

Steve Mindel thinks  
you shouldn't have to  
part with your money  
when you part with  
your spouse

# The Man Who Would De-Fang Divorce

by SCOTT S. SMITH

photography by LARRY MARCUS

Steve Mindel was looking to find out which of his law school classmates had been disbarred. Browsing legal notices was among his favorite recreational activities at his first job as a somewhat-bored corporate transactional associate at Sheppard Mullin Richter & Hampton in 1985. One day he came across an ad for the Los Angeles Free Clinic asking for volunteers.

"The clinic had been founded to help Vietnam draft evaders, and the ad said they were now handling uncontested divorces and bankruptcies for those in need," says Mindel. "They'd supervise half a dozen clients at a time on how to fill out the paperwork. I dropped by and told the head of the legal department that I didn't know anything about these areas, but he told me to sit in for a couple of hours and I'd be good to go. After working there a while, I thought, 'This isn't a great system—we ought to have protocols and define our model, make sure the Superior Court knows who we are.'" Mindel, with the help of the program director and another volunteer, soon had produced a handbook for the other attorneys to follow.

His friends couldn't help but become familiar with his work for the Free Clinic—he was always bugging them to come to fundraisers—and when he set up his own practice in 1991, they began referring family law cases to him. At that point, he made a decision to apply the transactional approach to the cases, rather than the standard litigation one.

"The transactional approach is a more businesslike, less emotional and less expensive way to provide legal solutions, something that fits well with the emergence of collaborative law," he says. In that framework, each party has its own attorneys, accountants and psychological counselors who get fired if they have to go to trial, so they are incentivized to find a resolution out of court, preferably using a mediator. While the lawyers do not make as much money per divorce, many more cases can be handled, Mindel says.

"Only about 5 percent of family law attorneys do this and it's a different way of looking at the puzzle," says Mindel, now the

managing partner at Feinberg, Mindel, Brandt & Klein. "Most lawyers see the threat of litigation as giving them an edge to get the result they want, but two aggressive litigators can create a cure worse than the disease. From a transactional point of view, going to hearings and trial creates expensive noise between where we are and where we want to get to.

"The worst mediated result is better than the best judicial decision," he says. Besides, he says, attorneys hate delivering bad news to their clients: a mediator can do it more credibly. Only one or two of his cases have to go to trial each year.

Los Angeles County, which has one of the highest divorce rates in the country, is a great place to practice family law. Entertainment, aerospace and other industries provide divorce attorneys a lot of practice for breaking down small business assets to see how each party contributed.

"I think we have the best family law bar in the country," Mindel says. "Everyone stays sharp because you can't just wing it, so we're all constantly taking continuing education seminars and participating in study clubs, and the family law bar and the judicial offices are also highly qualified."

Mindel stays sharp in other ways, too. The brick he had to break to qualify for his black belt in taekwondo is on a shelf in his office (along with photos of his wife wearing her red belt and his teenage sons with their junior black belts). The high-kicking Korean martial art emphasizes goal setting and precision execution, and Mindel carries its values into his work and daily life.

"The basic principles are courtesy, integrity, self-discipline, an indomitable spirit and perseverance," he explains. "We have a saying that a black belt is a white belt who didn't quit."

At the firm, he sees his role as managing partner primarily as a coach who helps people reach their goals. Using another sports metaphor, he says, "I'd like to see myself as more like Magic Johnson than Michael Jordan: making sure that when I was on the court everyone played their part, and we all shared credit for winning the game."





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Mindel, growing up in Fresno in the central California farm belt, knew he wanted to be a lawyer by the time he was 13. His godmother was an attorney and then a judge in the area, and his parents owned a radio station, where he had a chance to have long talks with the station's corporate lawyer.

"People in Fresno thought of lawyers as deserving respect because they would help you find a solution," as opposed to the way some attorneys might be perceived today in Los Angeles, he says.

He earned his undergraduate degree at UCLA and went on to the USC Law Center. Because he had to pay his own way, he was always running several businesses on the side, including selling ad specialty gimmicks, employee incentive programs and Miller beer, and providing party favors to sororities and fraternities. His roommate, Stefan Mayer, came from a German family that owned a jewelry manufacturer—Heinz Mayer—and Mindel helped him establish U.S. distribution.

"There were only three pay phones near the classrooms, and this other guy who was earning his way and I always bolted after class to get to them before anyone else did," recalls Mindel, who would hook up his portable telex to transmit orders by cable to Germany at a dime a word.

After earning his J.D. in 1985, he spent a year with Sheppard Mullin, and then returned to Heinz Mayer to serve as its U.S. vice president of sales and general counsel. In 1991 he started his own practice, and, in 1995, law classmate Jerry Kline joined him, creating Mindel & Kline.

Since his wife, whom he also met in law school, had a solid job at a big firm, he could play around with a bit of everything, handling not only family cases, but also corporate, probate and personal injury.

"Family and bankruptcy lawyers are the last generalists because we have to know a little bit about everything," Mindel says, "including real estate, corporate law, school systems and individual education plans and taxes."

His first divorce case, which he worked on with attorney Ron Brot, was for a friend who had "a two-minute marriage to a man from Singapore. Ron sent over 60 pages of paperwork." Not appreciating the value of well-tested family law boilerplate, he tried to customize everything. "I just overlawyered the document."

The cases he worked on for Asian clients were the most interesting, he found. "The wives would come to us with their tradition that to get a

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[ Mindel continued from page 37 ] divorce and keep the children, you had to have proof that their husband was cheating, so they'd want us to set up a trap."

When he formed Feinberg, Mindel, Brandt & Klein in 1996, bigger cases came his way, but most are still for households with incomes of \$60,000 to \$400,000. His clients don't often appreciate how revenge or excessive skepticism about the other person's assets can run up the legal bill. "Family law attorneys are great negotiators because we have to convince both sides there aren't any hidden parts of the pie to be divided up," he says. Sometimes you have to convince the client to concede a point, kick sand on the problem, declare victory and walk away.

Some, though, don't care what the cost is of the crusade—and it can become the divorce from hell (or Gehenna). One case involved an orthodox Jewish couple and lasted nearly 10 years. By year seven, they still hadn't gone to trial and came to Mindel because he was known as a specialist in trying complicated divorce cases. It took another two years to get a decision, and Mindel's client ended up getting what he had wanted in the beginning, which was standard weekend visiting rights.

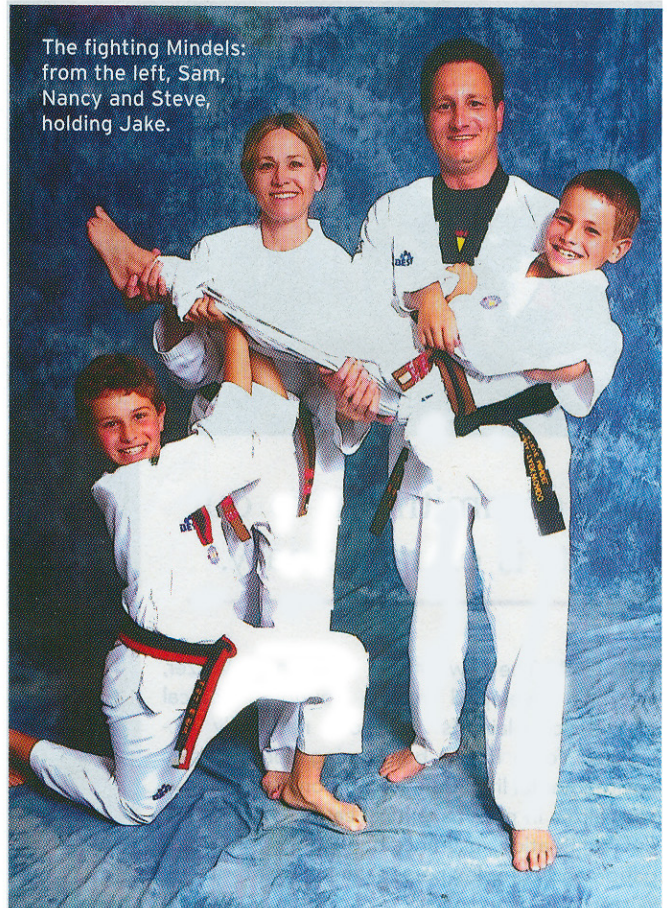
But that wasn't the end of it. The wife's family, who had been encouraging and helping to pay for the long legal wrangling, had a falling out with her. They wanted to take over sole custody of the children and had been badmouthing the father for so long that they were convinced that the judge would agree. They were shocked when the father was given sole custody. But he couldn't really take care of the kids full-time, because by this time he was 70 years old and had heavy business obligations. He had to go to court to testify on his ex's behalf to restore the original ruling. The whole thing cost each side about \$1 million, Mindel estimates.

"[It's] amazing to me that people think nothing of entering into financially complicated personal relationships without having a formal agreement, which they would never do if they were in business together," Mindel says. People are getting married later now, so even middle-class spouses often come with 401(k)s, cash savings, student loans and homes. He says a marriage can be looked at as the merger of two companies. After the merger, you will either have two companies that are financially independent of each other or two companies that are now one financial unit. The one thing that does not work as a transaction is child custody.

Well-known divorce attorney Dennis Wasser of Wasser, Cooperman & Carter likes being opposing counsel to Mindel.

"He's easy to work with because he's logical and you can achieve a common-sense result," Wasser says. "The parties are usually emotional and it doesn't serve them to be represented by crusaders." He says that in one case, both sides were pretty hysterical, and he and Mindel had to diminish their intensity to get a property and support agreement that would work. "He's a very competent lawyer—and a nice guy," adds Wasser.

Celebrity divorce lawyer Stacy Phillips of Phillips, Lerner, Lauzon & Jamra refers middle-class noncelebrity divorces, friends and family to Mindel's firm. "I had to be sure [my family member's] case didn't get screwed up and he's straight up and doesn't play games," she says. "He also returns calls quickly, which you can't say about a lot of attorneys." And the same



The fighting Mindels: from the left, Sam, Nancy and Steve, holding Jake.

might be said of two other characteristics she cites about working with him. "He has an even keel and a heart," she says.

For him, one satisfying thing about family law is that you get to see a result in a relatively short time, to go from A to Z. "I'm afraid a lot of young attorneys are attracted by the big salaries they are offered for their first year at a corporate law firm, then they get disenchanted because the cases never seem to reach resolution and they don't have people as clients—they represent entities," he says.

Another benefit is that he can spend time with his family. "We have clients who will understand if you say you can't get something to them at three because you need to attend your son's ball practice, but you'll send it to them late that night," Mindel says. "You have to know how to shift your time and have a realistic idea of how much you can do in a day."

This has allowed him to have a rich personal life. He's working with one son on a book about gourmet cooking for big groups, and they get to test out their recipes at a variety of events, including political fundraisers.

Mindel termed out from the advisory board at the Free Clinic a few years ago, but much of his free time is spent as a member of the board of trustees for his synagogue, where he is the immediate past president. "It's been a growing experience for me because all schools and religious organizations are complicated, since the board uses the services and cuts become personal. It has sharpened my listening skills."

But he enjoys his work as much as his outside activities.

"I'm just having so much fun that people around the office think I have a brain disorder," he says. ◀