

# Falling into the Right Fit

Mediator Joel Franciosa didn't seek out the line of law he went on to practice. But he fell for it.

By Saul Sugarman  
Daily Journal Staff Writer

Mediating auto collision and personal injury cases was not necessarily the career path Joel P. Franciosa meant to choose when he got his law degree in 1993. His first job after graduation as an Oakland-based insurance defense attorney was something he "fell into," he said.

"I think that's typical for a lot of people in law school," said Franciosa, 63. "You kind of take what comes your way."

But after 10 years defending insurance claims and more than seven mediating them, Franciosa said his work is now a labor of love. As a neutral, he said he particularly enjoys helping people who are unfamiliar with the practice of law.

## ADR Profile

"For the average person going into a mediation, it's their day in court," he said. "I like to help them understand what their options are."

Attorneys say Franciosa is particularly good at working with their clients.

"Plaintiffs often don't really have a good grip on the process," said June

D. Coleman, a Sacramento-based attorney who this month defended a federal Fair Debt Collection Practices Act case that Franciosa mediated.

Coleman, a shareholder at the Sacramento firm Kronick iMoskovitz Tiedemann & Girard, said Franciosa did a good job pointing out weaknesses to both sides.

"He did a good job explaining how the case might develop if it didn't settle," she said.

Cheryl L. White, an Oakland-based sole practitioner who represents plaintiffs in auto collision cases, said she was initially hesitant to work with Franciosa because of his background in insurance defense.

In 1993, Franciosa defended insurance companies against personal injury claims for the Oakland-based Toschi Sidran Collins & Doyle APC, which was known then as McLemore, Collins & Toschi. He continued to defend insurance companies from 2000 to 2005, working alongside sole practitioners, before becoming a full-time neutral.

Given Franciosa's background in defense, "of course I was a little nervous," said White, whose client sought money from an insurance company. "But my fears proved totally unjustified."

White's client sued his own insurance company to pay for medical ex-

penses related to injuries caused by an uninsured motorist. She said the company agreed to pay "a portion" of the expenses, but not enough.

White said Franciosa stood out because Vsams so prepared.

"He remembered things about my client's medical records that I hid to look up," she said.

Franciosa also gave everyone a "fair shake," White added.

"I thought the defense attorney was playing games, and I think Joel thought that also because he stopped it immediately," she said.

Born in New York City, Franciosa moved with his family to Hayward as an infant. He was inspired to seek

out higher education in his early teens, when he worked alongside his father, a bricklayer.

"Bricklaying is a young man's game," said Franciosa, whose brother also worked in bricklaying. His grandfather was a stonemason.

"I realized I wanted to get more valuable as I got older, rather than

less," Franciosa said.

Franciosa received a bachelor's degree in English from Saint Mary's College in 1972. He then did "some graduate work" at California State University, East Bay before ultimately getting a law degree from the Pleasant Hill-based John F. Kennedy

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# Law became ADR's labor of love

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College of Law in 1993, he said.

A career aptitude test Franciosa took pointed him toward a career in law, he said.

"I scored off the scale for law and grade school physical education teacher," Franciosa said. "I figured law was more profitable."

Now in his eighth year as a neutral, Franciosa said he prefers alternative dispute resolution to defense work because his day ends with handshakes, instead of lawyers "spitting fire at each other" in trial.

Franciosa said his workload is about 90 percent mediation and 10 percent arbitration. He said it took about five years to build up a full-time schedule after leaving insurance defense.

"It was kind of like jumping off the edge of a cliff when I first started," he said. "But the relationships I had built up over the years are the people who came and found me."

Attorneys say they like Franciosa for his down-to-earth demeanor in mediations and arbitrations.

"He comes across as very earnest and hardworking," said Gregory D. Rueb, a Concord-based plaintiffs' attorney at Rueb & Motta APLC.

Rueb said he has utilized Franciosa in at least five mediations.

"He's smart enough to know that sometimes people just need to talk," Rueb said. "Sometimes they need to get things off their chest."

Edward J. Rodzewich, an Oakland-based attorney who defends claims against Farmers Insurance Exchange, said Franciosa this month settled a "tough case" that Rodzewich did not think would settle.

Rodzewich said the case was a "standard car accident" claim, but the plaintiff demanded much more in damages than Farmers wanted to give.

"I didn't think we were going to offer very much," Rodzewich said. "But Joel got the other side to come way down and talked us up a little bit."

*Here are some lawyers who have used Franciosa's services:*

Edward J. Rodzewich, Stratman, Patterson & Hunter, Oakland; Cheryl L. White, Oakland; June D. Coleman, Kronick Moskovitz Tiedemann & Girard, Sacramento; Gregory D. Rueb, Rueb & Motta APLC, Concord; Scott Sumner, Khorrani LLP, Oakland

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**Joel P. Franciosa**

Mediator and arbitrator

**Affiliation:** Judicate West

Areas of specialty: auto collision, slip-and-fall cases, Americans with Disabilities Act claims

**Location:** Oakland