

VERDICTS & SETTLEMENTS

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Retired judge Eddie Sturgeon emphasizes preparation, listening in mediation practice

Former San Diego judge Eddie C. Sturgeon says empathy, flexibility and extensive preparation are key to helping litigants avoid the stress and uncertainty of trial.

By Shane Nelson

Special to the Daily Journal

During his more than three decades on the bench in San Diego County, retired judge Eddie C. Sturgeon was often grateful for private neutrals.

“Most judges — especially in San Diego — we were carrying very, very heavy caseloads,” Sturgeon said. “So, any time a neutral — be it a mediator or arbitrator — settled one of my cases, I always thought, ‘Thank you very, very much. That’s one less.’”

When Sturgeon stepped down from the San Diego County Superior Court in February 2024, he decided he’d like to return the favor.

“I was so very appreciative of neutrals that would get cases resolved,” he recalled. “And I thought, ‘When I retire, that’s what I’m going to do — go help the bench and my brothers and sisters.’”

Sturgeon joined the Signature Resolution roster of private neutrals later that spring, and he has since worked to resolve a variety of commercial, employment and personal injury disputes as a mediator, arbitrator and discovery referee.

The retired judge noted that while he’s signed on to roughly 10 cases as an arbitrator, only one of those made it all the way to the hearing phase.

“Most of those don’t go,” he said. “Ninety percent of arbitration cases settle.”

Sturgeon added that it’s not uncommon for him to end up ruling



Thomas Kurtz / Special to the Daily Journal

on motions for summary judgment as an arbitrator, and often, key rulings of this nature can help move the parties toward settlement. If a dispute does, however, make it to an arbitration hearing, the retired judge makes sure both sides have ample time to present their entire case.

“That’s really important to me,” Sturgeon said. “I want everybody to be heard.”

Listening is also critical during mediations, according to Sturgeon, who said preparation beforehand with briefs provided by counsel

helps him craft a list of around 10 to 12 questions he wants to cover with the parties during the session.

Sturgeon said he’s especially thoughtful about how he approaches parties.

“You have to be very in tune with them,” Sturgeon explained. “They come from different backgrounds. They come from different nationalities. And that’s all a big consideration when you go into these mediations.”

San Diego litigator Eric J. Beste appeared before Sturgeon when

Eddie C. Sturgeon

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Employment
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he was on the bench and has since used the neutral to resolve a complex commercial case. Beste said he really appreciated all the effort Sturgeon put into building rapport with his clients.

“If you have a case where it’s really important to know how the client individually viewed the dispute and to understand their story, where they come from, what was going on for them before the dispute, he will definitely take the time and do that,” Beste said. “I think he’s very effective at getting that information from the clients.”

Beste added that Sturgeon’s extensive pre-mediation preparation, which included meeting individually over Zoom beforehand with counsel for both sides, really helped to establish that rapport early.

“On the day of mediation, there was no introductory ‘What’s this case about?’ Or ‘Who are you?’ We were off to the races right away,” Beste recalled. “And I thought that was very helpful and efficient because it took all day, but we got it done.”

San Diego defense attorney Timothy S. Noon also appeared before Sturgeon when he was on the bench and used him recently to successfully mediate a personal injury dispute. Noon agreed that the retired

judge’s extensive preparation was particularly helpful.

“He brings the same enthusiasm and energy as he did on the bench to mediation,” Noon said. “And reading the briefs, knowing the evidence beforehand really allowed him to cut to those key, probing questions early, which really makes him effective.”

Like Beste, Noon also agreed that the retired judge applied a particularly productive approach with the parties.

“He’s a very good-natured individual, but he tempers that with an effective firmness,” Noon explained. “He really has the relatability to all walks of life because he was on the bench so long, ... and he knows when to be firm and when not to.”

A 1973 Santa Clara School of Law graduate, Sturgeon tackled civil and criminal defense litigation for 14 years as an attorney before Gov. George Deukmejian appointed him to the El Cajon Municipal Court in 1988.

Noting that he’s not forgotten what it’s like to represent clients, the retired judge did say mediation is typically most effective when lawyers show up with a willingness to negotiate.

“When they don’t want to negotiate, that’s a problem,” Sturgeon

said. “Sometimes, they’ll take a real hard-line position at the very beginning of the mediation, and that really doesn’t help.”

Beste said Sturgeon isn’t afraid to weigh in on a case’s strengths and weaknesses during mediation, but he noted the retired judge makes it clear he’s not issuing any rulings.

“He does so in a way that is sufficiently deferential to whoever is the adjudicative body,” Beste said. “But it’s more like, ‘This is how I see it,’ and then helping to get the client - and the lawyers — to understand the risks and the rewards.”

San Diego litigator Peter J. Schulz appeared before Sturgeon when he was on the bench and has since used him to resolve five different construction and personal injury cases. Schulz said Sturgeon sits at the top of his list of mediators for just about any case.

“He really understands the realities of what happens in a courtroom if the case goes to trial,” Schulz said. “He’s fair. ... And clients will like him. They’ll respect him. And attorneys respect him. I’ve been doing this 32 years, and I don’t know a single lawyer in town that doesn’t respect him.”

Noon added, meanwhile, that Sturgeon doesn’t apply a rigid approach to mediation.

“We were on the brink of a breakdown,” Noon said. “And he showed the flexibility and adaptability to completely alter course seven hours into a mediation and pursue a different final strategy that ended up resolving the entire case.”

Sturgeon said those are successes that he finds particularly fulfilling these days.

“A lot of the time, my courtroom was not a fun place to be because of the severity of the damages,” he explained. “These were medical malpractice cases, severe injury cases, accident cases, where people are paralyzed. ... So not a fun place. And it’s stressful. When you’re in trial, it’s so stressful for the party. So as long as I can alleviate that and help them avoid a trial, that makes me feel pretty good.”

Here are some attorneys who have used Sturgeon’s services: Eric J. Beste, Barnes & Thornburg LLP; Timothy S. Noon, Noon & Associates PC; Peter J. Schulz, Schulz Brick & Rogaski APC; Penny T. Ostin, Law Office of Penny Ostin; Kyle R. Maland, Lewis Brisbois Bisgaard & Smith LLP

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