

Hon. Ernest H. Goldsmith (Ret.)

ADR Services, Inc.

100 1st Street, Suite 2700

San Francisco, CA 94105

(415) 902-9625

**RESUME OF HON. ERNEST H. GOLDSMITH (RET.)**

**RE: CSHA HEARING OFFICER PROGRAM**

A. Available to serve as hearing officer in Northern California and Southern California.

B. Affiliated with ADR Services, Inc., as a mediator, arbitrator and discovery referee since retirement from the Superior Court in 2016.

C. Licensed to practice law in California (SBN 40479) Practiced health care law for twenty years in San Francisco, CA as an attorney 1975-1995. Served as a Judge of the Superior Court of California, 1996-2016, decided matters related to health care.

D. Practiced general health care law for twenty years as described below.

E. Attended CSHA Hearing Officer Training Seminar, June 23,2017, Los Angeles.

F. Qualifications for serving as a hearing officer:

**EXPERIENCE AS A LAWYER**

Represented a full service sixty bed hospital in San Francisco with an ancillary outpatient service center which served thousands of patients each year. Handled all legal matters which included: All hospital business matters; all lawsuits except medical malpractice which were tendered to insurance carriers; served as liaison with insurance counsel; advised the board of directors on all legal matters;

represented the hospital in State certificate of need proceedings; handled all negotiations with HUD, FHA and private lenders for construction of major outpatient center which served most of the inner city Chinese community in San Francisco; represented the hospital in relations with City, State and Federal healthcare regulatory and funding agencies; advised the Board in all matters involving elected officials; handled numerous employment disputes and advised the Board on establishing employment policies, represented the hospital in all lawsuits involving hospital owned properties; advised the Board in conduct of Directors elections; advised the hospital in establishing a senior center and supplementary senior health plan; advised the Board in disputes with medical staff; served as liaison or cumis counsel with employment specialty firms in employment lawsuits and union disputes. Also represented physicians and health groups; represented individual medical research physicians in disciplinary proceedings and research grant disputes.

As a lawyer representing a hospital, medical groups and many other nonprofits I was a recognized expert in California nonprofit law, was the Chair of the State Bar Nonprofit Law Committee of the Business Law Section, and chaired the committee which wrote legislation revising the nonprofit section of the California Corporations Code.

#### **EXPERIENCE AS A JUDGE OF THE SUPERIOR COURT OF CALIFORNIA**

Served in the Civil Division of the Superior Court in San Francisco for twenty years. As a civil trial judge presided over jury and bench trials in almost all areas of law, including: real estate; employment; commercial; commercial leasing; medical malpractice cases against hospitals, physicians and other health care professionals; personal injury; fraud; toxic tort; corporate control and corporate election lawsuits; Medi-Cal reimbursement cases; environmental law trials, class actions; CEQA judge for four years.

As law and motion judge decided numerous writ proceedings challenging State licensure and disciplinary actions against physicians, dentists and nurses; decided State license revocation cases against senior care and after care facilities; lawsuits against hospitals and staff for alleged patient physical and mental injuries; decided case seeking to order religious hospital to perform procedures prohibited by its charter based on religious principles, decided writ of mandate seeking to foreclose criminal prosecution for physician assisted suicide when prohibited by statute; extensive environmental law experience as trial judge in pollution cases, and as CEQA, judge ruling on cases involving property development, toxic substances and pollution.

As judge in personal injury, medical malpractice, and asbestos toxic tort cases was experienced with standard of care and medical expert qualification issues. Presided over cases with medical issues including brain injuries, orthopedic injuries and pulmonary and other diseases.

As the law and motion judge in San Francisco for three years I decided numerous motions and injunctive relief matters related to administrative law and procedural due process issues.

#### **OTHER EXPERIENCE**

Frequent speaker at continuing education programs for lawyers and judges. Topics include: Nonprofit law; toxic tort litigation; trial practice; employment law; expert witness testimony; evidence; law and motion practice; mediation practice, civil procedure, class action litigation. Presented educational programs and seminars for: California Judicial Education and Research (CJER); California Continuing Education of the Bar (CEB), The Brookings Institution, The American Enterprise Institute, Thomsen West, Marcus-Evans, National Business Institute, Pincus Seminars, Bar Association of San Francisco, State Bar of California.

Presently serve as Judicial Advisor to the Executive Committee of the Litigation Section of the State Bar of California.

**EDUCATION:**

Stanford Law School, LLB

University of California, Berkeley, BA Political Science

University of California, Berkeley, MA Political Science

**REFERENCES:**

Hon. James Roberson

Superior Court of California

400 McAllister Street

San Francisco, CA 94102

[jrobertson@sftc.org](mailto:jrobertson@sftc.org)

Hon. Carlos Bea, Judge

U.S. Court of Appeals for the Ninth Circuit

95 7th Street

San Francisco, CA 94103

[Judge\\_Bea@ca9.uscourts.gov](mailto:Judge_Bea@ca9.uscourts.gov)