



HON. ROBERT J. O'NEILL
Judge of the San Diego Superior Court
(Retired)

On December 31, 2000, Judge O'Neill retired from the Superior Court of California after twenty years of service. He presently offers private dispute resolution services to litigants, other disputants, and their counsel.

AREAS OF EXPERIENCE

During his career as a civil trial judge, Judge O'Neill managed and tried major cases in the following areas: Products Liability, Drug and Medical Devices, Genetic Engineering, Criminal, Legal Malpractice, Constitutional Law and Civil Rights, Personal Injury, Unfair Competition 17200, Real Estate Fraud, Medical Malpractice, Account Malpractice, Partnership Dissolutions, Breach of Contract, Construction Defect, Broker Liability, Commercial Fraud, Intellectual Property, Government Liability, Water Rights, Environmental Issues, Insurance Bad Faith, Employment Discrimination, Probate, Domestic Relations, Real Estate Partition/Quiet Title, Rescission Reformation and Specific Performance. He served one year as a full-time settlement judge and has conducted over a thousand settlements.

PROFESSIONAL EXPERIENCE

1989 – 2000 Judge, San Diego Superior Court

Reappointed to the Superior Court by Governor George Duekmajian. Appointed as one of the first Independent Calendar, civil trial judges charged with the disposition of an ongoing caseload of 750 civil cases. Longest serving member of that program.

SILICONE GEL BREAST IMPLANTS

In 1992, Judge O'Neill was appointed by the Chief Justice to coordinate and manage California's 4500 Silicone Gel breast implant cases. Using efficient administrative structures, innovative case management techniques, the use of advanced computer technology, and a collaborative management style, the vast bulk of the cases were resolved by 1997 with minimal involvement of the rest of the state court system. The management structure, discovery procedures, and law and motion rules have been taken up by other courts as a model project and have been written up as a new and effective way of resolving mega cases while affording the parties due process and reducing the delay and expense of litigation to the parties and the litigants. At the time of Judge O'Neill's retirement only four active cases remain and those are awaiting resolution. Dow Corning cases are stayed and will be resolved in bankruptcy. The balance of the cases have been tried, settled or dismissed. This coordination is believed to be the largest in the nation's history.

1988 – 1989 Private Judge, Dispute Resolution Services

Self-employed as a consultant in dispute resolution. Conducted numerous mediations, arbitrations, and early neutral evaluations. Appointed by the court to serve as a Special Master and Discovery Referee assisting in the management of cases. Consulted with lawyers on liability and damage case evaluation.

Supervised unusually contentious depositions and discovery disputes. Acted as an investigative court-appointed Special Master to examine and investigate extensive accounting and business records.

Handled a variety of complex matters including, business and partnership disputes, trade secret cases, construction defect matters and many more.

1987 – 1988 Lawyer, McClellan & O'Neill

Practiced law specializing in the representation of plaintiffs in complex product liability cases.

1980 – 1987 Judge, San Diego Superior Court

Elevated by Governor Brown to the Superior Court. Served in Family Court, three years in Juvenile Court, the last year as Presiding Judge of that court. Presided over criminal and civil trials, Elected by the judges of the court to three terms on the court's Executive Committee. Led the effort to develop an integrated interagency computerized case management system to enable interagency access to necessary information.

Established the Superior Court's first Court Technology Committee. Leader in "computerizing" the court. Member of the initial "Fast Track" development committee. Planned and implemented the first application of the present statewide Fast Track process. Served as a full time "settlement" judge, convening four to five special and mandatory settlement conferences daily.

1978 – 1980 Judge, San Diego Municipal Court

Appointed by Governor Jerry Brown on September 19, 1978. Served in all departments of the court.

1967 – 1978 Deputy District Attorney, San Diego District Attorney's Office

Chief of the District Attorney's Fraud Division. Criminal Trial Lawyer. After serving as Branch Chief in Escondido and El Cajon, assigned as felony trial deputy, and later as appellate deputy. In 1970, assigned to the consumer and commercial fraud unit. From 1970 to 1978, investigated and tried complex and often protracted, white-collar crime, commercial fraud, public corruption, and organized crime cases including real estate frauds, national and international securities frauds, and various "Ponzi" schemes.

1965 – 1967 Captain, United States Army, Counter-Intelligence Corps

Served as Commanding Officer of the Army counter-Intelligence field offices in Santa Ana and San Diego, supervising fifteen military and two civilian agents in each office. Gathered intelligence information for relevant military and governmental security agencies. Conducted high level background investigations for security clearances.

EDUCATION

1962 – 1965 J.D., University of San Francisco, San Francisco, California

1958 – 1962 B.S., (Philosophy) University of San Francisco, San Francisco, California

SPECIAL TRAINING

1985 San Diego Mediation Center “Training for Mediators” San Diego, California

1984 IBM’s Executive Course for executives, managers and administrators. Intense one-week course in the use of computer technology in managing organizations. San Jose, California

1990 Institute for Court Management-two day training program of Future Technology in the Courts. San Francisco, California

1991 National Judicial College- The Use of Technology in the Courts. Reno, Nevada

1992 National Center for State Courts- Technology in the Courts. Dallas, Texas

1993 Federal / State Cooperative Breast Implant Case Management Conference. Dallas, Texas

1994 Mealey’s Conference for lawyers and experts in the Breast Implant litigation. Studied trends in preparing and trying such cases. New Orleans, Louisiana

1996 California Center for Education and Research. Computer training. San Francisco, California

1997 National Center for State Courts- “The Courtroom of the Future.” Williamsburg, Virginia

1998 Einshac – Attended two training programs for Judges on the implications of advances in genetic science on the law and the courts. Cape Cod, Massachusetts

2001 Einshac Institute. Studied Genetics in the Courts. Richmond, Virginia

COURT ADMINISTRATION SERVICE

National

National Conference of Chief Justice's Mass Tort Litigation Committee. The members of this committee are judges from around the nation chosen because of their special expertise in management of mass torts. Judge O'Neill served as a member of the executive committee. Strategy and tactics for coordination of major national litigation.

STATE OF CALIFORNIA

Judge O'Neill has been appointed by the Chief Justice to serve on the following committees, task forces and working groups of the Judicial Council of California, the administrative arm of the California courts. The Judicial Council assists and advises Chief Justice George in his management of California State courts.

- 1991 – 1993 Advisory Committee on Alternative Dispute Resolution. Studied and made recommendations on the effective use of ADR services in aiding the courts and litigants
- 1997 – 1998 “Business Court” Task Force. Studied the potential establishment of a specialized court for the handling of complex business and commercial matters.
- 1997 Discovery Working Group, appointed by the Chief Justice as part of a committee of lawyers and judges to study the need for ongoing changes to the civil discovery rules.
- 1997 – 1999 Task Force on the Quality of Justice, and the Complex Litigation sub-committee of that task force.
- 1997 – 2000 Task Force on the Quality of Justice, ADR subcommittee of that task force.
- 1997 – 2001 Civil and Small Claims Committee, Appointed to the Complex Litigation Subcommittee and the Alternative Dispute Resolution Subcommittee. Assisted the Judicial Counsel in studying and recommending changes in the law and court rules.

LOCAL

- 1983 – 1985 Superior Court of San Diego Executive Committee. Assisted Presiding judge in management of the court.
- 1985 – 1987 Chair of the Superior Court, Court Technology Committee

1989 – 2000 Chair of the Superior Court, Court Technology Committee. Supervised technology systems development.

1993 – 1998 Member Superior Court ADR Committee. Developed and managed court based ADR programs including court ordered arbitration and mediation.

TEACHING AND LECTURING

Judge O'Neill has been a sought after speaker and teacher nationally, largely as a consequence of his interest and experience in Complex /Mass Tort Litigation, Alternative Dispute Resolution, and collaborative case management. His presentations have included:

1992 National Institute on Dispute Resolution. "ADR and Use of ADR by Judges". Boise, Idaho

1993 Ninth District, US Court of Appeal. Judicial Conference "State / Federal Cooperation". Santa Barbara, California

1994 National Center for State Courts. Mass Tort litigation Committee, "Mass Tort Case Management". Chicago, Illinois

1995 National Center for State Courts. Mass Tort Litigation Committee "Mass Tort Litigation". Monterey, California

1995 Breast Implant Multi-District Litigation Conference.

1996 Association of Business Trial Lawyers Annual Meeting. "Techniques in Handling Large Punitive Damage Cases" Trial Practice. Maui, Hawaii

1996 CJER Continuing Judicial Studies Program. Mega Case Management. San Francisco, California

1997 Advanced Civil Institute. "Complex Litigation" San Francisco, California

1997 American Bar Association (ABA) Products Liability Section. "Mass Torts". Hilton Head, South Carolina

1998 Mealey's Breast Implant Conference. "Mass Torts" West Palm Beach, Florida

1998 CPR Institute. "Dispute Resolution Techniques in Breast Implant Litigation". New York, New York

1998 California Center for Judicial Education and Research "Use of Technology in Complex Civil Litigation." Continuing Judicial Studies Program.

- 1998 Defense Research Institute. "Drug and Medical Device Litigation". San Francisco, California
- 1998 ADR and the Judicial System. Los Angeles, California
- 1998 California Center for Judicial Education and Research "Genetics and the Courts". San Francisco, California
- 1998 American Society of Pharmacists. "Drug and Medical Device Issues" Indian Wells, California
- 1998 California Center for Judicial Education Research, Advanced Civil Institute. Weeklong course in "Complex Litigation for Judges". Dana Point, California
- 1998 International College of Corporate Counsel. Mistakes Corporations Make at the Courthouse. Dallas, Texas
- 1999 Senate Judiciary Committee. Presentation regarding electronic filing of court documents. Sacramento, California
- 1999 California Center for Judicial Education and Research. "Genetics and Courts" Served as faculty, training judges on the basics of the human genome and genetic science. Berkeley, California
- 2000 Attorney General's Office, State of California, Senior Management Team, "Issues in Complex Litigation". Placerville, California
- 2000 California Judges Association Mid-Year Conference. "Daubert and the Admissibility of Scientific Evidence" panelist.
- 2000 California Center for Judicial Education and Research Continuing Judicial Education. "Complex Litigation Seminar" three-day course. Long Beach, California
- 2000 Medical Intelligence, Inc. Continuing Education of the Bar Program on "Courtroom Wars, Scientific Evidence" Las Vegas, Nevada
- 2000 California Attorney General's Office Lecturer and keynote speaker at statewide training program for seven hundred Deputy Attorney Generals. Taught issues in complex litigation case preparation, handling and trial.
- 2001 St. Thomas More Society, University of San Diego Law School. "Interface Between Morality and Legal Ethics in the Practice of Law".
- 2001 PPA / Ephedra Litigation Conference. "Judicial Perspective on Shepharding a Mass Tort"