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Spring 2026



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Trial Judges of the Year



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Alameda County Trial Judge of the Year — Hon. James Reilly —

by Susan Kang Gordon



Judge James Reilly is a true Golden Californian in every sense of the phrase. A sixth-generation Californian, Judge Reilly was raised with a bedrock foundation of values instilled by parents who understood that honor, respect, and service to the community are not merely aspirations — they are a way of life. These principles have guided every chapter of his distinguished career, from his early years in uniform to the courtrooms of Alameda County.

Following in his father's footsteps, Judge Reilly answered the call to serve by enlisting in the United States Navy. That experience of discipline, mission focus, and duty to something larger than oneself would prove formative, shaping the kind of practitioner and jurist he would become. After his military service, Judge Reilly continued his commitment to public service by pursuing a career in law.

He earned his law degree from the University of San Francisco School of Law, where he distinguished himself academically and as a leader. He served as Editor-in-Chief of the law review and was recognized with the prestigious Hon. Harold J. Haley Award for scholarship and leadership — an honor that speaks to both his intellectual rigor and his character.

For more than 30 years, Judge Reilly built a highly respected private practice, representing clients across a wide range of complex commercial matters. His areas of expertise included:

- *Business disputes and commercial litigation*
- *Securities fraud*
- *Antitrust matters*
- *Product liability*
- *Personal injury*

This breadth of experience gave Judge Reilly a rare and valuable skill: the ability to view litigation from multiple vantage points simultaneously — understanding the legitimate concerns of plaintiffs and defendants alike, and the pressures each side faces as a case winds through the legal system.

In 2018, Judge Reilly was appointed to the Alameda County Superior Court by Governor Jerry Brown, a recognition of his decades of service and his standing in the legal community. From 2019 through 2024, he was assigned to the Civil Division, where he presided over

approximately one hundred trials — gaining deep familiarity with how cases develop, what drives them to verdict, and what might have led to earlier resolution. In 2024, Judge Reilly transitioned to the Settlement Conference Division, where he has since overseen hundreds — if not thousands — of civil case settlements spanning nearly every area of civil law, including:

- *Personal injury and wrongful death*
- *Employment disputes and workplace discrimination*
- *Breach of contract*
- *Elder abuse*
- *Professional negligence and malpractice*
- *Property disputes and boundary conflicts*
- *Product liability*
- *Landlord-tenant matters*
- *Construction disputes and mechanics liens*

That volume and variety of experience has made Judge Reilly one of the most seasoned settlement conference judges in the region — and one of the most effective.

Judge Reilly's Approach to Settlement Conferences

Judge Reilly approaches every Mandatory Settlement Conference (MSC) the same way he approached the practice of law: with competency, clear communication, and a firm belief in the power of zealous, professional advocacy. He understands that resolving a dispute is not simply a matter of splitting the difference — it requires each party to feel genuinely heard, to understand the real risks they face, and to make informed decisions with the guidance of capable counsel.

His philosophy is grounded in a fundamental truth about litigation: trials are uncertain, expensive and exhausting. The parties who do best are rarely those who win at trial — they are those who negoti-

ate from a position of strength, clear-eyed about the value of their case, with counsel who have prepared thoroughly and communicated candidly. Judge Reilly's role is to create the conditions for that kind of settlement to happen, and he takes that role seriously.

What follows is a detailed look at the principles and practices that define how Judge Reilly conducts settlement conferences — and what attorneys and parties can expect when they walk into his courtroom.

1. Thorough Preparation

The Foundation of Every Successful MSC

Judge Reilly does not arrive at a settlement conference cold. Before the session begins, he reviews the parties' settlement conference statements carefully and examines the court's docket in detail, looking for patterns, procedural history, and any signals about where the case stands and where the sticking points might be. He approaches this pre-session review not as a formality, but as genuine preparation — because he believes that a well-informed settlement judge is a more effective one.

He then meets separately with each side at the outset to fill in any gaps left by the written submissions. These early conversations are not mere pleasantries. Judge Reilly uses them to take the measure of the case — and of the people involved. What are the real priorities? Where is the flexibility? What is the emotional temperature? Are there relationship dynamics at play that could either facilitate or derail settlement? He listens for the answers to these questions even when they are not explicitly stated.

Judge Reilly expects the parties to match his level of preparation. For plaintiffs' counsel, that means having a firm and defensible damages calculation — not a range pulled from thin air, but a number grounded in evidence, precedent, and a ►

realistic assessment of what a jury is likely to award. He expects counsel to be able to walk through the elements of damages with specificity: medical expenses, lost wages, pain and suffering, future care needs, and any special damages particular to the case.

For defense counsel, preparation means being equally versed on the value of the case — not just the legal defenses, but the genuine exposure the client faces if the case goes to trial. That includes an honest appraisal of the strength (and the weaknesses) of the liability defense, the credibility and likability of key witnesses, the persuasiveness of the opposing expert, and the general tenor of jury verdicts in similar cases in Alameda County. Defense counsel who walk in armed only with their best-case scenario will quickly find that Judge Reilly is not interested in best cases — he is interested in realistic ones.

The practical takeaway is simple: come prepared, come organized, and come ready to engage. The MSC process moves quickly, and there is no time to reconstruct a case from scratch once the session is underway. Attorneys who have done their homework will find Judge Reilly to be a highly effective partner in reaching resolution. Those who have not will find the process far more uncomfortable than it needs to be.

2. Active Listening

Truly Understanding Each Party's Position

One of Judge Reilly's most distinctive qualities — and one that attorneys who have worked with him consistently remark upon — is his capacity for genuine, active listening. This is not a passive quality. It is a deliberate practice rooted in his deep respect for the parties and his understanding that people cannot move forward in a negotiation until they feel truly heard.

In practice, active listening means that Judge Reilly does not simply wait for his turn to speak. He absorbs what is being said, processes it against the facts he has already gathered, and pays close attention to what is not being said — the hesitations, the qualifications, the moments when a party or attorney holds something back. Often, the most important information in a settlement conference is communicated between the lines, and Judge Reilly has developed a refined ability to read those signals.

He is genuinely curious about the human dimensions of each case. Behind every dispute is a story, and Judge Reilly wants to understand it. Why does this matter so much to the plaintiff? What is the defendant actually afraid of? Is there a business relationship at stake? A reputation? A principle that feels non-negotiable but might actually have some give? Understanding these deeper motivations allows Judge Reilly to craft approaches to settlement that address what the parties actually need — not just what they have demanded in their pleadings.

His experience across so many different case types serves him especially well here. Having presided over personal injury cases, employment disputes, elder abuse claims, contract breaches and construction defects, he has developed an unusually rich frame of reference. When he hears a new case, he can quickly identify what type of dispute it resembles, what tends to drive resolution in cases like this, and what the common blind spots are on each side. That pattern recognition, built over years of intensive work in the Settlement Conference Division, allows him to listen not just to the specific facts presented but to the broader dynamics at play.

Attorneys should take note: Judge Reilly's active listening is also an invitation. He creates space for parties to tell

their story fully, and he encourages counsel to let their clients speak. A plaintiff who has been waiting months or years to be heard deserves that opportunity — and sometimes, the simple act of being genuinely listened to by a judge makes the difference between a party who digs in and one who is willing to move.

3. Candid Dialogue

Confronting Strengths, Weaknesses, and the Reality of Trial

The settlement conference process is confidential, and Judge Reilly takes that confidentiality seriously — and uses it strategically. The protected space of an MSC is precisely where the most candid, productive conversations about a case can and should take place. Judge Reilly makes clear from the outset that what is said in the conference room stays there, and he uses that assurance to invite a level of frankness that is often impossible in other litigation contexts.

In his separate sessions with each party, Judge Reilly will ask counsel and their clients to engage honestly with the strengths and weaknesses of their own case. Not the version they would present to a jury — the real version. Where are the gaps in the evidence? Which witnesses are strong on paper but may not hold up under cross-examination? Is the damages theory vulnerable to a Daubert challenge? Does the liability theory depend on the jury accepting a chain of causation that could just as easily be characterized another way? These are the questions that tend to get glossed over in the adversarial heat of litigation, and Judge Reilly will not let them be ignored at an MSC.

He also wants parties to think carefully — and honestly — about the risks of proceeding to trial. Those risks are substantial and multifaceted. Juries are unpredictable. Even strong cases can be ►

lost. Even weak defenses can carry the day. The cost of trial — in time, money, emotional energy and disruption to the parties' lives and businesses — is real and significant. And there is always the possibility of an adverse outcome that exceeds what could have been achieved at the settlement table, in either direction.

Judge Reilly is skilled at presenting these realities without alienating the parties. He does not lecture or moralize. He asks questions and presents scenarios. He might say: "Help me understand how you see this playing out at trial. What happens if the jury doesn't buy that theory?" Or: "I've seen cases like this go to verdict in Alameda County. Let me share what I've observed about how juries respond to this type of claim." These are invitations to think, not indictments.

Crucially, Judge Reilly adapts his approach to the specific needs and temperament of each party. Some parties need a gentle nudge — a quiet conversation that helps them see the case from a different angle and arrive at a more realistic assessment on their own. Others need a firmer hand — a direct conversation that does not allow them to retreat into wishful thinking or positional bargaining. Judge Reilly reads the room and calibrates accordingly. His goal is never to pressure anyone into a bad settlement, but to ensure that every decision made at the table is an informed one.

This candid approach extends to counsel as well. Judge Reilly respects the role of the advocate and values zealous representation. But he also knows that the best service an attorney can provide at an MSC is an honest assessment of the case — not cheerleading, not false confidence, and not an inflated demand or an unrealistically low offer designed to signal toughness. When counsel are candid with their clients and with the

process, settlements happen. When they are not, opportunities are lost.

4. The Art of the Question

Guiding Parties Toward Realistic Assessment Attorneys preparing for a settlement conference with Judge Reilly should expect to answer a great many questions. This is by design, and understanding the purpose behind his questioning will help counsel prepare more effectively and get more out of the process.

Judge Reilly asks questions for several distinct reasons, and skilled counsel will learn to distinguish between them. Some questions are informational: he genuinely does not know the answer and needs it to properly evaluate the case. What is the current status of the plaintiff's treatment? Has the expert been designated, and if so, what is the nature of their opinion? Are there coverage issues that could affect the settlement range? These questions are straightforward, and the answers help him understand the landscape.

Other questions serve a different purpose entirely. Judge Reilly will sometimes ask a question not because he needs the answer, but because he wants the party or attorney to hear themselves articulate it. When a plaintiff's attorney is asked to explain, step by step, exactly how they would prove causation at trial, and finds themselves struggling to answer clearly, that struggle is itself valuable information — for the attorney, and for the client sitting in the room. Similarly, when a defense attorney is asked to explain why a jury would find their client more credible than the plaintiff, and the answer is less compelling than they expected, that realization can shift a negotiation that has been stuck.

Judge Reilly also uses questions to surface issues that parties have downplayed or overlooked. A damages calculation that omits a significant component.

A liability theory that depends on an inference the jury may not draw. A witness whose credibility issues have been rationalized away rather than honestly confronted. A prior verdict in a similar case that cuts against one party's position. By asking the right questions at the right moment, Judge Reilly can bring these issues into focus without being confrontational — and in doing so, move the negotiation toward a more realistic zone of potential agreement.

Experienced litigators sometimes assume they have heard every question a settlement judge might ask. Judge Reilly has a way of surprising them. His depth of experience across so many types of cases — and his genuine engagement with the specific facts of each matter — means that his questions are tailored, probing, and sometimes uncomfortably incisive. The best preparation for this is the same preparation that good lawyering always requires: know your case thoroughly, know its weaknesses, and be ready to discuss both honestly.

Clients, not just counsel, should be prepared for this process as well. Judge Reilly values direct engagement with the parties themselves — not just their attorneys. A client who has been coached to simply follow their lawyer's lead and say nothing will find the process less effective than one who is genuinely prepared to participate. Judge Reilly wants to understand what the case means to the parties, what resolution would look like for them, and what is standing in the way. When clients can articulate those things directly, the path to settlement often becomes much clearer.

5. Building and Sustaining Momentum Toward Resolution

An MSC is not a leisurely private mediation with unlimited time for the negotia-

tion to unfold at its own pace. The session has a defined window, and Judge Reilly is acutely aware of that constraint from the moment the conference begins. His focus, accordingly, is on generating momentum early and sustaining it throughout the session.

Momentum in a settlement conference is a fragile thing. It builds when parties feel progress is being made — when an offer is responded to thoughtfully, when a concession is met with genuine movement, when both sides begin to sense that resolution is within reach. It collapses when parties dig in, when offers are met with silence or dismissal, or when the conversation stalls on a point that one side refuses to move beyond. Judge Reilly has learned to recognize the early signs of both and to intervene accordingly.

One of his most effective tools for building momentum is his ability to help parties identify what they actually need — as opposed to what they initially demanded. In many cases, the gap between the parties is smaller than it appears on the surface. A plaintiff who demanded a large number may be primarily motivated by a desire for acknowledgment or an apology; a defendant who has offered very little may have more flexibility than their opening number suggests, but is waiting for some signal that the plaintiff is serious about settling. Judge Reilly excels at creating the conditions under which these underlying interests can surface and be addressed creatively.

He is also skilled at helping parties move off positions that have become entrenched not because of principled disagreement, but because of pride, stubbornness, or a reluctance to appear weak. Litigation can create its own internal dynamics — sunk cost fallacy, ego investment in a legal theory, a client who has

told friends and family they will 'win' — that have nothing to do with the merits of the case. Part of Judge Reilly's role is to gently and respectfully disentangle those dynamics from the actual legal and factual issues, creating space for more rational decision-making.

When movement begins to happen, Judge Reilly works to keep it going. He will often suggest specific next offers, provide perspective on whether a proposal is within a realistic settlement range, and help counsel sequence the negotiation in a way that keeps the other side engaged. He is not a passive facilitator who simply shuttles numbers back and forth — he is an active participant in the negotiation, offering perspective, challenging assumptions, and helping the parties find the path to agreement.

Importantly, Judge Reilly does not treat the end of the conference session as the end of the process. If a case has not settled during the MSC but he believes resolution is genuinely close, he will follow up with counsel after the session — in the evenings, over weekends, during holidays if necessary. He has settled many cases in the hours and days after an MSC formally concluded, often with a phone call that helped move a stalled negotiation over the finish line. Counsel should be ready for those calls. When Judge Reilly believes a deal is there to be made, he will work tirelessly to make it happen.

6. Professionalism, Civility and Respect

Non-Negotiable Expectations

Judge Reilly's settlement conferences operate within a framework of mutual respect, and he makes clear from the outset that this is not a suggestion — it is an expectation. Professionalism and civility are not merely courtesies in his courtroom; they are the foundation upon which productive negotiation is built.

This expectation extends to all participants: counsel, clients, and any other representatives present. Acrimony between parties may be entirely understandable given the nature of the dispute, but allowing that acrimony to dominate the conference room will not serve anyone's interests. Judge Reilly has a practiced ability to de-escalate emotionally charged situations — to acknowledge the legitimacy of strong feelings while redirecting the energy of the room toward constructive problem-solving. He does this with patience and sincerity, never in a manner that dismisses or minimizes what the parties are experiencing.

Counsel, in particular, are expected to model the professionalism they would want to see in the process. This means listening respectfully when the other side speaks, refraining from inflammatory characterizations of opposing counsel or their clients, and engaging in the negotiation in good faith. It means being honest with Judge Reilly — even when honesty is uncomfortable — about the real dynamics of the case and the real constraints on settlement. And it means treating the process itself with the seriousness it deserves.

Judge Reilly also places a high value on good working relationships within the legal community. He recognizes that the attorneys who appear in his courtroom will go on to work with each other on future cases, and that the manner in which they handle themselves at a difficult settlement conference reflects on them professionally long after the specific case is resolved. He actively discourages tactics that damage those relationships unnecessarily, and he models the kind of engaged, respectful professionalism he expects to see from others.

In short, attorneys and parties who approach Judge Reilly's settlement conferences with professionalism, preparation, ►