

From The Recorder  
6/3/08

# Court Watch

JUDGES AND THE JUSTICE SYSTEM

TUESDAY, JUNE 3, 2008

## Ex-Alameda judge's client roster includes Warriors

Ask Richard Hodge how he landed at ADR Services, as opposed to JAMS, and the normally loquacious retired judge finds himself searching for the right words.

"I want to be careful here," he said.

Ten-second pause.

"I know everyone at JAMS. They're good friends of mine," he noted.

Fifteen-second pause.

"Huh."

Finally, Hodge spoke slowly about a "more close-knit" atmosphere at ADR Services. Pressed further, he said the rate he currently charges — \$425 an hour — allows him to keep a stable of municipal and other public clients who might otherwise be priced out.

### On the Bench

"Some lawyers say to me, 'If you raise your rates, you would get more big-firm business,'" Hodge said. "They feel uncomfortable with someone who charges so little, because they want to represent to clients they're getting the best."

But Hodge said he loves his client mix, which does include some class action arbitrations. He reports working as many hours as a big-firm associate on the partner track. The former Alameda County jurist will turn 70 in September, and though he said his wife would prefer he slow down, it doesn't appear likely.

"It's hardly what you would call a retirement," Hodge said. "Some retirees wake up and do the *Times* crossword puzzle. I awake to a people puzzle."

Sporting a charcoal pinstripe over a cornflower blue dress shirt and silver tie on a recent Friday morning, Hodge displays much of the personality that made him a well-known fixture on the bench: Describing his wife's work with autistic children, he joked, "I told her, her marriage to me prepared her for that."

During the Jerry Brown appointee's 20-year stretch at the Alameda court, he once sketched a duck in a ruling, issued a



JASON DOY

1989 landmark opinion on water rights on the American River, and still boasts of the praise he won from Golden State Warriors coach Don Nelson when Nelson wound up on one of Hodge's juries.

When he left the bench in 2001, he planned a mix of work that would include sitting by assignment. But when a rules change forced him to pick one or the other, he went private.

It wasn't just the money, he said.

"I find the energy level for me is greater in the private sector than it was in the public sector," Hodge said. Where a judge can just sit passively while the never-ending procession of cases marches past, private mediators must build their own practices.

"I spent 20 years beating up on insurance companies trying to get them to settle. I really thought it would impair my marketability," he said. But in describing

his week, Hodge ticks off two premises liability cases as among those he'd worked on.

On the flashier side, Hodge was called in to mediate a dispute between the Golden State Warriors and various East Bay governmental agencies over revenue streams from the Oracle arena. Hodge had had contact with the Warriors before, mediating a case between the team and a sports network when he was still on the bench, said Steven Adamski, the Adamski Moroski Madden & Green lawyer who serves as the Warriors' general counsel.

"In the latter one, it was unclear whether he would get involved. He agreed to do it if all the parties wanted him there. At the beginning, it was not clear they all wanted him there," Adamski said. "He did a nice job integrating himself with everybody. Somehow that issue got pushed to the

### Richard Hodge

**AFFILIATION:** ADR Services

**BORN:** Sept. 3, 1938

**LAW SCHOOL:** University of Chicago Law School, 1963

**PREVIOUS JUDICIAL EXPERIENCE:**  
Alameda County Superior Court judge, 1981-2001

curb."

As the mediation went on, Hodge was able to keep everyone at the table, Adamski said. "Just the power of his personality, it's sort of hard to walk out on him."

A player on the other side of that mediation, Oakland City Attorney John Russo, said Hodge has gotten more avuncular since entering private practice, which Russo sees as a natural evolution.

"I use Judge Hodge quite often because he's very direct. He's able to be direct without being in people's faces," Russo said. "He's got a very good handle on value of cases, but so much of mediation is not the prescription, but the doctor's bedside manner. Judge Hodge is really able to walk the tightrope between calling you out."

Hodge sees himself as a jack-of-all-trades and master of none, he said — "except what a jury is going to do."

In addition to his mediation work with ADR Services, Hodge serves as an arbitrator for the American Arbitration Association.

— Dan Levine

You can order past judicial profiles of more than 100 Bay Area judges at [www.callaw.com/judges](http://www.callaw.com/judges) or by calling (415) 749-5406.