

Get to Know Hon. James Lambden (Ret.)

From the Courtroom to the Conference Room — A Life in Service of Resolution



Few people understand the life cycle of a lawsuit — and the human stories that animate it — quite like Hon. James R. Lambden (Ret.). Over the course of more than four decades, Lambden has been a trial lawyer, a trial court judge, and a California Court of Appeal justice. Today, he brings that extraordinary breadth of experience to his work as a mediator, arbitrator, referee, and appellate consultant with ADR Services, Inc., where he has become one of the state's most sought-after neutrals.

We sat down with him to discuss his experience, and how he has honed his craft after over ten years in dispute resolution.

A Career Built on Every Side of the Bench

Q: You've worn nearly every hat possible in the legal system. How has that shaped your approach to dispute resolution?

Lambden: I spent 14 years as a civil trial attorney, eight years as a trial court judge, and 17 years as an appellate justice. I've evaluated cases from every angle — from discovery through appellate review — and that perspective is invaluable when it comes to helping parties resolve complex disputes. I've handled everything from administrative hearings and employment cases to catastrophic torts and high-stakes commercial litigation. That breadth of experience means I can identify the core legal issues and evaluate the facts and procedural matters to help parties see where a case is likely headed.

His early days in private practice ranged from representing startups to global corporations like Merck & Co. He presided over hundreds of civil hearings as a trial judge and authored more than **1,000 appellate opinions**, including nearly **100 precedential decisions**. Along the way, he became known for his deep knowledge of civil procedure — a skill honed during four years running a master law-and-motion calendar with 25 to 30 hearings a day — and for his leadership in expanding access to justice statewide.

“Mediation Is Where the Action Is”

Q: What led you from the bench to mediation and arbitration?

Lambden: During my career it has always been true that at least 98% of civil cases resolve without trial. Recent statistics show trials in 1.6% of civil cases. Mediation is where the action is. Litigation is like a journey that is unlikely to end in a trial. Mediation along the way identifies the off-ramps where lawyers and their clients can make decisions about alternatives to litigation that is usually wasteful of time and resources. Mediation allows disputes to be resolved with diplomacy and mutual understanding rather than threats framed as battleground and sports metaphors. And in cases where decisions are required arbitration (and selective reference to referees) allows the parties to agree on streamlined procedures to circumvent the delays and expense inherent in the trial courts. Frankly, the justice system could operate not without the assistance of alternative dispute

resolution services. That has been true for decades.

Since joining ADR Services, Inc. after retiring from the bench in 2013, Lambden has mediated or arbitrated **well over 1,000 cases** — involving construction and water-rights disputes, employment and real property disputes, family fights over trusts and estates, catastrophic industrial accidents involving sovereign insurers, class actions, professional malpractice and complex subrogation disputes exceeding \$100 million. Roughly **40% of his practice** is mediation, another 40% arbitration, with the remainder involving court references, service as administrative hearing officer for municipalities and other public entities, commerce clause tax hearings, and healthcare peer review matters.

Philosophy: “Kindness Is My Religion”

Q: How would you describe your philosophy as a neutral?

Lambden: My religion is kindness. For me that means everyone’s story must be heard because justice requires compassion. A satisfactory resolution is achieved when all aggrieved parties agree it is “good enough.” Disputes are best resolved not by one side ‘winning’ but by the shared recognition what can be agreed upon. Metaphors of warfare or competitive games are unhelpful because they usually ignore the legitimate interests of participants.

It’s a philosophy deeply informed by his own life experiences. Before law school, Lambden worked a range of blue-collar jobs — in canneries, factories, landscaping, as a phone installer and even a process server. “Sometimes I surprise people in a mediation by revealing that I worked as a Teamster” he says. “that may help people trust me as a regular guy rather than an aloof judge.” Often called a renaissance man, he is an artist, a world traveler and lifelong student of history and philosophy, which he says gives him an appreciation for “the shared stories and archetypes that unify us as humans.”

Pragmatic, Candid, and Trusted

Q: Attorneys often describe you as pragmatic and direct. How do you see your style?

Lambden: My approach is evaluative. I take the time to understand the legal and personal dimensions of a dispute, and then I give the parties my opinion on how the case looks to an experienced and neutral expert. Extended haggling isn’t productive — I call it the unnatural ‘haggle-waggle.’ If we’re stuck, I will write a detailed mediator’s proposal that outlines each side’s strengths and weaknesses and often predicts likely outcomes on dispositive motions or fee claims. A written evaluation is more authoritative and useful for the decisionmakers’ shared discussions. Most of my proposals are accepted.

His confident and direct approach to mediation has earned Lambden widespread respect. Said one attorney, “He listened carefully and got to know the parties. He had absorbed all the legal and factual material in the mediation statements before we began. When the mediation reached a seemingly insurmountable impasse, he proposed a solution that brought the matter to a prompt resolution. Most important, our clients felt their views and grievances were heard and understood and came away loving him.”

Persistence and Follow-Through

Q: What happens when a case doesn’t settle in one session?

Lambden: Sometimes I adjourn and assign ‘homework’ before reconvening. I track upcoming court events like case management conferences and often check with parties several times after an unsuccessful first session. Circumstances change — and with those changes new settlement opportunities arise. Like I said before, litigation is like a journey of exploration with many forks in the trail to trial.

A Legacy of Access and Fairness

Throughout his career, Lambden has championed access to justice. He was a founding member and longtime chair of the **California Commission on Access to Justice**, chaired the **Judicial Council's Access and Fairness Committee** for nearly a decade, and co-founded the **Tribal/State Courts Forum**. He remarks that the most significant single change in the legal profession during his long career has been the inclusion of women in the profession and especially on the bench. Including the "minority" of half the population in the judicial process has benefited everyone and led to wider appreciation that access to justice for all is fundamentally important to our society. These initiatives have reshaped California's judiciary — now nearly 40% women — and will continue to influence how courts serve diverse communities.

"Solving Strife Through Discussion Is Honorable"

Q: After such a distinguished career, what motivates you today?

Lambden: Solving strife through discussion is satisfying and honorable. At the end of the day, whether both sides are satisfied or just feel the result is 'good enough,' helping people to peacefully resolve conflict is deeply rewarding.

Justice, delivered with humanity.

Whether he's mediating a multi-party healthcare dispute or arbitrating a complex business case, Hon. James Lambden brings an unmatched depth of legal knowledge, a disarming sense of humor, and a relentless commitment to fairness to every matter he handles. As one attorney put it, "All the parties trust his judgment. He doesn't get hung up on legal minutiae — he focuses on solutions." And perhaps that is the essence of Lambden's dispute resolution philosophy, which is not to "win" arguments, but to end them — and in doing so, to bring peace with dignity.

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