

MEDIATOR PROFILE – Joe Castagnola, ESQ.

EDUCATION:

Undergraduate Degree: Bachelor of Science, Law – Northwestern California University School of Law

Legal Education: Juris Doctor – Northwestern California University School of Law

Mediation Training: Steven Rosenberg Mediation Training (40 hours), Mediating Disputes under the C.A.R. Residential Purchase Agreement (3.5 hours), and the course titled, “Your Guide to the 2021 California RPA and Related Forms”.

PROFESSIONAL EXPERIENCE:

An exclusion to the mediation and/or arbitration clause found in many C.A.R. contracts, including the Residential Purchase Agreement, applies to disputes ultimately litigated in small claims court. As a temporary judge, Joe is regularly appointed as the final decision maker in small claims cases to which he is assigned.

Joe began working as a real estate agent and mortgage broker in 2006 and has remained continuously licensed as a real estate broker since 2007. It is quite possible that Joe has first-hand experience with whatever issue has caused you/your client to consider mediation.

As an attorney, Joe maintains a successful practice and continues to assist clients with real estate related concerns.

In addition to his practice as a private mediator, Joe mediates cases that have been scheduled for trial (often on the day of trial) and also facilitates mandatory pretrial settlement conferences at the Superior Court in Sonoma County.

With strong qualifications and a track record for success, this highly experienced and educated attorney, mediator, and temporary judge has demonstrated the ability to achieve impressive outcomes in challenging circumstances, has a proven ability to analyze complicated situations and implement appropriate solutions within the law. Joe is widely recognized among his colleagues as being “over prepared” for every assignment. As a mediator, Joe thoughtfully reviews case files, prudently listens to the parties positions, and objectively assists the parties in identifying their best and worst possible alternatives to a mediated settlement while working with the parties to attain a successful resolution.

AFFILIATIONS:

Temporary judge (judge pro tem) at the Superior Court of the State of California, County of Sonoma

Mediator at the Superior Court of the State of California, County of Sonoma

Mandatory pretrial settlement conference panelist at the Superior Court of the State of California, County of Sonoma

Real Estate Broker, California Department of Real Estate (DRE #01726289)

Mortgage Broker, Nationwide Mortgage Licensing System (NMLS #1423995)

Fee arbitration panelist at the Sonoma County Bar Association

Property and Casualty/Life Insurance Broker, California Department of Insurance (DOI #0F33937)

Joe is admitted to practice before the following courts: The Supreme Court of the State of California (#317368), The United States District Court for the Eastern District of California, The United States District Court for the Southern District of California, The United States District Court for the Central District of California, The United States Court of Appeals for the Armed Forces (#37879), and The United States Court of Appeals for Veterans Claims.

STATEMENT:

People don't drown just because they fall into the ocean. They drown because they don't get help quickly enough. It is often the case that entering mediation at the early stages of a dispute will save a lot of time, stress, and money.

Because mediation is not a “one size fits all” option, as a mediator, Joe specializes in working with the parties to develop effective solutions that are appropriate for their unique situation. It is important to Joe that he works with parties engaged in a dispute where mediation is appropriate; therefore, he does not charge for initial consultations. During your initial consultation, Joe will personally speak with either or both parties over the phone or in person so that all sides can make an educated decision as to the most prudent way to proceed.

While Joe does not always find that mediation is right for every situation, he commonly recommends an attempt to mediate a dispute prior to taking the more aggressive approach of legal action. That is because in mediation, nothing bad should happen. The parties are in complete control in mediation. The parties get to be very active participants in deciding the terms upon which their dispute will be resolved. And when an agreement is reached through mediation, it is because both sides have chosen to be bound by the terms of the proposed settlement. This is a much different than if your case goes to trial because, at a trial, the parties are no longer in control of the outcome of their case, and the parties forfeit the opportunity to participate in deciding the ultimate outcome of their case. Additionally, the opinions of judges and arbitrators can and do vary. Meaning that one judge or arbitrator could find in your favor; while a different judge or arbitrator could find against you.

When acting as a temporary judge and ordering parties to participate in pretrial mediation, Joe tells the parties that, “in mediation, it is the parties who get to be the authors in writing the conclusion to their story. Whereas if your case goes forward to trial, it is the judge who is going to be the sole author of that conclusion.”

A purchase or sale of California real estate, most likely, involves the largest individual investment that you or your client will ever be a part of. If the process of completing that transaction is experiencing a few “twists and turns”, please allow me to assist in making that road straight again.

FEES:

\$200.00 per hour for the first two hours (\$100.00 per hour/per party for two party mediations) and \$325.00 per hour thereafter (\$162.50 per hour/per party for two party mediations). There is a minimum time commitment of four hours. The total combined fee* for a four-hour mediation is \$1,050 for two party mediations. Payment methods accepted: cash, check, and credit card.

SERVICE AREAS:

Joe will mediate cases in the following counties with no additional fee: Sonoma, Marin, Mendocino, Lake, Napa, Solano, Yolo, Sutter, Sacramento, Yuba, El Dorado, Nevada, and Placer.

*Upon request, Joe will mediate cases in counties outside of those listed above for a fee of \$100 per hour for time spent traveling to the mediation location (\$50.00 per hour/per party for two party mediations). This fee only applies **ONE** way. Mediations requested outside of the above counties are also subject to an additional fee for conference room rentals.

Remote/online mediation services are available with prior agreement. Because remote appearances may not be possible in all locations or may result in additional equipment fees, remote appearances must be agreed to in advance.

OFFICE LOCATION:

The Law and Mediation Office of Joe Castagnola is located in Petaluma, CA 94952

DO NOT CONTACT MEDIATOR DIRECTLY. All mediations must be filed directly with our Center and questions for mediators pre-assignment should be arranged with our Center.