

# VERDICTS & SETTLEMENTS

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## As Neutral, Ex-Judge Relishes Human Contact

By Craig Anderson

Daily Journal Staff Writer

SAN JOSE — Read Ambler loved being a judge. But with college costs looming for several of his children, he retired in 2000 and took a job as a mediator and arbitrator at JAMS.

“Money was the reason,” the former Santa Clara County Superior Court judge said of his retirement. “Having said that, I like the [JAMS] job better.”

“I like the immediacy of it,” Ambler said, emphasizing the difference between working as a mediator or arbitrator and the comparative isolation of life as a jurist.

“I like to help people,” he said. “How do you do that when you’re four feet above them and wearing a robe with a deputy a few feet away with a gun?”

Ambler has established an impressive career in the eight years since leaving the bench, working as an arbitrator and mediator, as well as a discovery referee in a number of cases, including the long-running patent infringement lawsuit between Rambus Inc. and several memory chip manufacturers in U.S. District Court in San Jose.

Ambler, who turned 69 on Wednesday, still cuts an imposing figure. He is tall, 6 feet 3 inches, and has what even he describes as a “piercing gaze.”

He is an energetic man who happily shows off his command of a laptop computer on which he busily types notes during arbitration or discovery hearings, while scrolling to find the relevant documents in computer files.

Attorneys say he is able to adjust easily to handling discovery disputes, mediations and arbitrations — assignments that require different skills.

As an arbitrator, a job Ambler is handling increasingly often, the retired judge is known for his willingness to make tough decisions that might favor one side instead of trying to split the difference.

Attorneys say many arbitrators try to



LAURA MORTON / Daily Journal

“I like to help people,” judge-turned-mediator Read Ambler said. “How do you do that when you’re four feet above them and wearing a robe with a deputy a few feet away with a gun?”

avoid handing one side a significant defeat, and many believe one reason is to avoid antagonizing an attorney or law firm that may not want to hire them again.

“Read Ambler decides a case just like he’s still a sitting judge,” said Roberta Hayashi, a partner at Berliner Cohen in San Jose, who handles employment law matters. “He’s going to call them as he sees them. He makes decisions, calls them as he sees them, and I respect him for it.”

That’s true, Hayashi noted, even though she came out on the losing end of one of those arbitration decisions.

Other attorneys say Ambler’s willingness to make decisions also can be helpful when he is acting as a discovery referee. He does not allow attorneys to use litigation tactics such as introducing new documents or surprise witnesses just because it is not a courtroom, said Sam Chuck, a partner with Rossi Hamerslough Reischl & Chuck who handles real estate disputes.

“Some arbitrators play a little loose with

disclosure of documents,” said Chuck, who said he has used Ambler’s services about twice a year since he left the bench. “He does not put up with that kind of game-playing.”

Chris Scott Graham, a Mountain View-based partner at Dechert, said Ambler knows when to make a discovery ruling instead of waiting for the parties to work things out themselves.

Graham represented Synopsys Inc. in a complex trade secrets theft and patent infringement dispute against Nassda Corp. in 2004. Ambler, who acted as discovery referee, ruled that the first 60,000 lines of source code of Nassda’s first software product were copied from Synopsys source code and that Nassda intentionally altered or destroyed evidence to conceal the theft.

Later in the year, Mountain View-based Synopsys settled the case by purchasing Nassda at a discounted price.

Graham said Ambler holds the parties

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responsible for their behavior but does not take himself too seriously.

"Hidden in the back of his piercing eyes is a twinkle," Graham said. "He's not self-impressed."

Ambler is able to "lower the temperature in the room" when emotions run high, Graham said. "He understands the legal issues but also how people tick."

An Illinois native, Ambler said his life took a turn after his father — who sold commercial insurance in Chicago — died when Ambler was 10. His mother moved to Waco, Texas, to be near her aunt and nephew. Ambler's cousin, David Richards, became a prominent civil rights lawyer in Texas and married Ann Richards, the future governor of Texas.

At age 13, Ambler served as best man at his cousin's wedding.

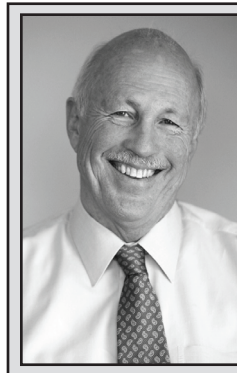
Ambler admired his cousin's legal career and said he had seen enough prejudice in Texas — and earlier, for a few years in Florida, before his father's death — to develop a strong hatred of racial injustice.

After a stint in the Navy, Ambler married and enrolled at Stanford Law School. While he liked his classes well enough, Ambler was passionate about his work at a legal aid office in East Palo Alto and recruited classmates to work there.

After graduating from law school in 1968, Ambler went into private practice but had one pragmatic difficulty.

"I had trouble with billing people," he recalled.

In 1970, Ambler took a job with the Santa Clara County public defender's office, where he spent the next years gaining trial



## **Read Ambler**

Mediator, Arbitrator,  
Discovery Referee

**Location:** San Jose

**Age:** 69

**Affiliation:** JAMS

**Areas of specialty:**  
Business and commercial litigation,  
intellectual property,  
real estate

**Rate:** \$7,000 per day,  
\$750 per hour

experience. After a short stint with a Los Altos law firm, Ambler formed his own partnership with Leslie Nichols, another future Santa Clara County Superior Court judge, in 1975.

Ambler was appointed to the Santa Clara County bench in 1980, where he took the advice of a veteran judge to "do everything," handling a wide variety of assignments.

He was consistently ranked among the county's best judges in the Santa Clara County Bar Association's informal survey of local jurists and was one of the founders of the Law Foundation of Silicon Valley. He continues to serve on its advisory panel, and volunteers to handle pro bono mediation work.

Hayashi said she is impressed by Ambler's ongoing commitment to public service. "That's really something that is unique," she said.

Ambler has been married for 34 years to his second wife — Cheryl — a pediatric neuropsychologist. He has five adult children, and enjoys reading, gardening, travel, and "hanging out with my wife."

He is quite busy at JAMS, handling about 100 mediations, arbitrations and special master assignments a year.

Peter Wald, the San Francisco-based chairman of Latham & Watkins' litigation department, said Ambler is a "supremely talented jurist ... very courteous to the litigants but very clear about what he wants to find out."

Wald, who handled a confidential arbitration matter before Ambler last year that included a dozen witnesses, described him as an "active listener and thoughtful questioner."

"He honed in on the few fact issues that really drove the case," Wald said.

Wald and other attorneys praised Ambler's combination of legal knowledge and temperament. One attorney advised that anyone appearing before Ambler should "bring your manners."

"He treats the parties with respect, and expects the attorneys to treat the process with respect," Graham said.

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*Here is a list of attorneys who have used Ambler's services:* John Quinn, Quinn Emanuel Urquhart Oliver & Hedges, Los Angeles; Eugene Ashley, Hopkins & Carley, San Jose; Craig Ritchey, Dorsey & Whitney, Palo Alto; Kathryn Klaus, Coddington, Hicks & Danforth, Redwood City; Shella Deen, Hoge, Fenton, Jones & Appel, San Jose; Roberta Hayashi, Berliner Cohen, San Jose; Peter Wald, Latham & Watkins, San Francisco; Sam Chuck, Rossi Hamerslough Reischl & Chuck, San Jose; Jeffrey Essner, Hopkins & Carley, San Jose; Chris Scott Graham, Dechert, Mountain View