

SANTA CLARA COUNTY SUPERIOR COURT  
BACKGROUND INFORMATION / CIVIL DIVISION ADR PANEL

*Instructions: DO NOT ALTER THIS FORM IN ANY WAY. DO NOT ATTACH ADDITIONAL PAGES.*

Name	Phone	Fax
<i>Hon. John F. Herlihy (Ret.)</i>	<i>408-288-2240</i>	<i>408-295-5267</i>
Street or P.O. Box	City	Zip Code
<i>160 W. Santa Clara Street #1150</i>	<i>San Jose, CA</i>	<i>95113</i>

**TODAY'S DATE:**

Check each panel for which you have been accepted:     mediation                     neutral evaluation

**1. Describe your education, including degrees and the dates received.**

*B.A., With Distinction, San José State University, 1971*

*J.D., University of California, Hastings College of the Law, 1974*

**2. Briefly describe the ADR training you have received. For each training, give the trainer's name, the dates attended, and the total hours.**

*-Pepperdine University, Basic and Advanced Mediation courses*

*-Numerous mediation and arbitration courses at JAMS*

**3. Describe the subject matter of five disputes for which you have been an ADR provider in the past five years, with the dates. Identify the process and state whether you were a sole- or co-provider.**

- *Purchase of multi-million dollar gaming club, sole mediator, 2010*
- *Employment, hostile work environment, sole mediator, 2010*
- *Real estate partnership dispute, multiple trusts, sole mediator, 2010*
- *High tech company v. distributor, sole mediator, 2010*
- *Electrocution P/I, patron v restaurant owner, sole mediator, 2010*

**4. Check your areas of substantive expertise:**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Banking            | <input type="checkbox"/> Health Care                      | <input checked="" type="checkbox"/> Partnership Disputes    |
| <input checked="" type="checkbox"/> Business/Contract  | <input checked="" type="checkbox"/> Housing               | <input checked="" type="checkbox"/> Personal Injury         |
| <input checked="" type="checkbox"/> Civil Rights       | <input checked="" type="checkbox"/> Intellectual Property | <input checked="" type="checkbox"/> Probate - Wills         |
| <input checked="" type="checkbox"/> Construction       | <input checked="" type="checkbox"/> Insurance             | <input checked="" type="checkbox"/> Professional Negligence |
| <input checked="" type="checkbox"/> Defamation         | <input checked="" type="checkbox"/> Labor - Employment    | <input checked="" type="checkbox"/> Real Estate             |
| <input type="checkbox"/> Disabilities                  | <input checked="" type="checkbox"/> Landlord/Tenant       | <input type="checkbox"/> Securities                         |
| <input checked="" type="checkbox"/> Elder Issues/Abuse | <input checked="" type="checkbox"/> Medical Malpractice   | <input type="checkbox"/> Tax                                |
| <input type="checkbox"/> Environment                   | <input checked="" type="checkbox"/> Neighborhood          | <input type="checkbox"/> Other (specify) _____              |

**5. If you are an attorney:**

A. How many years have you been in active practice? If none, please explain.

*Since 1974. 29 years as a Superior Court judge.*

B. What is or was the nature of your practice?

*Business, real estate, family, probate, wills, trusts, personal injury, criminal defense and prosecution.*

C. What percentage of your practice has been representing plaintiffs    *50%*    defendants    *50%*

D. How many of the following have you completed in the past five years?:

Jury trials    *100+*    Court trials    *1000+*                    Judicial arbitrations;    *0*

**6. Is your ADR style facilitative or evaluative/directive?**

*I start out as facilitative. I move along the spectrum from facilitative to evaluative as the mediation progresses.*

**7. Describe your fee schedule, including any sliding-scale or pro-bono provisions.**

*\$425.00/hour*

**8. Give any other information that should be considered by parties or counsel.**

*I was a member of the judiciary in Santa Clara County for almost 30 years. I prided myself on trying to settle every case assigned to me.*