



Your Partner in Resolution

HON. JAMES R. TREMBATH

Judge, Contra Costa Superior Court
(Retired)

The Honorable James R. Trembath retired from the Contra Costa County Superior Court after serving as a Judge for thirteen years. For more than eight years, he presided over the Civil Fast Track assignment and was serving as the Supervising Civil Fast Track judge at the time of his retirement. While serving on the bench, he was awarded the Alameda-Contra Costa Trial Judge of the Year.

Judge Trembath was an early pioneer of alternative dispute resolution, having been one of the first neutrals to join ADR Services, Inc. in Northern California. Since then, he has served as a mediator, arbitrator, and discovery referee for hundreds of disputes from various superior courts throughout the Bay Area and the Lake Tahoe area, along with providing neutral evaluations.

As a neutral, he is known for his patience, his amiability, his willingness to listen carefully, and his persistence. He initially utilizes a facilitative approach to mediation; however, when the circumstances call for a more direct evaluative approach, he will do so as proactively as needed. In the event that a case does not settle during mediation, he diligently follows up with the parties until the matter is resolved.

He is a long standing co-author of *Real Property Litigation (California Civil Practice)*, published by Thomson Reuters.

While he has had experience with a broad range of legal matters as a Judge and as Neutral, including personal injury, construction defect, landlord/tenant, and professional negligence, his ADR practice primarily focuses on the following areas of law:

- Real Estate
- Business
- Trust and Estate
- Employment
- Family Law Asset Disputes

BACKGROUND AND EDUCATION

After Graduating from UC Berkeley and Hastings College of the Law, Judge Trembath served as a Deputy District Attorney for the Alameda County District Attorney's Office.

Prior to his appointment to the Contra Costa Superior Court, he practiced law in Contra Costa County for many years. He established his own solo law practice and, at the time of his judicial appointment, he was Senior Partner of the law firm formerly known as Trembath, McCabe, Schwartz, Evans, Levy & Dawe. His initial practice was general; however, he later focused his practice on real estate, business and banking transactions, and litigation.

As a civil litigator, Judge Trembath successfully tried to verdict numerous complex civil litigation matters. One of the highlights was a four-month jury trial in Santa Barbara. *Mosher v. Williams* involved the spouse and family of decedent Sam Mosher, the founder of the Signal Oil Company (later Allied Signal).

While on the Civil Fast Track assignment, Judge Trembath managed and conducted numerous cases and jury trials including class action matters, personal injury cases, professional negligence (including medical malpractice), construction defect, employment, real estate, business (including Hi-Tech, B&P 17200), and trust and estate matters.

ALTERNATE DISPUTE RESOLUTION AND TEACHING

While on the bench, Judge Trembath worked extensively with the Contra Costa County Superior Court ADR programs. He served as the ADR chairman, implemented and piloted the EMP (Early Mediation Program), organized and presided over revised bench-bar settlement programs, and conducted several mediation/ settlement seminars for the bar association. He also attended numerous mediation conferences and seminars.

After retirement, he taught with the John Paul Jones Mediation organization at the National Judicial College in Reno, Nevada. Judge Trembath also taught Advanced Dispute Resolution for Judges for California Judicial Education and Research (CJER). Thereafter, he was invited and attended the Master's Forum Invitational at Pepperdine University.

Judge Trembath continues to present at numerous ADR seminars for Contra Costa County, Santa Clara County, and Nevada County (Truckee, California).

REPRESENTATIVE MATTERS

MEDIATION

Judge Trembath has mediated many hundreds of cases relating to real estate, construction defect, business, partnerships, joint ventures, corporations, contract disputes, technology, trusts and estates, employment (including wage and hour, discrimination, and sexual harassment), and personal injury.

Judge Trembath has adapted to the landscape of virtual dispute resolution and is comfortable conducting mediations entirely on Zoom, even navigating a dispute involving 14 different remote participants.

A sampling of Judge Trembath's representative mediation matters include:

- Mediated a dispute over the division of thousands of acres of farmland in Northern California.
- An insurance company engaged Judge Trembath to mediate at many special settlement conferences involving numerous plaintiffs and their counsel.
- Mediated a number of family estate/ trust dispute matters.
- Mediated a case regarding a dispute between a utility company and a primary developer of a large Tahoe resort.
- Mediated a case involving a partnership/joint venture whose purpose was to purchase choice San Francisco properties, perform upscale remediations and sell for enormous gains.
- Mediated an employment discrimination case between an upper management employee and a municipality.

- Mediated a wage and hour dispute pertaining to a construction project in Oakland, California
- Mediated and arbitrated auto dealership cases regarding employee discrimination claims.
- Mediated numerous sexual harassment claims ranging from serious harassment matters to matters with less merit.
- Mediated matters involving the break-up of professional partnerships.
- Mediated a real estate construction case pertaining to a tear down and rebuild of an expensive Tahoe home. This matter was far from being ready to resolve. The parties stipulated that Judge Trembath be in essence, a special master and arbitrator. After he appointed an expert, reviewed the report with the parties, and addressed each disputed matter, a second mediation was scheduled and the matter settled.
- Mediated numerous business matters, many arising from contractual disputes, fraud, buy-outs, etc. The parties ranged from small business disputes to major corporate disputes.
- Mediated numerous landlord-tenant cases involving both residential and commercial tenants (primarily commercial).
- Mediated numerous real estate purchase misrepresentation cases.
- Mediated eminent domain and inverse condemnation cases.

ARBITRATION

Judge Trembath arbitrated numerous matters ranging from personal injury to employment, construction, partnership disputes, commercial and non-commercial real estate transactions, landlord-tenant disputes, and homeowner association disputes.

A sampling of Judge Trembath's representative arbitration matters include:

- Arbitrated a case in Fresno regarding litigation between a shopping center and a major tenant.
- Arbitrated a technology case regarding a dispute between the CEO and the investors. The CEO was accused of fraud and selling technology to competitors.
- Arbitrated a case regarding a family dispute over extensive commercial and multiple housing real estate holdings.
- Arbitrated a number of employment cases ranging from wage and hour matters to discrimination and sexual harassment issues.
- Arbitrated attorney fee dispute matters including a dispute between a major law firm and an inventor requiring review of extensive billings and determination of necessity and reasonableness.
- Arbitrated a number of construction disputes ranging from basic residential construction to commercial and shopping center cases.
- Arbitrated title insurance claims, including one such matter between a Tahoe homeowners water facility and neighboring homeowners.
- Arbitrated a complicated easement dispute between a park district and a large landowner. Interpretation of the easement was required amidst claims of inverse condemnation.
- Arbitrated cases involving estate and trust beneficiary claims against the trustee and disputes among the beneficiaries.

DISCOVERY

Judge Trembath has served as discovery referee in numerous matters on cases throughout the Bay Area.

A sampling of Judge Trembath's representative discovery matters include:

- Appointed by the Santa Clara Superior Court to act as discovery referee in intense litigation regarding a surgery center's out-of-network health insurance claims with millions of dollars at stake. Plaintiffs engaged three prominent law firms from San Francisco, Los Angeles, and Philadelphia. Defendants were represented by a Los Angeles law firm. Judge Trembath negotiated resolution of some of the discovery issues, and was required to schedule numerous hearings, conduct numerous in camera reviews, issue more than thirty discovery orders, and attend numerous depositions. Subsequently, he was appointed to serve as discovery referee in another insurance matter with a different insurance company, but with the same defendants.
- Appointed by the Contra Costa Superior Court to serve as discovery referee on several occasions, including an intense litigation matter involving significant property rights pertaining to an alleged breach of a marital settlement agreement. Judge Trembath conducted hearings, issued numerous orders, and attended depositions.
- Served as discovery referee in a land use and permit matter regarding a residential development. He also served as discovery referee in two related class action matters.

CCP §638 REFERENCES

Judge Trembath served as a referee to determine all issues on several pending superior court cases.

A sampling of Judge Trembath's representative CCP §638 matters include:

- Served as a CCP §638 Judge *Pro Tem* on a matter where he previously served as the discovery referee. This matter involved intense litigation over significant property rights pertaining to an alleged breach of a marital settlement agreement.
- Served on a family trust dispute matter to decide all issues. He resolved discovery disputes and was able to also serve in the capacity of a mediator which led to a settlement.
- Appointed to serve as a judge for all issues on a family law matter. There were cross-claims of fraud and issues regarding their businesses in California and Europe. After bifurcating and deciding certain issues, the matter was rescheduled for a settlement conference prior to trial. Judge Trembath was able to serve as a settlement conference judge and the matter settled.
- Selected to serve as a judge to decide a dispute between a mobile home park owner and all of the tenants to determine the legally allowable rent increases.

NEUTRAL EVALUATION

- In one matter, Judge Trembath was engaged to evaluate a complex liability and comparative negligence case regarding a severe injury accident between a fuel truck and a vehicle.

OTHER

- Judge Trembath was requested to serve as an Interim Member of a Board of Directors for a deadlocked highly profitable construction corporation. Due to a resignation, there were only two remaining Directors, who were the primary shareholders and were in litigation, unable to agree on anything. Judge Trembath's responsibility was to work with the Directors, conduct meetings, and forge agreement on essential business decisions. After this was accomplished, the matter was scheduled for mediation (although prior efforts were unsuccessful). Judge Trembath worked with the mediator and parties which resulted in a settlement of all issues.
- Judge Trembath was engaged to resolve a dispute over the high dollar maintenance and repairs of an expensive Piedmont home occupied solely by the trustee. The beneficiaries were the stepsons of the decedent and the trustee was the wife of the decedent. The parties retained their own contractors and Judge Trembath narrowed the issues by working with the parties until it was time to schedule a mediation. Ultimately, the matter settled at a subsequent session.