



HON. STEVEN K. AUSTIN

Judge of the Superior Court (Ret.)



*Available for: Mediation, Arbitration, Discovery and
Judicial References*

Hon. Steven K. Austin (Ret.) joined ADR Services, Inc. in 2022 after a distinguished 23 years of judicial service as a Judge of the Superior Court for the County of Contra Costa.

Judge Austin was appointed to the bench by former Governor Pete Wilson in 1998. He served primarily in the Civil Department, with additional assignments in Family Law and Criminal Trials. For 13 years, Judge Austin managed a busy Civil Direct assignment caseload, where he was responsible for all case management, law and motion, discovery, settlement conferences, and trials. He became widely renowned for proactively and successfully settling his cases, conducting close to 1,000 settlement conferences over the course of his judicial career.

In addition, Judge Austin was deeply involved in Court leadership and worked tirelessly to promote better access to the court system for the underserved. He served six years as Civil Supervising Judge, five years as Supervising Judge of the Pittsburgh Branch, and served as a member of the Court's Executive Committee for more than a decade. From 2013 to 2017, he served as the Court's Assistant Presiding Judge and Presiding Judge. He was also an elected member of the Executive Committee of the Statewide Presiding Judges Advisory Committee and helped launch Community Homeless Court in 2008.

Judge Austin has been well recognized by the legal community for being a hardworking and evenhanded judge with excellent legal acumen. He is a thoughtful jurist who appreciates the complexities and subtleties of each case before him and views everyone as a person rather than a problem, adding a humanizing element to each matter he handles. In 2022, he received the Lifetime Achievement Award from the Contra Costa County Bar Association, and he has been honored as Trial Judge of the Year by the San Francisco Chapter of the American Board of Trial Advocates (ABOTA) and twice by the Alameda-Contra Costa Trial Lawyers Association (ACCTLA).

Prior to his judicial career, Judge Austin was in private practice for 17 years specializing in personal injury, civil rights, insurance coverage and construction defect litigation. Judge Austin earned a B.A. in Communication Studies from the University of California, Los Angeles and a J.D. from UC Hastings College of the Law.

AREAS OF EXPERTISE

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| ▪ Personal Injury | ▪ Business |
| ▪ Construction Defect/Landslide | ▪ Medical Malpractice |
| ▪ Property & Neighbor Disputes | ▪ Elder Abuse |

JUDICIAL SERVICE

Superior Court of California, County of Contra Costa **1998-2021**
Judge of the Superior Court

- Presiding Judge and Assistant Presiding Judge, 2013-2017.
- Previously served as Supervising Judge of the Civil Department.
- Member of the Court's Executive Committee for more than a decade.
- Presided primarily in the Civil Department, with other assignments in Family Law and Criminal Trials.
- For 13 years, managed a busy Civil Direct assignment, handling all case management, law and motion, discovery, settlement conferences, and trials.
- Conducted close to 1,000 settlement conferences.

LITIGATION EXPERIENCE

Buresh, Kaplan, Jang, Feller & Austin

1985-1998

- Worked as an Associate and later became a Member and Partner.
- Litigation practice specializing in Insurance Defense, Construction Defect, Earth Movement and Insurance Coverage.

Cole & Scott

1985-1998

- Litigation practice specializing in plaintiff-side Personal Injury and Civil Rights.

HONORS AND AWARDS

- Lifetime Achievement Award, Contra Costa County Bar Association, 2022
- Trial Judge of the Year, American Board of Trial Advocates, San Francisco, 2021
- Contra Costa Alumnus of the Year, UC Hastings College of the Law, 2016
- Trial Judge of the Year, Alameda/Contra Costa Trial Lawyers Association, 2014
- Pro Bono Judge of the Year, Contra Costa County Bar Association, 2005
- Trial Judge of the Year, Alameda/Contra Costa Trial Lawyers Association, 2004

EDUCATION

- Juris Doctor, UC Hastings College of the Law, 1981
- Bachelor of Arts in Communication Studies, University of California Los Angeles, 1978

PROFESSIONAL ACTIVITIES

- California Access to Justice Commission, 2004-2011. Served as Chair of the Commission 2007-2009. Ex Officio member of the Commission until 2022 and Chair of the Language Access Subcommittee.
- Center for Judicial Education and Research (CJER). Chair of the Fairness Education Committee, 2007-2009.
- Judicial Council of California. Chair of the Court Interpreters Advisory Panel, 2009-2015. Access and Fairness Advisory Committee, 2002-2008.
- Member of the Statewide Language Access Planning and Implementation Committees that expanded court interpreter and language services to Civil and Family Law cases.
- Selected as member of the California delegation to the National Judicial Conference on Self-Represented Litigation at Harvard Law School in 2007. Presented as part of plenary panel.
- Chair of three Statewide Court Conferences attended by hundreds of judges and court managers. Conference on Race and Ethnic Fairness in the Courts 2005, Conference on Language Access to the Courts 2006, and the Women of Color in the Courts Conference 2007.
- Designed and conducted the Contra Costa Community Homeless Court, 2007-2021. Oversaw monthly court hearings conducted at local shelters to resolve old infractions for people who were homeless and worked through treatment, job training and counseling to improve their condition.
- Robert G. McGrath Inn of Court.
- Board Member and Chair of Disability Rights California (formerly Protection and Advocacy, Inc.), 1992-1998.
- California State Mental Health Planning Council, 1996-1998.

TEACHING / SPEAKING ENGAGEMENTS

Judge Austin frequently served as faculty at education programs for judges, court staff and attorneys, speaking on such topics as General Civil Practice to E-Discovery and the use of CCP 638 and 639 references. He is committed to promoting civility and professionalism in the practice of law and has presented on that subject to judicial and attorney audiences on many occasions.

CASE SUMMARIES

Personal Injury

- Presided over a jury trial where a young man was rendered a quadriplegic during a competitive diving demonstration when he struck a synchronized swimmer in the water below the diving board. The case resulted in the largest personal injury jury verdict in Contra Costa County history.
- Extensive knowledge of issues involved in Traumatic Brain Injury (TBI) cases, having conducted lengthy jury trials with numerous issues regarding expert testimony and the admissibility of new scientific techniques. Successfully resolved several cases involving these issues.
- A worker fell from scaffolding and suffered traumatic injuries. The case presented significant workplace control and *Privette* issues that were extensively discussed during the settlement conference, leading to resolution.
- An office employee fell into an open hole in the floor during an office remodel. In reaching settlement, distinct efforts were made to persuade the employee's Workers Compensation carrier to significantly reduce the lien claim due to employer negligence.
- Plaintiff suffered serious injuries during a fight at a local athletic event. In reaching settlement, a great deal of time and effort were spent on establishing a rapport with Plaintiff so that she could accept the degree of her comparative fault.

Construction Defect/Landslide

- A landslide significantly damaged the backyards of adjacent homeowners. Successfully negotiated a complex settlement involving three different governmental entities and the insurance carriers for the homeowners.
- A massive landslide undermined several townhouses and extended into a creek below those properties. Conducted extensive settlement negotiations that resulted in a full settlement and repair of the slide.
- Successfully negotiated settlements in numerous residential construction defect cases involving both multi-unit and single family residences.
- Conducted a lengthy bench trial in a case involving the construction of a luxury swimming pool and patio. In addition to numerous and complex defect claims, the case presented unique issues of disgorgement arising from the contractor's alleged failure to maintain adequate Workers' Compensation coverage.

Property and Neighbor Disputes

- A retired couple in rural Contra Costa County had been in a simmering dispute with the owner of a neighboring cattle ranch for many years over property lines

and water rights. After a series of settlement conferences, including one at the ranch, the matter was resolved.

- Nearly 100 plaintiffs claimed that their homes were damaged due to toxic soil contamination from neighboring property that had been a railway station and later a site for machinery repair. This complex, multiparty action was resolved following extended settlement negotiations.
- Neighbors in an upscale community could not agree on the location or the terms of an easement adjacent to their shared property line. After visits to the property and a great deal of work with the neighbors, a comprehensive agreement was reached.
- Presided over a lengthy jury trial in a dispute between neighbors regarding their respective rights to a small parcel of land located on their boundary. After one side built a wooden deck and pergola in the disputed area, the other cut it in two with a chain saw while being filmed by a security camera. The case involved novel easement and equitable relief claims.
- Conducted a bench trial after floods caused by a blocked drainage pipe and earthen channel resulted in damage to a number of homes. The case involved difficult issues related to the "Natural Watercourse Rule," and was eventually affirmed on appeal. *Contra Costa County v. Pinole Point* (2015) 235 CA4th 914.

Medical Malpractice

- Successfully resolved a significant Wrongful Death/Medical Malpractice case involving a young father of two after a physician failed to diagnose an aortic aneurysm.
- Presided over a birth injury medical malpractice case where the plaintiff child suffered loss of blood to his brain resulting in permanent neurological impairment. The case presented a number of complex issues, including the appropriate methods for establishing the cost of future medical treatment.
- Negotiated a settlement arising from a medication error that resulted in injuries to Plaintiff's gastrointestinal system.

Business Disputes

- In a dispute among members of a substantial family business, a son and his parents were in litigation over control and distribution of capital assets. During negotiations, it became apparent that other non-party family members would have to agree to be bound by certain settlement terms in order to fully resolve the matter. They were persuaded to participate and after lengthy, emotional and direct negotiations with each of the family members, the case resolved.
- A property development company purchased a large plot of land that contained partially full oil storage tanks. It contracted with a steel salvage company to recycle the oil and salvage the steel containers. As the job began, the salvage company

discovered that the oil could not be recycled because it was contaminated with sludge, so it refused to perform. The case was eventually resolved using a creative approach that involved cash payments and additional salvage services at no charge.

- A longtime business tenant that operated a neighborhood grocery store claimed that it had an option to purchase the building that was breached when the landlord sold to a third party. After difficult negotiations that included the third party purchaser, the matter was resolved with the tenant eventually purchasing the property.
- Partners in the ownership of a gas station ended up in litigation over numerous, longstanding disputes. Settlement negotiations were challenging due to the animosity between the parties. Through a great deal of direct discussions with the principals, the matter was resolved through a buy-out agreement.

Elder Abuse

- Plaintiff claimed her father developed severe bedsores while a resident of a Skilled Nursing Facility, which led to sepsis and his eventual death. Defendants disputed the cause of death and that they had breached the standard of care in any way. After resolving numerous discovery disputes, a settlement was negotiated.
- In a financial elder abuse claim, siblings claimed that their brother had stolen a number of their father's assets. The brother denied wrongdoing, claiming that his father had made the transfers freely and that some of the funds claimed to be stolen were loans that had been repaid. Settlement was eventually achieved, mostly by persuading the brother to move out of the father's home.