushing a car and injuring the motorist
- A wrongful termination case where the plaintiff was allegedly fired for requesting child support from her employer who had allegedly fathered her child, while the father – employer claimed he was merely a sperm donor
- A breach of contract case where an orchid grower claimed he had received merely ordinary orchids where exotic orchids had been promised
- A wrongful termination case in which plaintiff alleged she was compelled by her employer to keep the key to his male chastity belt
- A premises liability case in which a horse bit a second horse, which trampled Plaintiff.