



HON. ERNEST H. GOLDSMITH
Judge of the Superior Court, Retired



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MEDIATION

Since joining ADR Services, Inc. as a neutral, Judge Goldsmith has served as a mediator, arbitrator, mock trial jurist, mock arbitrator and discovery referee/special master. He has successfully mediated to settlement numerous cases, including: personal injury, employment, real estate transactions, residential and commercial leasing, real estate non-disclosure, landlord-tenant, construction defect, contract, commercial disputes, probate and trust matters, health care, malpractice, insurance coverage and bad faith, consumer and employment class actions. He has utilized his experience as a Law and Motion and trial court judge to evaluate the strengths and weaknesses of cases in mediation which has proved highly valuable in assisting litigants toward settlement.

As a Judge of the Superior Court in San Francisco prior to joining ADR Services, Inc., Judge Goldsmith conducted hundreds of judicial settlement conferences in most areas of the law. He gained a reputation as one of the most successful settlement judges on the bench.

ARBITRATION

As an arbitrator at ADR Services, Inc. Judge Goldsmith has decided complex cases in construction defect, sale of businesses, partnership, probate, real estate, employment and commercial disputes.

MOCK TRIALS/MOCK ARBITRATIONS

Judge Goldsmith is highly experienced in participating as a judge in mock trials and mock arbitrations. These have included a mock trial concerning a \$600M contract dispute in the computer industry and a mock arbitration in a \$100M real estate development HOA construction defect case. Attorneys have stated that they have found Judge Goldsmith's analysis of their cases to be invaluable to them and their clients in evaluating their cases.

DISCOVERY

Utilizing his extensive experience in ruling on discovery matters as the Law and Motion Judge and in a trial court, Judge Goldsmith has been appointed by Superior and Federal courts as a discovery special master/referee in highly complex cases, including those involving computer software and other technology cases.

JUDICIAL EXPERIENCE

Judge Goldsmith served as a Judge of The Superior Court in San Francisco for twenty years. Most recently, he served in the Law and Motion Department for over three years, where he decided numerous motions for summary judgment/adjudication, discovery and all pre-trial motions. As a trial judge, he presided over cases in almost every area of the law including: torts, employment, commercial insurance, leasing, and real estate, among others.

In addition, Judge Goldsmith presided over complex environmental and pollution cases. He served as the Court's CEQA judge, where he decided several of the most important environmental cases in California. These included the Hunters Point Development case, fishing and water rights in the Klamath River tributaries, the Malibu Coast revision project, as well as numerous local development cases.

LEGAL EXPERIENCE PRIOR TO APPOINTMENT TO THE BENCH

Prior to his appointment to the bench, Judge Goldsmith was in civil practice where he specialized in commercial litigation and nonprofit organization law. He represented nonprofit corporations, foundations, and Asian mutual benefit associations.

Judge Goldsmith's practice was closely involved with the healthcare industry. He represented a full-service hospital, a comprehensive outpatient center, medical practices, as well as senior and assisted living facilities.

EDUCATION

Stanford University School of Law, LL.B.

University of California, Berkeley, M.A. in Political Science

University of California, Berkeley, B.A. in Political Science

PROFESSIONAL AFFILIATIONS AND AWARDS

Judicial Advisor to the State Bar (CLA) Litigation Section Executive Committee

Trial Judge of the Year, San Francisco Trial Lawyers Association

Chair, State Bar Nonprofit Organizations Committee

Chair, Revision Committee, Nonprofit Section, California Corporations Code

SPEAKING PRESENTATIONS

Judge Goldsmith is a frequent presenter at continuing education seminars and programs for attorneys and judges. Topics have included: evidence, discovery, electronic discovery, nonprofit corporation law, trial practice, motion practice, asbestos and toxic tort litigation, recent developments in California law, CEQA, environmental law, and expert witnesses. He has presented in California and nationally before the following organizations:

Continuing Education of the Bar (CEB)

California Judges Education and Research (CJER)

The Brookings Institution

The American Enterprise Institute

Thomson West

Bar Association of San Francisco

Marcus Evans Seminars

Harris-Martin Seminars

Pincus Seminars

The National Business Institute (NBI)

The State Bar of California, now CLA

REPRESENTATIVE MATTERS

EMPLOYMENT: Judge Goldsmith has successfully mediated dozens of employment cases: wage and hour including overtime, waiting time, meal and rest breaks, failure to furnish accurate wage statements; wrongful termination; sexual harassment; age and gender discrimination; hostile workplace and independent contractor status. Judge Goldsmith has extensive experience with employment class action cases as a Mediator and Trial Judge.

BUSINESS: Mediations include shareholder and partnership disputes, dissolution of professional partnerships, investor and shareholder lawsuits including software and IT companies and startups, real estate investor disputes, business purchases and sales, collection lawsuits. Judge Goldsmith recently settled a lawsuit involving a large international bitcoin trading company.

PERSONAL INJURY AND WRONGFUL DEATH: Successful mediations have included: motor vehicle accident injuries, injury claims against retail, restaurants, commercial buildings, apartment and condominium complexes and municipalities. Settled injury claims arising from large public events. Injuries have included orthopedic, burns, pulmonary, neurological and traumatic brain injuries, chemical exposure. Judge Goldsmith is a recognized authority on toxic tort injuries and litigation and has taught continuing education programs for judges and lawyers, and has presented nationally at the Brookings Institution and other national venues on toxic tort subjects.

REAL ESTATE: Successful mediations have included lawsuits involving: real estate sale nondisclosure lawsuits; investor disputes, commercial and residential leases; commercial lease renewal valuation; purchases and sales of residential and commercial properties; subsidence problems, condominium owner disputes with HOA's.

CONSTRUCTION: Mediated and arbitrated construction defect cases involving both private and public owners, generals, and subs, in multi-party litigation. Extensive background in construction litigation as a Trial and Law and Motion judge.