

Savvy with the pennies

Alex Saldamando, a retired San Francisco Superior Court judge, excels as a mediator by offering his perspective from the bench.

By **Laura Hautala**
Daily Journal Staff Writer

SAN FRANCISCO — When Judge Alex Saldamando got his clients to name settlement amounts within two cents of each other, it seemed like the end of the mediation was near. But there was a hitch: one client wouldn't give a penny more than \$29,999.99, and the other would not stoop below \$30,000.01.

"There's these invisible lines," Saldamando said as he recalled it.

To get the parties beyond the impasse, Saldamando walked over to the hollow ceramic Buddha statue in the offices of ADR Services Inc. and pulled out two cents.

Attorneys who have gone to Saldamando for mediation say this willingness to give perspective — like a reminder of what two cents looks like — distinguishes the retired San Francisco County Superior Court judge from other mediators.

"I can get that penny," Saldamando said. He said the best way to get clients past their own firm lines is to show them how giving up their figurative two cents can save them the much higher costs of going to court.

Saldamando has decades of experience in courtrooms to apply to the areas on which he focuses as a mediator, which include landlord-tenant disputes, construction failures, wage complaints and insurance disputes.

After graduating from UC Hastings College of the Law, he started working on landlord-tenant issues at the San Francisco Neighborhood Legal Assistance Foundation in 1970. Saldamando also was a legislative advocate for the nonprofit California Rural Legal Assistance, in addition to leading a consumer protection fraud unit as an assistant district attorney for San Francisco.

Gov. Jerry Brown appointed

Saldamando to the San Francisco Municipal Court in 1979, where he served in all departments before moving to superior court in 1990. There, he worked as a civil trial judge, among other roles.

Saldamando also served a stint as a justice pro tem for the 1st District Court of Appeal, Division 4, for three months in 1997. His published *Cruey v. Gannett* opinion dealt with a wrongful termination case.

Beyond his judicial experience, Saldamando says he can build rapport with his ability to speak Spanish, whether his clients are low-income workers in a wage dispute or well-heeled owners of a Mexico-based business.

The mediator's parents were of Mexican descent, born in Arizona in the early 1900s just before the southwestern territory became a state. At the time, there were very few legal records, and only signposts marked the border. Residents in one town that straddled the border chose merchants based on which country offered cheaper prices, Saldamando said.

Quite a different world confronts Saldamando and his clients today in cases that involve landlord-tenant disputes and other housing issues. Fences and ownership complicate everyone's lives, Saldamando said, especially in the city.

"Because everything is so compact, everything is magnified," he said.

Lawyers who have appeared before him said Saldamando is especially aware that some landlords don't know how strongly in favor of tenants the laws and courts of San Francisco can be. This is where the former judge's background helps.

"[He] is able to talk about what happens in the courthouse and why it's important that the landlord work toward settling," said Andrew M. Zacks, a shareholder at Zacks & Freedman PC who once lost a jury



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trial in front of Saldamando, but nevertheless called him a good judge.

Saldamando called it the "power of the robe," or the pressure of facing a courtroom. But Irene Takahashi, a partner at Lewis Brisbois Bisgaard & Smith LLP, said Saldamando wields the threat of the courtroom with equanimity in his mediation.

"I don't find him to be repressive or pushy," she said. "He just gets the job done in a quiet way."

Paul B. Lahaderne, counsel at Sedgwick LLP in San Francisco, echoed this sentiment. "He's got a very calm personality. He listens to things. He is very good one-on-one," Lahaderne said. But that doesn't mean Saldamando is easy to push around, he added. "He's not afraid to tell someone when they're off base."

Lahaderne represents property developers and general contractors who face claims when problems arise after a construction project is complete. He said Saldamando's specific knowledge of construction — how much reasonable repairs cost and where liability should lie — helps shorten the mediation.

"He's good at understanding things that oftentimes take an expert to explain," Lahaderne said.

Though Saldamando is also familiar with insurance disputes, Takahashi said that she initially worried

Alex Saldamando

Affiliation: ADR Services Inc.

Location: San Francisco

Area of specialty: construction, real estate, tenant-landlord disputes, insurance, wage claims

he would be too liberal to work with as a mediator. But within the past two years, she started bringing her insurance company clients before Saldamando for mediation and was impressed by his fairness and pragmatism.

"To me, whether someone is liberal or conservative doesn't really matter as long as you can be objective," Takahashi said, "and he has been."

Here are some attorneys who have used Saldamando in mediation:

Stephen R. Anthony, Anthony & Carlson LLP, Oakland; James M. Treppa, Bledsoe, Cathcart, Diestel, Pedersen & Treppa LLP, San Francisco; Parviz D. Darabi, Law Offices of Parviz Darabi, Burlingame; Christopher B. Dolan, The Dolan Law Firm, San Francisco; Brett L. McKague, Flesher Broomand McKague LLP, Folsom; Paul H. Melbostad, Goldstein, Gellman, Melbostad, Harris & McSparran LLP, San Francisco; Bruce C. Piontkowski, Tingley Piontkowski LLP, San Jose;