

Branching Out

Barri K. Bonapart of ADR Services has carved out a niche as a tree law specialist.

By **Andy Serbe**
Daily Journal Staff Writer

Barri K. Bonapart didn't expect her career to branch into tree law, or to join the small national group of those who call it a specialty. Now, 32 years into her legal career and 25 into her career as a neutral, she's part of that circle. It all started with a friend in distress in 1989.

"Like with any niche specialty, it started with my first tree case when a friend of the family came to me and asked me to help because her neighbor had cut down her trees. She was beside herself, and at the time I was doing complex multistate business litigation for Shell Oil Company, primarily," Bonapart said.

She told the friend the case wasn't exactly her area but, not to be dissuaded, the friend insisted Bonapart was the only one she trusted with it.

"I thought, 'How hard could it be? It's a tree case,' and rapidly found out it's very complex and very nuanced, and it ended up going to an arbitration where we got her a six-figure recovery," Bonapart said.

The expert in the case noted how quickly Bonapart grasped the topic, and asked if he could refer clients to her. Now, she speaks on tree law, specializes in it, and authored a book, "Understanding Tree Law: A Handbook for Practitioners."

Now a neutral for ADR Services Inc. working primarily in the San Francisco Bay Area, Bonapart acts as an arbitrator, mediator, discovery facilitator, or just about anything else that could be needed in real property or complex business cases running high with emotion. Bonapart said she realized in the 1990s that there was a better way to solve problems than "duking it out in the courtroom" and became passionate about alternative dispute resolution.

"In those volatile situations, like

neighbor disputes or tree disputes, it's important to have a mediator with the right temperament, someone who's comfortable with discomfort, calming in the face of upset, and harmonious in response to discord," she said.

In her law practice, and now in her role as a neutral, Bonapart said she has stressed collaborative problem solving and empathy. That starts with her own preparation, which includes a preconference meeting with the attorneys to lay out logistics so the arbitration or mediation can hit the ground running.

"She was very hands on, very directive, quickly established credibility with both sides, and tenacious in trying to get the parties to resolve the dispute," said David P. Bonaccorsi of Bernard, Balgley & Bonaccorsi LLP, for whom Bonapart mediated a case.

Barbara S. Monty of Monty White LLP came to Bonapart seeking a discovery facilitator for a high-stakes and high-emotion family property case and had similar praise.

"She didn't in any way hesitate to take on such a paper intensive case, nor did she hesitate to deal with very high emotions. She was fair, and pretty assertive," Monty said.

Bonapart added that she views it as important that attorneys handle themselves with professional courtesy and prepare properly, both themselves and their clients. "I never like to see the lawyers be part of the problem, I want them to be part of the solution," she said.

Once the parties sit down together, Bonapart stresses seeing things from opposing perspectives, in keeping with her theme of empathy.

"One of the most difficult parts of what I do is bringing people together in the same room who are in dispute with each other. That's when you can start to show empathy," she added.

"So much of what goes into a



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Barri K. Bonapart

ADR Services Inc.
San Francisco

Areas of specialty: Tree law, real property, complex business

dispute is someone feeling misunderstood, or disregarded, and once you can show empathy and have it be felt or even reciprocated, then people are much more able to let go of the positions they've been holding onto and start to think about creative solutions," she said.

"A lot of the time, it's not really about the tree," echoed sole practitioner Glenn H. Youngling. Bonapart mediated a property case for Youngling involving the estate of a deceased mother disputed among her children. Youngling said it was one of the "nastiest challenges" he could think of. She successfully mediated the case, which he said seemed headed for trial.

"I was shocked. I've been practicing law for over 35 years and it was as close to a mediating miracle as I've ever seen," he said.

In some cases, Bonapart takes the idea of seeing things from another perspective literally by incorporating site visits. In a recent view dispute case, that made all the difference.

"When we were at the properties, the parties were literally able to see it from each other's perspective, and the arborists they brought in were able to communicate with each other about their impressions, observations and ideas in front of the parties," she said.

At the end of the visit, Bonapart took the attorneys aside and told them she saw a fundamental shift during the visit which could lead to an agreement, though she "ap-

preciated the business" the continuing dispute could bring. Bonapart charges \$400 per hour.

The case, in which attorneys said they saw no common ground, was quickly settled by standing on common ground.

"In many real property disputes, having a site visit be part of the process is so invaluable," Bonapart said.

Bonapart is transitioning into working for ADR exclusively while continuing to speak and write. In her spare time she attends performances by her husband's band and watched the Golden State Warriors win the NBA championship. "I prefer to look at disputes as cleverly disguised opportunities to create something better for each side than what they had even before the conflict began. When we're able to achieve that, I get the most satisfaction out of my work as a neutral," she said.

Here are some attorneys who have used Bonapart's services:

David P. Bonaccorsi, Bernard, Balgley & Bonaccorsi LLP; Glenn H. Youngling, San Rafael; Barbara S. Monty, Monty White LLP; Stephen K. Lightfoot, Lightfoot Law Firm; Leighton M. Anderson, Bewley, Lassleben & Miller LLP; Wallace E. Smith, Squire Patton Boggs