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Veteran San Francisco judge Kathleen Kelly applies trial discipline to ADR practice

After a long judicial career, retired San Francisco judge Kathleen Kelly now uses structured processes and pre-mediation work to guide complex cases to settlement.

By Shane Nelson

Special to the Daily Journal

For more than two decades on the San Francisco County Superior Court, retired judge Kathleen A. Kelly routinely witnessed what she described as the torment of litigation.

“I saw a lot of heartache that comes with the unpredictability—particularly of a jury trial, but frankly, sometimes also in a court trial,” Kelly said. “There’s so much in the litigation process that is wrenching for people.”

After a long run of juvenile, criminal and civil assignments on the bench, Kelly focused on settlement conferences in her final few years as a judge and found the process to be “very empowering for people.”

“They could have more agency,” Kelly explained, “unlike the litigation process, where it seems the litigants often feel so much of their life is in the hands of others—the jury or the judge. ... I really saw it as a way to help people get some certainty and to resolve their dispute earlier without a lot of that heartache.”

Kelly retired from the bench in February 2025, and she’s been working to resolve employment, personal injury and contractual disputes as an ADR Services, Inc. private neutral since March of that year.

“I’ve done some arbitrations, but mostly I’m doing mediations,” Kelly said.



Jana Ašenbrennerová/ Special to the Daily Journal

A 1984 graduate of UC Hastings College of the Law—now UC Law San Francisco—Kelly spent five years tackling insurance litigation in private practice and then worked for a decade in the San Francisco City Attorney’s Office, trying child abuse and neglect cases. She later joined the U.S. Attorney’s Office for the Northern District of California before her appointment in 2003 to the San Francisco County Superior Court bench by Gov. Gray Davis.

Likening her approach to arbitration to her experience presiding

over hundreds of trials, Kelly said she tries to establish straightforward arbitration timetables early.

“I make very specific orders; things are due on very specific dates,” she said. “I try to lay out a very clear path so there are few, if any, surprises by the time we actually get to arbitration. And that clarity has—at least thus far—been very welcomed by counsel.”

She said she also works hard to avoid surprises.

“I will even tell the attorneys, ‘Please, share your mediation briefs,’” Kelly explained. “Sometimes the attorneys

Kathleen A. Kelly

ADR Services, Inc.
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won't, can't, don't. But I encourage it because I have found it's just not helpful to have big surprises in the middle of a mediation. The more we can address big issues up front ahead of time, frankly, the better."

Underscoring the significance of preparation, Kelly said she relies heavily on briefs attorneys submit before mediation, but she does her own research. She described the Zoom conferences she conducts with counsel beforehand as "really, really important."

"Those pre-mediation calls are invaluable, so that when the day of mediation comes, we really hit the ground running," Kelly explained. "I'm well-versed in what the issues are. The attorneys have a bit of a sense of me, and we just get right into it."

Walnut Creek defense attorney Alison M. Crane used Kelly recently to resolve a multi-party personal injury case, and she appreciated the extensive work the mediator did in advance.

"She'd already spoken to everybody about the issues in the case and knew what the sticking points were," Crane said. "And as a result, when the case really got sticky and was hitting those road bumps along the course of the day in the mediation, we were able to get over them."

Crane said it was a difficult case she didn't think would settle.

"The parties had very divergent opinions about liability and damages," she explained. "But Judge Kelly really worked through the hard part of the mediation and kept everybody talking. ... And we were able to get a case that didn't seem like it was going to resolve all the way to the finish line that day. And that was very much a function of the work she was putting in with each of the attorneys and each of the parties to get everyone to understand each other's positions and to get everybody to compromise."

Kelly emphasized the close attention she pays to the personal nature of the disputes she's so frequently working to resolve as a mediator, noting that listening carefully to parties is critical while stressing the significance of allowing litigants a chance to feel heard.

She also said directness and candor from counsel makes her job a lot easier.

"I understand that in the heat of mediation, and with clients present, there are nuances," Kelly explained. "But that candor is something I always appreciate, and I find it so very helpful to the mediation process."

Sacramento plaintiffs' attorney Corey B. Bennett has used Kelly to settle two employment disputes involving retaliation allegations and said she "strikes a good balance between being empathetic and strong."

"In the cases that I do—where my clients are typically fired or they quit under less-than-ideal circumstances—it is a very personal dispute for them," Bennett said. "In these few occasions where I've worked with Judge Kelly, she was very patient and kind and empathetic to my clients. ... And I find in these types of cases, that approach of actually caring about the people and parties involved goes a long, long way."

San Francisco plaintiffs' attorney Sandra R. Speed used Kelly recently to resolve a multi-party premises liability case involving a fire and said the mediator's compassionate approach was especially helpful.

"These were decades-old businesses that in the blink of an eye were destroyed, and it was the livelihood for generations of this family that was completely wiped out by this fire," Speed said. "And she really communicated a lot of empathy and understanding for my clients and all that they'd lost."

Speed was also impressed by Kelly's tenacious pursuit of resolution.

"If you want to get a case settled, use her. She'll get it done," Speed insisted. "She will do everything she possibly can to get it done. ... She just kind of makes it her mission, and she's just dogged in getting to resolution."

Kelly said she's taken a great deal of satisfaction from shifting her career into private neutral work.

"I've had people say to me, 'You know, the sign of a good mediation is when everyone leaves angry,'" Kelly explained with a chuckle. "That has not been my experience at all. I don't want to sound like Pollyanna, but I really feel like people are leaving feeling heard and feeling some sense of peace that there's finally a resolution. So, I find that very, very, very satisfying."

Here are some attorneys who have used Kelly's services: Alison M. Crane, Bledsoe, Diestel, Treppa and Crane LLP; Corey B. Bennett, King & Siegel LLP; Sandra R. Speed, Ribera Law Firm APC; Dana K. Oium, Allen, Glaessner, Hazelwood and Werth LLP; Mary K. Glaspay, Manning Gross & Massenburg LLP.

shane.nelson@dailyjournal.com