

Get to Know Hon. Kathleen Kelly (Ret.)



Having presided over hundreds of trials and resolved scores of significant cases in her 20+ years as a trial judge, including eight years as a civil trial judge, **Hon. Kathleen Kelly (Ret.)** has built a reputation for her unwavering commitment to helping litigants resolve their cases. She is known for her thorough preparation and analysis for each case, her openness to innovative approaches and her determination to help parties bring finality to their disputes. Her work has shaped lives both in and out of the courtroom, from pioneering family-focused treatment courts to highly contested jury trials. With her deep experience both as a litigator and then as a trial judge she brings invaluable perspective to her work. Now, as a neutral with ADR Services, Inc., she brings that same energy and commitment to helping parties resolve their cases. We spoke with Judge Kelly about her path, her values, and the philosophy behind her approach to dispute resolution.

Q: Let's begin with your background—how would you describe your experience in civil litigation?

Judge Kelly: I began my legal career in a mid-sized civil law firm, and was fortunate to gain great hands-on experience in both insurance coverage and litigation matters. I was eager to take on even more trial experience and so joined the San Francisco City Attorney's Office. There, I spent ten years on the child welfare (juvenile dependency) trial team, where, as a Senior Trial Counsel, I handled hundreds of trials and settlements and saw firsthand the critical importance of trying to resolve high conflict cases for families in the most

challenging of circumstances. I then joined the US Attorney's office, and thoroughly enjoyed the rigor of trial practice, and the guiding principals of justice and fairness at the federal level. As a judge, I've presided over hundreds of jury and court trials in every courthouse in San Francisco. For the past eight years, I handled a wide range of civil matters. I really loved presiding over trials and working with so many excellent trial attorneys. I was part of a select team of judges tasked with settling civil cases for the court and found the process of helping parties resolve even the most protracted litigation to be extremely rewarding. Bringing closure to disputes has always been central to my work.

Q: What areas of law would you consider your areas of subject matter expertise?

Judge Kelly: One of the pleasures of being a trial judge in San Francisco is the opportunity to preside over a broad spectrum of civil cases, including personal injury, employment, construction, contract, commercial disputes and housing/real estate matters, as well as trials out of our probate

Areas of Expertise:

- Business / Commercial/Contract
- Construction
- Employment
- Landlord/Tenant
- Personal Injury
- Real Estate

department. I successfully handled multiple trials and settlement conferences in each of these subject matter areas. I was fortunate to be able to juggle three assignments in my civil docket: I presided over challenging cutting-edge civil trials, was part of the select team of judges overseeing civil settlements and, once a week, presided over a pioneering problem-solving and treatment court for families in high risk cases. I firmly believe this unique balance made me a stronger trial and settlement judge.

Q: What would you say are your core strengths as a neutral?

Judge Kelly: Preparation and persistence are key. I'm deeply committed to helping people resolve their cases in ways that are fair, just, efficient, and—importantly—maintain their dignity. Preparation is essential, including pre mediation conferences with counsel to best understand the dynamics of a case. Through all the cases I have settled, I have seen firsthand how important it is for parties to feel both respected and heard. I'm also persistent—once I'm involved in a case, I don't let go easily. I keep the conversation going, and am of course open to mediator proposals and follow-up discussions. While settlement well before trial is optimal, I have learned that settlement is still possible, and in the parties best interest, even once trial has started. With that in mind, I endeavor to be available to parties regardless of where they are in the litigation process.

Q: What are you most proud of in your judicial career?

Judge Kelly: I'm especially proud of the ten years I spent developing and leading our Family Treatment Court—a program that became a model nationally for how courts can support families in crisis and help parents reunite with their children. That work had a deep impact on hundreds of families. And, interestingly, it gave me invaluable insights into the often high-stress, high stakes situations of litigants in my civil trials. I am also

proud of the care and respect I have accorded hundreds (perhaps thousands!) of jurors over the years. So many jurors told me they left court feeling inspired by the process. I was always especially touched to hear from new citizens about what a positive experience they had. At the same time, while jurors appreciated me running a fair and efficient trial, they also often spoke of the need for more trials to settle. Seeing firsthand the often arduous work of our juries, truly highlighted for me the essential role that productive mediations play in our overall system of justice.

I should add that I was very honored to receive the **SFTLA 2024 Trial Judge of the Year Award** for conducting trials with fairness, efficiency, and distinction. That recognition, capping off more than two decades as a trial judge, meant the world to me.

Q: What inspired your transition to full-time dispute resolution?

Judge Kelly: The pandemic was a turning point. COVID forced us to reimagine how courts function, and it made clear that there are alternative paths to resolution that can be less stressful and more efficient for everyone involved. That realization pushed me to explore dispute resolution in a more focused way.

Q: How do your personal values inform your professional approach?

Judge Kelly: Fairness and dignity are foundational for me. I believe that everyone deserves to be heard, and that resolution is more than just an end to a case—it's about restoring a sense of control and peace to people's lives. My work in problem solving courts especially taught me the importance of addressing challenging issues with the most accurate, up to date information, and that the parties know I care about their case. I am persistent and am invested in helping them resolve what is too often a stressful situation that is not of their choosing.

Q: When parties are stuck, what techniques do you use to help them move forward?

Judge Kelly: I keep communication open and fluid. I can provide deep perspective on the challenges and uncertainty of jury trials. I have used mediator's proposals, follow-up calls, and ongoing check-ins to keep parties engaged. Sometimes, it's about reframing the situation—helping people understand the value of certainty and resolution versus the uncertainty and cost of trial. Sometimes a discussion of recent jury verdicts or even how juries view certain jury instructions can get the parties to view their situation through a different lens.

Q: What motivates you in your role as a neutral?

Judge Kelly: I find deep satisfaction in helping people bring challenging litigation to a close. So many of the cases I see involve intense stress, and if I can help resolve even part of the conflict, that's a real win. Dispute resolution can be affirming—it puts power back in the parties' hands. I am also practical and seek to assist parties in seeing that certainty now before further emotional and financial costs can be a meaningful benefit for them.

Q: What's your preparation style for mediation?

Judge Kelly: I prepare thoroughly. I read briefs closely, prioritize discussions with counsel ahead of time, and sometimes ask for additional materials if needed. I might research jury verdicts or ask the parties to do so—as verdicts, and my insights from years of trials, may help ground our discussions in how jurors may view a particular case. I also listen carefully to issues raised by counsel. Their input and insights on their clients' needs and expectations are crucial to a successful mediation.

Q: And what happens if the matter doesn't resolve during the mediation?

Judge Kelly: I stay with it. Whether through a mediator's proposal or follow-up calls to counsel, I keep the lines of communication open. Cases evolve, and sometimes parties just need a bit more time and perspective.

Q: What do you enjoy most about this work?

Judge Kelly: First, I enjoy people and I especially love to assist those who are dealing with the challenges of litigation. I see working with counsel to settle a case as a truly meaningful contribution to our system of justice. Seeing the relief and closure that comes with resolution—especially in cases that have dragged on and have exacted both an emotional and financial toll—is incredibly rewarding.

Q: How do you think attorneys would describe your style?

Judge Kelly: I think they'd say I am thorough, prepared, respectful and direct. I am persistent. I value fairness and civility, and I work hard to create a process that's efficient and dignified for everyone involved.

A Judicial Legacy Rooted in Service and Commitment.

Judge Kelly's career has been defined by her dedication to fairness, her innovative work in family justice, and her deep respect for the legal process. As a neutral, she continues to serve with the same passion that guided her time on the bench—helping people move forward, one resolution at a time.

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