



Hon. Robert D. Foiles , (Ret.)

Mediator, Arbitrator, Neutral Evaluator

Case Manager

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Hon. Robert Foiles (Ret.) joined JAMS after serving nearly 27 years on the San Mateo County Superior Court. As a two-time presiding judge and prior settlement judge, Judge Foiles brings varied and vast experience, including civil and complex litigation, probate and family law. As a trial judge, he presided over nearly 150 civil and criminal jury trials, including numerous high-profile cases, and conducted over 1,000 mandatory settlement conferences as the civil settlement judge.

For his last assignment on the bench, Judge Foiles served in the civil department, where he handled both general civil and complex matters, including personal injury, employment, commercial, real property, professional liability, government and construction defect cases. He was elected by his fellow judges as presiding judge from 2007 to 2008 and again from 2013 to 2014. After concluding his second term as presiding judge, he became the civil settlement judge, where he exclusively conducted all civil mandatory settlement conferences in the county from 2015 to 2018.

From 2004 to 2006, Judge Foiles supervised the Civil Division, where he reformed the ADR and case management process. As assistant presiding judge in 2005, he wrote the protocol and helped establish Pathways, San Mateo County's first mental health court.

Judge Foiles has been honored as the Trial Judge of the Year by both the San Mateo County Bar Association (SMCBA) and American Board of Trial Advocates (ABOTA).

Prior to the bench, Judge Foiles worked as a legal research attorney for the Law and Motion Department of the San Francisco Superior Court and then joined the San Mateo County District Attorney's Office until his appointment to the bench.

Representative Matters

- **Business Commercial**
 - Presided over and settled commercial contract disputes involving claims for failure to pay, breach of fiduciary duty, fraud, theft of trade secrets, unfair competition, exercise of stock option rights and failure to pay commissions
 - Presided over contract disputes regarding interpretation, performance and damages, as well as liquidated damages
 - Presided over and/or resolved partnership dispute litigation and accounting claims
 - Presided over breach of contract litigation regarding violations of competition clauses, trade secrets, corporate raiding and confidentiality clauses
 - As a judge, negotiated claims involving insurance bad faith litigation
- **Construction Defect**
 - Presided over multiparty construction defect cases involving homes, shopping centers, schools, condominiums and large development projects
 - Settled numerous claims between generals, subcontractors, owners and design professionals
 - Presided over litigation involving alleged unlicensed contractors
 - Resolved matters involving insurance issues, including indemnity, apportionment and failure to defend
- **Employment Law**
 - Presided over numerous sexual harassment and wrongful termination/constructive termination claims
 - Approved multiple class action and California Private Attorneys General Act (PAGA) wage and hour settlements
 - Presided over Labor Board appeals involving Labor Code violations
 - As a judge, handled numerous employment cases involving alleged Labor Code violations, including, but not limited to, failure to pay overtime, failure to reimburse expenses, failure to timely pay, failure to provide wage statements and failure to provide required breaks
 - Presided over/settled cases involving alleged violations of California's Fair Employment and Housing Act (FEHA) claiming failure to prevent age, sex and racial discrimination and retaliation
 - Presided over cases involving the Americans with Disabilities Act (ADA)
- **Estate Probate Trusts**
 - As a judge, negotiated settlements between family and relatives in probate and trust disputes
 - Conducted mandatory settlement conferences and resolved claims of undue influence and breach of fiduciary duty in connection with wills and trusts
- **Governmental & Public Agency**
 - Presided over multiple administrative mandate cases involving city and county ordinances and regulations
 - Presided over and settled matters involving public entity disputes, including eminent domain
 - As a judge, handled school district cases involving alleged negligence and negligent supervision
- **Personal Injury**
 - Settled, presided over and tried hundreds of cases involving premises liability and auto, pedestrian, bike, truck and motorcycle accidents
 - Presided over catastrophic personal injury matters, including wrongful death, traumatic brain injury, loss of limb and disfigurement cases
 - As a judge, presided over and settled numerous products liability claims
- **Professional Liability**

- As a judge, managed, presided over and settled claims of professional negligence, including those in the fields of medical, legal, dental and chiropractic
- **Real Property**
 - Presided over litigation of violations of covenants, conditions and restrictions for commercial property parking rules
 - Presided over/settled multiple claims between neighbors and/or homeowners' associations involving easements, parking, landscaping, encroachments, views, privacy, noise and harassment
 - As a judge, managed, presided over and settled cases involving sale of residential and commercial property
 - Presided over property and boundary line and prescriptive easement litigation
 - Presided over numerous matters relating to claims of failure to disclose defects in home prior to sale of property to buyer
 - Presided over/settled landlord/tenant cases

Honors, Memberships, and Professional Activities

Memberships and Affiliations

- Board of Governors, Association of Business Trial Lawyers, Northern California
- Board of Directors, San Mateo Law Library
- Judicial Council Court Facilities Advisory Committee

Selected Awards and Honors

- Trial Judge of the Year, American Board of Trial Advocates (ABOTA), 2023
- John J. Meehan Alumni Fellow Award for Mentorship, University of San Francisco, 2019
- Trial Lawyers Judge of the Year, San Mateo County Bar Association, 2008

Selected Recent Lectures and Panels

- Trial Skills, Tips and Tricks for Trial, San Mateo County Barristers, March 2023
- Trial Practice in Bay Area Courts, National Business Institute, December 2023
- Civil Litigation Do's and Don'ts, National Business Institute, October 2022
- Trials in the Post-Pandemic Era, ABTL Northern Chapter, May 2022

Background and Education

- San Mateo County Superior Court, 1997–2024
 - Civil and Complex, 2021–2024
 - Civil Settlement Judge, 2015–2018
 - Presiding Judge, 2007–2008, 2013–2014
 - Assistant Presiding Judge, 2005–2006, 2011–2012
 - Supervising Judge, Family Law Division, 2011–2012
 - Supervising Judge, Commissioners, 2011–2012
 - Supervising Judge, Civil Division, ADR and Case Management, 2004–2006
 - Law and Motion, 2005
 - Family Law, 1998–1999
- Deputy District Attorney, San Mateo County, 1985–1997

- Law and Motion Research Attorney, San Francisco Superior Court, 1984–1985
- J.D., University of San Francisco, 1984
- B.S., Accounting and Finance, University of California, Berkeley, 1981

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