



## Hon. William J. Elfving (Ret.)

### Case Manager

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## Biography

**Hon. William J. Elfving (Ret.)** comes to JAMS following a 20-year judicial career on the Santa Clara County Superior Court and 30 years in private law practice.

As a judge, he served in the civil division for 17 years and in the family division for three years. His responsibilities included case management calendars, law and motion, ex parte matters, ADR calendars, judicial custody conferences, settlement conferences and trials.

In private practice, Judge Elfving practiced civil and family law. He tried cases in diverse areas, including legal malpractice, malicious prosecution, real estate, broker errors and omissions, personal injury, contracts, business and family matters.

## ADR Experience and Qualifications

- Settled hundreds of cases as a settlement judge, supervised thousands of temporary judge settlement conferences and managed thousands of cases by guiding them into mediation, early neutral evaluation and arbitration
- Supervised the implementation of the multi-door courthouse alternative dispute resolution program and served as Chair of the Santa Clara County Superior Court Alternative Dispute Resolution Committee
- Trained in mediation by California Center for Judicial Education and Research in conjunction with the Straus Institute for Dispute Resolution, Pepperdine School of Law
- Served as a mediator and arbitrator in private practice

# Representative Matters

## Business/Commercial

- Heard matters regarding contract disputes, declaratory relief, fee disputes and partnership/joint venture
- Experience with unfair competition disputes and B & P Code Section 17200 cases
- Handled cases involving fraud and breach of fiduciary duty, receivers and injunctive relief, shareholder derivative actions, franchise litigation and charitable and religious organization disputes

## Employment

- Handled and presided over cases involving breach of contract, wrongful termination, whistleblowing, hostile work environment, failure to promote and non-competition agreements
- Presided over wage and hour claims, including class actions and PAGA claims
- Experience with cases involving sexual harassment and racial, gender, national origin and age discrimination
- Heard cases regarding failure to accommodate, ADA and retaliation claims

## Family Law and Probate

- Presided over a department in the family division of the Santa Clara County Superior Court for three years
- Heard matters involving child custody and visitation, child and spousal support, valuation and classification of assets and liabilities, division of property and debts, prenuptial and postnuptial agreements, fraud and breach of fiduciary duty and attorney's fees
- Handled trust and estate litigation, including undue influence and lack of capacity disputes

## Insurance

- Presided over insurance cases, including issues of coverage, excess policies, claims handling and bad faith

## Intellectual Property

- Experience with matters involving theft of trade secrets, licensing agreements, fraud, breach of contracts and violations of confidential non-disclosure agreements

## Personal Injury/Torts

- Handled serious personal injury cases, including defamation, false arrest and imprisonment, wrongful death, elder abuse, sexual abuse, product liability and toxic torts
- Heard cases regarding automobile, light rail, motorcycle and tractor-trailer accidents
- Experience with Government Tort Claims Act, Gov. Code Sec. 900, et seq.

## Professional Liability

- Experience with standard of care litigation involving physicians, hospitals, dentists, chiropractors, nursing

homes, lawyers and accountants

## Real Property

- Heard matters involving breach of contract, fraud and failure to disclose, lease disputes, easement and property line disputes, broker errors and omissions, trespass and nuisance, foreclosure, eminent domain, construction defects and covenants, conditions and restrictions

## Honors, Memberships, and Professional Activities

- Member, Association of Business Trial Lawyers, 2018- Present
- "Lifetime Achievement Award," Santa Clara County Trial Lawyers Association, 2018
- John D. Foley Trial Judge of the Year, Santa Clara County Trial Lawyers Association, 2005
- Executive Committee, Santa Clara County Superior Court, 2002 and 2004
- Civil Division Supervisor, Santa Clara County Superior Court, 2001 and 2003
- Appellate Department, Santa Clara County Superior Court, 2000
- Consultant to the California Judges Benchbooks (CJER) on Civil Proceeding: Before Trial, Discovery, Trial, After Trial
- Member, California Judges Association, 1998–present
- Listed in Best Lawyers in America, 1995–1997
- Associate, American Board of Trial Advocates, 1992–present
- Fellow, American College of Trial Lawyers, 1990–present
- Certified family law specialist
- Director, Santa Clara County Legal Aid Society, 1975–1978
  - Chairman of Board of Directors, 1978
- Trustee, Santa Clara County Bar Association, 1973–1976
- Member, Santa Clara County Bar Association, 1967–Present

## Background and Education

- Judge, Santa Clara Superior Court, 1997–2017
- Shareholder, Hoge, Fenton, Jones & Appel, Inc., 1967–1997
- Captain, U.S. Army, active duty, 1965–1967
- J.D., UCLA School of Law, 1965
- B.A., Stanford University, 1962

## Practice Areas

- Business & Commercial Law
- Employment Law
- Family Law
- Insurance
- Intellectual Property
- Personal Injury/Torts
- Professional Liability
- Real Property

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