Reading the Room

On the bench and as a neutral, William Cahill cultivates a reputation as a people-person

By Kevin Lee
Daily Journal Staff Writer

W illiam J. Cahill passed along a challenge to courtroom staff: “Be perfect but have fun.”

Cahill embraces his own work philosophy. He left the state court bench in 2000 to become a full-time neutral at JAMS and has since developed a national practice as a mediator and arbitrator on a variety of complex civil disputes.

Cahill is also serving a second three-year term on the JAMS Board of Directors that oversees President and CEO Chris Poole, after he was elected twice by a group of the company’s most experienced and successful neutrals.

The transition to private ADR services can be difficult for those used to sternly wielding the authority of the gavel, according to the former state court judge.

“The best predictor of success here is how the judge treated lawyers on the bench,” Cahill said.

“The ones who treated lawyers with dignity and respect do well here,” he added. “The ones who were abrupt and yell at people or were impatient or wouldn’t allow oral argument, they don’t do so well here.”

“People aren’t going to pay a lot of money to be yelled at,” Cahill added.

Cahill gained a reputation as a judge who excelled at settling cases, according to Kathryn A. Stebner, a San Francisco-based lawyer who represents plaintiffs in securities, employment, health care, intellectual property and other types of civil disputes.

“Judge Cahill was able to exert a very good balance of patience and urgency,” Bergman said. “He encouraged both sides to get to the meat of things. He emphasized that we couldn’t deal with every possibility that could happen in the future.”

As a neutral, Cahill strongly prefers to keep opposing parties in separate rooms to allow himself more time to communicate one-on-one with practitioners and, sometimes, their clients.

“Cahill adheres initially to mediation by separation out of concern that joint sessions can lead to emotional confrontations,” he said. “I stopped doing them a long time ago, the automatic [joint] sessions where I don’t know what’s going to happen,” Cahill said.

“I find that it takes two hours to undo the bad feelings because the lawyers become aggressive,” he added. “I’ve had cases that didn’t settlement because of something a lawyer said in the joint session.”

Cahill worked 12 years as a civil litigator, the last five years of that time at now-defunct Bronson, Bronson & McKinnon LLP.

Through his practice, Cahill crossed paths with G. Joseph Bertan Jr., a key advisor to Gov. George Deukmejian on judicial appointments.

Deukmejian picked Cahill for the San Francisco Superior Court bench in 1991. S
ing as a judge appealed more to the UC Hastings College of the Law graduate than working as an advocate.

“I liked being a judge a lot more than I liked being a lawyer because you get to do what you think is right every day,” Cahill said. “It’s a great profession if you do it right.”

Douglas W. Sullivan, a partner at Crowell & Moring LLP, said Cahill was one of the top three mediators in the San Francisco Bay Area because of his breadth of experience working on all types of civil disputes.

“He’s first and foremost a true gentleman. He has a nice way of telling you you’re wrong without making you feel bad about it,” Sullivan said. “He recognizes the goal is to settle cases even if it might be painful for a party.”

Andrew H. Struve, a partner at Manatt, Phelps & Phillips LLP, cites Cahill’s patience and empathy as his most compelling strengths.

“When I have a case that I really want to get settled, where it’s particularly important, he’s on a very short list,” Struve said.

Here are some attorneys who have recently used Cahill’s services:


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