

COMM. THOMAS RASCH (RET.)

Mediator • Arbitrator

Commissioner Thomas Rasch (Ret.) brings 40 years of judicial service and more than 5,000 settlement conferences to his practice as a neutral with ADR Services, Inc. With a career spanning civil litigation, judicial decision-making, and court-sponsored dispute resolution, Commissioner Rasch has developed a reputation for patience, fairness, practical judgment, and a steadfast commitment to helping parties resolve even the most challenging disputes.

Elected to the Alameda Municipal Court in 1986 and subsequently elevated to the Alameda County Superior Court, Commissioner Rasch served in a broad range of judicial assignments involving civil trials, law and motion, personal injury, employment disputes, real property litigation, landlord-tenant matters, and other civil controversies. His experience encompasses both jury and bench trials, providing him with a practical understanding of how cases are presented, evaluated, and ultimately decided.

For the final seven years of his judicial career, Commissioner Rasch served in the Court's Civil Settlement Department, where he devoted his work to resolving disputes across the spectrum of civil law. Over the course of his four decades on the bench, he conducted more than 5,000 settlement conferences. His extensive settlement work includes personal injury and professional negligence claims, employment discrimination and wrongful termination matters, breach of contract disputes, real property and construction-related litigation, and landlord-tenant controversies.

Commissioner Rasch's commitment to dispute resolution developed early in his judicial career. Recognizing that many cases could benefit from meaningful settlement discussions before trial, he began conducting settlement conferences while serving on a small municipal court. As his colleagues became familiar with his ability to facilitate productive negotiations, they increasingly requested his assistance with their own cases. What began as a practical means of resolving litigation evolved into the defining focus of his judicial career.

His background as both a practicing attorney and judicial officer informs his ability to evaluate disputes from multiple perspectives. Before joining the bench, Commissioner Rasch represented plaintiffs in personal injury and maritime injury matters and maintained a general civil practice involving business litigation, contract disputes, and landlord-tenant law. This combination of advocacy, adjudication, and settlement experience allows him to recognize the legal and evidentiary issues that may influence a case's outcome while remaining attentive to the personal and financial considerations that drive settlement decisions.

Known for his approachable demeanor and collaborative style, Commissioner Rasch places particular importance on establishing trust with attorneys and their clients. Rather than beginning with an aggressive assessment of the merits, he seeks to understand each party's perspective, identify the concerns underlying the dispute, and create an environment in which meaningful negotiation can occur.

When appropriate, he draws upon his extensive trial experience to help parties consider the evidentiary weaknesses, credibility issues, and uncertainties that jurors may encounter.

Commissioner Rasch is equally committed to perseverance when negotiations become difficult. He works to maintain constructive dialogue, considers negotiation tools suited to the circumstances, and is willing to offer a mediator's proposal when other approaches have been exhausted. He also recognizes that some cases require additional discovery, a ruling on a significant motion, or further reflection before resolution becomes possible. Throughout his judicial career, he made himself available for continued settlement discussions and assistance with finalizing agreements when those efforts could help bring a matter to a successful conclusion.

Colleagues have sought Commissioner Rasch's guidance on civil law issues, particularly landlord-tenant matters, and he has helped train fellow judicial officers in civil calendars and proceedings. He also served as Co-Chair of the Alameda County Superior Court's ADR Committee during 2025–2026, reflecting his longstanding commitment to effective dispute resolution.

Commissioner Rasch approaches mediation with the conviction that resolving litigation can accomplish something beyond avoiding the expense and uncertainty of trial: it can allow parties to move forward. His combination of judicial experience, substantive breadth, empathy, humor, and determination makes him particularly well suited to disputes requiring careful evaluation, thoughtful communication, and sustained efforts toward settlement.

AREAS OF SPECIALIZATION

- Business and Commercial Litigation
- Construction Defect
- Employment, including Wrongful Termination, Discrimination, and Harassment
- Landlord/Tenant, including Habitability, Wrongful Eviction, and Unlawful Detainer
- Partnership Dissolution
- Personal Injury and Wrongful Death
- Professional Negligence
- Real Property Disputes, including Quiet Title, Prescriptive Easements, and Partition Actions

WHY ATTORNEYS SELECT COMMISSIONER RASCH

- **Extensive settlement experience:** More than 5,000 settlement conferences conducted during 40 years of judicial service, including over seven years assigned to a dedicated Civil Settlement Department.
- **Broad civil litigation knowledge:** Experience spanning personal injury, employment, business, real property, construction, and landlord-tenant disputes.
- **Judicial perspective:** Decades presiding over civil jury and bench trials, law and motion proceedings, and contested hearings provide insight into litigation risk, evidentiary issues, and trial uncertainty.
- **Patient, approachable temperament:** A collaborative style emphasizing fairness, empathy, trust, and effective communication with both attorneys and parties.

- **Persistence in difficult negotiations:** Willingness to explore alternative negotiation strategies, consider mediator's proposals, and continue settlement discussions when additional developments may make resolution possible.
- **Recognized judicial leadership:** Experience training judicial colleagues, serving on civil and ADR committees, and co-chairing the Court's ADR Committee.
- **Practical understanding of client dynamics:** An ability to identify emotional and interpersonal obstacles to settlement and help clients meaningfully assess their options.

MEDIATION APPROACH

Commissioner Rasch employs a collaborative, patient, and practical approach to mediation, grounded in the belief that trust and meaningful communication are essential to successful dispute resolution.

Preparation and early assessment. Before mediation, he carefully reviews the parties' briefs and familiarizes himself with the legal and factual issues. He also communicates individually with counsel to identify potential obstacles, client concerns, and other dynamics that may influence negotiations.

Building trust and facilitating dialogue. Commissioner Rasch prioritizes establishing a personal connection with participants and creating an environment where they feel heard and respected. He recognizes that disputes frequently involve emotional considerations that may not appear in the written submissions but must be addressed before productive negotiations can begin.

Realistic evaluation of litigation risk. Drawing upon his extensive experience presiding over trials, Commissioner Rasch helps parties consider the challenges their cases may present to a jury. Rather than simply reiterating the strengths of each side's position, he focuses on issues that may prove difficult to establish, explain, or defend at trial.

Overcoming impasse. When negotiations stall, he works to preserve communication and identify opportunities for movement. Depending on the circumstances, he may employ bracketed negotiations or a mediator's proposal, using these tools selectively rather than relying on a rigid formula.

Continuing the resolution process. Commissioner Rasch recognizes that not every case will settle during the initial session. Where appropriate, he remains available to revisit negotiations after important discovery or motion practice, conduct additional discussions, and help resolve disagreements concerning settlement terms.

PROFESSIONAL/JUDICIAL EXPERIENCE

Alameda County Superior Court | Commissioner, 1996–2026

- George E. McDonald Courthouse, Civil Settlement Department (2019–2026)
    - Conducted settlement conferences involving a broad range of civil litigation matters.
    - Worked with parties and counsel to resolve disputes, including continued negotiations and settlement agreement issues.
- Hayward Hall of Justice, General Civil Unit (2016–2019)
    - Original member of the Court's newly established General Civil Unit.

    - Presided over unlawful detainer jury and bench trials, civil harassment, domestic violence, elder abuse, small claims, and law and motion proceedings, including writs.
    - Assisted in training judicial officers assigned to civil and hearing-intensive calendars.
- Gayle Schenone Courthouse (2014–2016)
    - Presided over small claims, civil harassment, domestic violence, and elder abuse proceedings.
    - Conducted settlement conferences at the request of Civil Direct Calendar judges.
- Superior Court Administration Building (2011–2014)
    - Presided over small claims, civil harassment, domestic violence, and elder abuse matters.
    - Managed an expanded settlement conference calendar.
- George E. McDonald Courthouse (1996–2011)
    - Handled limited civil, law and motion, unlawful detainer, civil harassment, domestic violence, and small claims proceedings.
    - Presided over matters involving good-faith settlement determinations, scheduling motions, and minors' compromises.
    - Conducted settlement conferences for Civil Direct Calendar judges.

Alameda Municipal Court | Commissioner, 1986–1996

- Elected in February 1986.
- Presided over civil and criminal jury trials and bench trials.
- Handled civil litigation, unlawful detainer, small claims, criminal, and traffic calendars.
- Conducted settlement conferences as part of his judicial responsibilities.

Private Practice | Attorney, 1977–1986

- Sole Practitioner, Alameda, California (1983–1986): General civil litigation, landlord-tenant matters, and criminal cases.
- Sole Practitioner, San Francisco, California (1979–1983): Personal injury, business litigation, business collections, and corporate formation.
- Law Office of Lyle C. Cavin (1977–1979): Plaintiff-side personal injury and maritime personal injury litigation.

PROFESSIONAL ASSOCIATIONS & ACTIVITIES

- Alameda County Superior Court, ADR Committee, Co-Chair (2025–2026)
- Alameda County Superior Court, ADR Committee, Member (approximately 2019–2026)
- Alameda County Superior Court, Civil Committee, Longstanding Member
- Judicial training and mentorship of colleagues assigned to civil litigation and specialized hearing calendars
- Alameda Unified School District Surplus Property Reuse Committee, Chair
- Paden Elementary School Site Council, President
- Longfellow School PTA, President
- Alameda Mainstreet Project, Board of Directors, Former Member
- Alameda Meals on Wheels, Volunteer for more than 25 years

EDUCATION

- Golden Gate University School of Law Juris Doctor, 1976
- University of California, Santa Barbara Bachelor of Arts, Political Science, 1973

FREQUENTLY ASKED QUESTIONS

What types of cases does Commissioner Thomas Rasch (Ret.) mediate?
Commissioner Rasch mediates a broad range of civil disputes, including personal injury, professional negligence, employment, business and contract litigation, real property, construction, landlord-tenant, ADA access, and partnership disputes. His experience reflects four decades of judicial assignments and extensive work in the Alameda County Superior Court's Civil Settlement Department.

How much settlement experience does Commissioner Rasch have?
Commissioner Rasch has conducted more than 5,000 settlement conferences during his 40-year judicial career. For the final seven years of his service, he was assigned to the Civil Settlement Department, where he worked with parties and counsel to resolve a wide variety of civil matters.

What is Commissioner Rasch's mediation style?
Commissioner Rasch uses a collaborative, patient, and pragmatic mediation style. He emphasizes building trust, understanding the parties' underlying concerns, and maintaining productive dialogue. When appropriate, he provides realistic assessments of trial risks and uses negotiation tools to help parties move toward resolution.

Does Commissioner Rasch mediate employment disputes?
Yes. His settlement experience includes wrongful termination, employment discrimination, workplace harassment, and failure-to-accommodate claims. His judicial background provides insight into the legal and evidentiary issues that can affect the evaluation and resolution of employment litigation.

Does Commissioner Rasch handle real estate and landlord-tenant disputes?
Yes. Commissioner Rasch has extensive experience with landlord-tenant litigation, unlawful detainer, habitability, wrongful eviction, quiet title, prescriptive easements, and partition actions. Other judicial officers frequently sought his guidance on landlord-tenant issues during his court service.

How does Commissioner Rasch's judicial experience benefit mediation participants?
His decades presiding over civil trials, contested hearings, and law and motion proceedings provide practical insight into how evidence is evaluated and how legal arguments may be received by a court or jury. He uses that perspective to help parties identify litigation risks and evaluate settlement options without losing sight of the personal considerations affecting the dispute.

How does Commissioner Rasch approach difficult mediations or settlement impasses?
Commissioner Rasch focuses first on keeping communication open and identifying the reasons negotiations have stalled. He may use brackets or a mediator's proposal when appropriate. He also recognizes that additional discovery or rulings on important motions may create opportunities for subsequent settlement discussions.

Does Commissioner Rasch offer follow-up mediation services when a case does not settle?
Commissioner Rasch has a longstanding practice of remaining available for additional settlement discussions when further negotiations may be productive. During his judicial service, he accommodated requests for continued conferences and assisted counsel with disputes involving settlement agreement language.