

# VERDICTS & SETTLEMENTS

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## ‘She Gets It Done’

*Neutral Leslie Landau unravels complexities in a way that makes sense to parties.*

By Shane Nelson

Special to the Daily Journal

Neutral Leslie G. Landau describes her mediation approach as an “evaluative style tempered by heart.”

“I try very hard to understand the human part of the equation,” Landau said, “to get behind the narratives of the parties, to help them to reimagine the issues, to see it from the other side.”

A 1983 Cornell Law School graduate, Landau spent a year clerking at the 10th U.S. Circuit Court of Appeals before joining McCutchen, Doyle, Brown & Enersen LLP in San Francisco, where she handled appellate matters for nearly two decades.

In 2003, Gov. Gray Davis appointed Landau to the Contra Costa County Superior Court, and she spent the next 20 years tackling criminal, civil, juvenile dependency, and appellate assignments before wrapping up her career on the bench in October 2023 while running a family law courtroom.

“I love working with people,” Landau said. “I love hearing people’s stories, figuring out what their motivations are, what their needs are, coming up with creative solutions to the problems they have. I saw my role as a judge - and I see my role as a mediator - as being a problem solver.”

Landau joined the ADR Services, Inc. roster of private neutrals last fall, and she’s been working to resolve disputes since then as a mediator, private judge and arbitrator.

“If you looked at my background on the bench, you might think, ‘Oh, she does family law. She’s not going to be any good in arbitration,’ and you’d be wrong,” Landau said. “Be-



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cause before I was on the bench, I was an appellate lawyer. My job was to get to the nub of issues, jump into cases where I wasn’t necessarily a substantive expert.”

Landau said her extensive experience working on appeals in private practice helped to make her an effective trial judge.

“Again, I was able to get to the nub of issues,” she said. “I was able to write really good statements of decision when I needed to, and it will make me a very good arbitrator because I can understand issues. I’m a very quick study, and I can see through the forest and not get lost in the trees.”

Although she has not moved into the hearing phase or written any decisions, Landau noted she’s currently arbitrating several commer-

cial and contract disputes. She’s also been tackling many family law mediations, and private judging often in the practice area, as well.

Landau noted, however, that she’s now seeing the types of cases that attorneys are bringing to her expand as lawyers begin to recognize she has a great deal of experience over her career with a wide range of practice areas.

“My most recent experience is in family law, and that’s where I have the deepest familiarity with the bar,” she explained. “But I’m excited about the idea of branching out and going back to my roots from appellate work. I did product liability work, and I did contract work, and I did First Amendment work. I did environmental work. I’ve probably got - I don’t know - 30 published opinions.”

### Leslie G. Landau

ADR Services, Inc.  
Oakland

#### Areas of Specialty:

Family Law  
Appellate  
Commercial  
Personal Injury  
Civil Rights  
Elder Abuse

Before her mediations, Landau likes to receive briefs from all the parties at least a week out and to speak with counsel. On the day of mediation, she typically begins with introductions and a discussion of the process but also encourages counsel to start the day with a working settlement document.

"Whether it's a settlement agreement, a marital settlement agreement, a memorandum of agreement, a [memorandum of understanding] - it's meant to be a tool so we can actually be drafting language as people agree to particular terms," Landau explained.

She noted that building trust early is critical.

"Parties need to buy into the process," Landau said. "And they need to have some rapport with me, some feeling that I understand where they're coming from. So, it's very important - whether you call it venting or whether you call it sharing - it's important for them to feel heard, and I make every effort to make that happen."

Walnut Creek family law attorney Anna M. Bednarczyk appeared before Landau when she was on the bench and used her services to mediate an

emotional divorce case. Bednarczyk said Landau is terrific with clients.

"She had a really good sense of which party may have had more emotional stumbling blocks that interfere in being able to resolve it like a business deal," Bednarczyk said. "And she devoted some time to making sure that party was acknowledged for those things in what felt like a very sincere way. ... She let that happen without letting people go off the rails. She had a good balance of appreciating there is an emotional component that has to be addressed in order to move things along without embarrassing anyone or making things worse or giving them too much time to really indulge in it and spiral."

Even so, Landau again made it clear that she sees her approach to mediation as far more evaluative than facilitative.

"I think parties go to former judges because of their ability to evaluate cases, and what I bring - it's different from what an attorney mediator may bring," she explained.

"In the family law setting, I have made hundreds - if not thousands - of decisions of the sort that the parties are bringing to me, and so

what I bring to the table is an ability to evaluate their positions, to talk to them about the strengths, the weaknesses, the costs, the range of discretion, the risks of the various outcomes."

Danville family law attorney Terence D. Doyle also appeared several times before Landau when she was on the bench and has since used her to successfully mediate what he described as a very complex, high-conflict divorce case.

"She has a really good ability to very directly get to the pivotal issues that are going to resolve a case - the ones that everything else hinges on," Doyle said. "She's very direct and capable of identifying those issues, untangling those issues in a way that makes sense to the client and to the lawyers and using that focus to get cases done. ... You're going to get immediate, clear and insightful focus on the issues that are going to help people to see this case can be settled."

Walnut Creek family law attorney Joseph H. Wolch said he appeared dozens of times before Landau on the bench and has since used her at least 10 times to resolve cases as a private neutral.

"When people ask why I would propose her as a neutral, it's a four-word answer: She gets it done," Wolch said.

Like Bednarczyk, Wolch said that Landau does an excellent job of building meaningful rapport with clients.

"She's got an incredible and innate ability to connect with litigants," Wolch explained. "That's really important because you're asking people to cooperate, to find their way to closure. She's the facilitator of that level of cooperation, and she does it exceptionally well. ... She's fair, she's balanced, she's efficient and she's successful in getting matters resolved most of the time. That's really what you're looking for."

*Here are some attorneys who have used Landau's services:* Joseph H. Wolch, Law Offices of Joseph H. Wolch; Terence D. Doyle, Doyle Quane; Anna M. Bednarczyk, Bednarczyk & Valerio LLP; Scott J. Lantry, Whiting, Ross, Abel & Campbell LLP; Barbara J. Kuehn, Law & Mediation Offices of Barbara J. Kuehn.

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