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Family of Litigators

The skills of Brot Gross Fishbein are in demand thanks to increased complexity in family court.

By Gina Kim

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SHERMAN OAKS — Changes in the law over the past decade have made family law more complicated and litigation skills a necessity.

Ronald F. Brot and Mark P. Gross might have been prescient, or just lucky, in 2005 when they joined forces to found a firm then known as Brot & Gross LLP. Gross had been a family law attorney since 1985, and Brot worked as a business litigator before starting his own family law firm in 1984.

As luck, or perhaps foresight, would have it, the men were poised to take advantage of an explosion in family law litigation — most of which resulted from the Elkins Commission's effort to implement a court order requiring family law cases be subject to the same procedural rules as civil trials. *Elkins v. Superior Court*, 41 Cal. 4th 1337 (2007).

Now family law litigation features more witness testimony, often given by minors, and evidentiary hearings are commonplace.

Over the years, the Sherman Oaks firm, now constituted as Brot Gross Fishbein LLP, "grew almost too fast," Gross said. Today, there are 10 attorneys — four partners and six associates. But the firm almost didn't happen.

Brot already had a successful practice when Gross came calling in 2005 and didn't want to make a move. But he realized the two men had strengths that complemented each other.

"We became stronger because of our differences, not in spite of them," Brot said.

The firm's mission is to help clients find light at the end of the tunnel and start a new chapter in their lives. Amendments to the California Family Code Section 217 have complicated that mission and also given the firm's lawyers new opportunities. The rules of evidence are extensive, and the



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From left, partner Mark P. Gross, partner Gary L. Fishbein, partner Elise C. Greenberg and founding and senior partner Ronald F. Brot

opportunities for filing motions and lodging objections more numerous.

Oftentimes, "family law has a red-headed stepchild" stigma to it, said Gary L. Fishbein, who joined the firm last year. But the need for good family lawyers who know how to litigate is pertinent not just in the

courthouse but also the community as a whole.

The Elkins Commission discouraged lawyers from conducting evidentiary matters through paper and encouraged more live testimony, often featuring minors.

Partner Elise Greenberg was recruited to the firm because of her experience representing minors in the Los Angeles County Department of Children and Family court.

"We can see all cases from a child's point of view in a divorce or custody," Greenberg said.

Another change to the field is the prevalence of more former civil and criminal law practitioners sitting on the family law bench, the

lawyers said. That trend was especially noticeable among Gov. Jerry Brown's nominees to the court.

Few family law practitioners have moved to the bench in recent years, Brot said. However, those appointed to the family law bench come from well-established, highly-respected

firms who are leaders in their practice, he added.

"It's more satisfying to know we practice our craft before someone who really allows it in its highest form," Brot said.

Brot also became president of the Los Angeles County Bar Association on June 27. He's the first lawyer from San Fernando Valley to be president of LACBA.

"The fact that a family law attorney for only the third time in 141 years would be president of the entire county bar association makes me feel extremely grateful," Brot said.

As president, Brot's role is to ensure LACBA furthers its mission to meet professional needs of lawyers in

the county and advance the administration of justice. He'll also be responsible for overseeing LACBA's operations and its sections, committees, programs along with its legal services and pro bono projects.

Volunteering is an integral part of LACBA, and it's a mantra Brot said he first learned from his parents.

"My family always taught me that no matter how little you have, you do have something to give someone, and that's what the world is about," he said.

It's what led him to become a lawyer in the first place, and today, the entire firm aims to create hope for clients in the midst of darkness.

"Our work gives us a chance to guide our clients toward the right path," said Gross. "If we do our jobs well, they walk out of here with a completely different mindset from the first time they walked in."

While the firm has no plans for growth, Brot said "there's no reason to think our future will be anything but bright."

"We're good people who do good things for people who need us," Brot said. "As long as there's that need, we'll be there for them."

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— Mark P. Gross, partner

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