

BUSINESS & FINANCE

Attorney Wendy Landes Brings Mediation to Divorce Disputes

By EVELYN BARGE
Palisadian-Post Intern

When attorney Wendy Landes was first asked to mediate a divorce case in 1992, she was working as a family-law litigator in New York City. The case, which was referred to her by another attorney, would be a major turning point in her legal career.

"Up until then, I was litigating all the divorces," Landes said. "I had had no mediation training, but the other attorney thought I would do just fine."

The case involved a divorcing husband and wife who needed to settle a child custody issue, and Landes came up with a plan that satisfied both parents. After that first taste of mediation, Landes said she immediately saw tremendous benefits compared to the traditional adversarial divorces she had been litigating.

"After I mediated that case, I knew this was so superior to litigating for the couple," she said. "The couple even thanked me, and it just made so much sense."

"For a husband and wife going through divorce to be able to focus on the best interests of their children, with the help of a neutral person like myself, was just very powerful to see. Up until that time, I'd only seen people who were using the court system to hurt each other."

Prior to her first encounter with family law mediation, Landes had a long career as an attorney in New York. She received her undergraduate degree from the University of Pennsylvania in 1977 and received her juris doctorate in 1980 from the Cardozo School of Law at Yeshiva University in New York.

She began her career as a litigator for a Manhattan firm, but when she found that working for a large-scale firm did not suit her tastes, she became an assistant district attorney in Westchester County. She eventually opened her own firm in New York, before moving to Pacific Palisades with her husband, Robert, and their three children in 1993.

"We lived in the village of Mamaroneck and we were looking for a similar family-oriented community, so the Palisades fit that description," said Landes, whose husband had been offered an executive position with L.A. Gear. He is now CEO of Fetch Technologies, an intelligence-gathering software company in El Segundo.

"When I moved here, I decided that I didn't want to just return to what I had been doing as a litigator," Landes said. "I took mediation training at the Institute of



Wendy Landes at her law office in the 881 Alma Real building. She and her husband Robert have 19-year-old twins, Ali and Matt, who attend Tufts University and Denver University respectively, and a 14-year-old daughter, Jackie, who attends Wildwood School in West L.A.

Rich Schmitt/Staff Photographer

Dispute Resolution at the Pepperdine School of Law, and that clinched the deal. I knew that this was it."

Landes opened her family-law mediation office in the 881 Alma Real building in 1994, and it has since expanded to include other forms of non-adversarial divorce practices.

With an extensive background in litigating adversarial divorces, the traditional method by which most divorces trickle through the court system, Landes said she has witnessed the damage that can be inflicted in the process.

"I've seen that the lawyers' role as advocates for one side just makes people get farther apart and creates unintended harm. Divorce is an extremely painful time, even in the best situations for divorce. The adversarial process, the traditional process, is really like rubbing salt into the wounds."

She added, "The opportunity to do mediation just opened up all the possibilities of what a good divorce could look like."

Landes believes the benefits of mediation are self-evident.

For one thing, "people are realizing that mediation is extremely cost-saving compared to other alternatives," Landes said. Couples who choose to mediate their divorce cases often avoid high court costs and legal fees.

In addition, mediation has emotional benefits when couples are able to escape the dramatic court battles and extreme stress that often accompany traditional divorces.

"There may be yelling and screaming, but it is contained in our conference room," Landes said. "We contain the conflict because we're all sitting there together, and we can deal with it. It doesn't get bigger than it actually is."

The many thank-you cards that hang on the walls of Landes' office are evidence that her clients also seem to recognize the benefits of mediation.

"I often get thank-you letters because people are really appreciative that something so painful can be dealt with in a contained way," she said.

This past year, for example, she was presented with a divorce case involving four children under the age of 5, "and at the initial meeting, each parent said they wanted 100 percent custody," Landes said. "But with the help of a child development expert in Santa Monica, I was able to create a rotating, 50-50 arrangement that has kept both parents in almost daily contact with each child."

In spite of all the success Landes has achieved since opening her office in the Palisades, she said her biggest concern is that most people still don't know there are other options besides traditional, adversarial divorce.

"I just want people to know before it's too late," she said.

Over the past five years, Landes has acted as chair of the Alternative Dispute Resolution Committee of the State Bar, Family Law Section. She is responsible for reviewing and proposing new legislation, and she has used her position as an opportunity to spread information about alternative divorce. The State Bar now circulates two brochures that help educate people about their options.

"This makes me feel really good, because anybody who goes to find out what their legal rights are can understand that they have different options," said Landes, who noted that the number of options for divorcing couples is growing. Within the last five years, collaborative law has been introduced as a legal option, under which the divorcing couple and their attorneys enter into an agreement to reach a settlement on all issues outside of court.

While Landes said she first recommends mediation to all divorcing couples, collaborative law is another beneficial alternative for couples who aren't able to mediate.

"Before, there were some people who really couldn't mediate for one reason or another," she said. "Now, I feel like there is something for everybody."

As she has continued to educate people on their legal rights over the past 10 years, Landes said more couples are beginning to understand that mediation is the best route to reaching a mutually satisfactory divorce agreement.

"Mediation should no longer be an alternative," Landes said. "Really, for most people, it's the appropriate way to resolve your dispute. Litigation should be the alternative."

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