

Get to Know Hon. Roger Benitez (Ret.)



“I’m Not Afraid to Make the Hard Call”: A Conversation with Hon. Roger Benitez (Ret.)

By Katy Jones

After decades on the bench handling some of the nation’s most complex disputes—from multidistrict litigation and class actions to patent, antitrust, and securities matters—**Hon. Roger Benitez (Ret.)** brings a direct, deeply experienced perspective to dispute resolution. Over the course of his career, he presided over virtually every type of civil case in federal court, conducted hundreds of settlement conferences and early neutral evaluations, and built a reputation for confronting difficult issues head-on.

In conversation, Judge Benitez is candid, practical, and occasionally wry. He speaks less about “philosophy” and more about judgment, preparation, and honesty—qualities he believes parties are truly seeking when they walk into mediation or arbitration.

“I can be fair. I can be easy. I can be reasonable. I can be tough. It all depends on the circumstances.”

Q: You’ve handled an extraordinary range of cases over your career. Looking back, what stands out most to you about your litigation and judicial experience?

Benitez : The breadth of it. I’ve presided over almost every kind of case that comes before a federal court—patent and intellectual property

disputes, antitrust, securities, shareholder derivative actions, employment matters, product liability, wrongful death, civil rights cases, MDLs, class actions. Before that, I spent nearly twenty years in private practice handling commercial, real estate/property, probate litigation, and personal injury on both plaintiff & defense side.

What all of that teaches you is that no two disputes are exactly alike, even when the legal issues appear similar. Every case has its own dynamics, personalities, risks, and pressures.

Q: You were appointed to the United States Judicial Panel on Multidistrict Litigation and served as a transferee judge in multiple Multidistrict Litigation matters (MDLs). What did those experiences teach you?

Benitez: In managing MDLs, I found that the most important aspect is to get lawyer buy-in early on. By that, I mean getting the attorneys to agree on who is going to be on the slate of leadership, and letting them be part of the solution, or even agree on who will serve as special master when needed. Sometimes, they come around to a resolution without needing my intervention. Of course, when I have to get involved, I have no problem making those tough calls.

MDLs require organization, patience, and decisiveness. You’re managing massive amounts of information, large groups of lawyers, competing interests, and very real consequences for the

Areas of Expertise:

- Multidistrict Litigation (MDL)
- Securities and Shareholder Disputes
- Antitrust and Competition Law
- Patent and Intellectual Property
- Complex Commercial Litigation
- Class Actions
- Employment and Wage & Hour
- Consumer Privacy and Data Breach
- Product Liability
- Real Estate and Real Property

parties involved. I successfully resolved three MDL matters and managed a fourth, and those experiences reinforced the importance of cutting settlement. In habitability or construction disputes, the challenge often becomes allocating responsibility among multiple insurers with different policies and coverage positions through noise and focusing on what actually matters.

One thing I learned is that lawyers and parties often appreciate candor more than diplomacy. They want someone experienced enough to tell them honestly where they stand.

“In MDLs, parties are looking for someone who has no personal stake in the matter, has experience and expertise, and can give them an honest opinion.”

Q: How would you describe your approach as a mediator?

Benitez: I don’t really think in terms of having a “mediation philosophy.” I think in terms of problem solving. My job is to understand what is truly important to the parties. Often, the stated positions are not the real issues.

Sometimes people want an evaluation. Sometimes they want to feel heard. Sometimes they want accountability. Sometimes they simply need someone credible to tell them what the risks are if they continue litigating.

If the parties want my opinion, I’ll give it to them.

Q: What do you do when parties reach an impasse?

Benitez: I try to identify what they really want. Not what they say they want in a brief or an opening statement—what actually matters to them. And then I try to determine whether an honest assessment from me would help move the process forward. In many cases, people are looking for a neutral who is independent, experienced, and willing to be direct with them. That can make a difference.

Q: You’ve spoken openly about being willing to make difficult or controversial decisions. Has that always been part of who you are?

Benitez: Yes. I rely on the law, and my internal compass, rather than what others may think. Judges and arbitrators are ultimately called upon to exercise judgment. You can listen carefully—and you should—but eventually you have to make the call.

I’ve never been afraid to do that.

“I know how to make hard calls and grapple with difficult and controversial issues.”

Q: What role does preparation play in your work as a neutral?

Benitez: A very important one. My approach is straightforward: ask for briefs, read the briefs, and be prepared. But preparation also means being honest about what you know—and what you don’t.

I remember early in my time as a magistrate judge handling a patent matter during a settlement conference. At the time, I did not have deep experience in that particular area. I told the lawyers that directly. I gave them the opportunity to educate me about the technology and the issues involved rather than pretending otherwise.

I think that honesty actually helped build trust with the attorneys. Lawyers can tell when someone is bluffing. I’ve always believed it’s better to be candid, ask questions, and fully understand the dispute than to pretend expertise you don’t have. Over time, of course, I went on to handle many patent and intellectual property matters, but that experience stayed with me.

People can tell immediately whether the neutral has done the work. Preparation matters because credibility matters.

Q: What motivates you to continue working as a neutral after leaving the bench?

Benitez: I wanted to retire from the bench, but I didn't want to stop helping people resolve disputes. These matters are often emotionally and financially significant for the parties involved. Helping people reach resolution—particularly in a process where they have greater control over the outcome—is meaningful work.

Q: Outside the courtroom, is there anything about your background that shapes how you approach dispute resolution?

Benitez: I've had a unique life history and extensive involvement in community service. I think that gives me perspective. Law is important, but understanding people is equally important.

Q: After everything you've seen in decades of litigation, what do you enjoy most about dispute resolution today?

Benitez: Giving people a greater say in resolving their disputes in a less formalistic process. Litigation has its place. Trials have their place. But there's tremendous value in helping parties reach practical resolutions themselves when possible.

And when it's not possible—when an arbitrator or judge needs to make the decision—I'm comfortable doing that too.

“Sometimes the most valuable thing a neutral can provide is clarity—clarity about risk, cost, exposure, and what the future may look like if the case doesn't resolve.”

Judge Benitez joins ADR Services, Inc. following a career that placed him at the center of complex civil litigation at nearly every level of the judiciary. His combination of trial experience, MDL leadership, candid evaluation style, and willingness to confront difficult issues directly positions him as a formidable presence in both mediation and arbitration.

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