

David Patton, Esq.



A Family Law Specialist Who Knows That Preparation—and Perspective—Drive Resolution: A Conversation with David Patton, Certified Family Law Specialist

By Katy Jones

"The better the preparation, the better the mediation."

For more than 30 years, **David Patton** built one of Silicon Valley's premier family law practices, litigating some of California's most complex divorce and custody cases. A Certified Family Law Specialist, founding partner of one of the region's largest family law firms, and longtime settlement officer and Judge Pro Tem with the Santa Clara Court, Patton now brings decades of courtroom experience—and personal empathy—to his work as a mediator.

We recently sat down with David to discuss his transition to full-time dispute resolution, his philosophy on settling difficult family law cases, and why preparation is the key to successful mediation.

Q: You spent more than three decades litigating family law cases. Why make the transition to full-time mediation?

Patton: I've always believed in alternative dispute resolution. Throughout my career, I regularly used private judges and mediators and also volunteered as a settlement officer, Judge Pro Tem, arbitrator, and private mediator for the Santa Clara County Superior Court.

For about the last ten years, my plan has been to retire from litigation and devote my practice exclusively to mediation. To prepare, I completed the intensive mediation program at Harvard Law School and the Mosten 40-Hour Family Law

Mediation Training. It felt like a natural progression after spending my career helping clients resolve disputes whenever possible.

"I've always believed that if a case can be resolved without trial, everyone is usually better off."

Q: Your litigation career focused on some of the most financially sophisticated family law matters. What kinds of cases are your specialty?

Patton: Most of my practice involved complex family law litigation.

That included high-net-worth divorces involving business owners and executives, business valuation disputes, executive compensation, stock options and RSUs, real estate portfolios, investment accounts, custody disputes, support issues, restraining orders, and premarital agreements. Those cases often involve significant financial complexity in addition to the emotional aspects of divorce.

Because I've spent decades trying those cases, I understand not only the legal issues, but also the practical realities attorneys and clients face when deciding whether to settle or proceed to trial.

Q: You helped build one of Silicon Valley's leading family law firms. Tell us about that experience.

Patton: In 1994, my partner, Michael Lonich, and I founded what is now **Lonich, Patton, Ehrlich & Policastri**.

I established the firm's family law division, and over the years we grew into what became the largest, preeminent family law firm in Silicon Valley, with 20 attorneys.

I'm very proud of what we built. It gave me the opportunity to handle virtually every type of family law dispute imaginable while mentoring younger attorneys and developing a practice centered on excellence and professionalism.

"Building the family law division gave me the opportunity to work on extraordinarily complex cases while helping shape the next generation of family law attorneys."

Q: You became a Certified Family Law Specialist and later helped oversee certification for other specialists. What did that role mean to you?

Patton: I became a Certified Family Law Specialist in 2008, which was an important professional milestone. Less 1% of California attorneys hold a Family Law Specialist Certification, and I am proud to be among that number.

Later, I was appointed by the State Bar of California to serve as Commissioner and Vice Chair of the Family Law Advisory Committee, or FLAC. The committee is responsible for drafting, grading, and overseeing California's Family Law Specialist certification examination.

It was an honor because it reflected the confidence my colleagues had in my experience and judgment, and it allowed me to contribute to maintaining high standards within the profession.

Q: You've said, "The better the preparation, the better the mediation." What does that mean in practice?

Patton: Preparation starts long before the mediation begins.

I ask the parties to complete their Preliminary Declarations of Disclosure so I understand their assets, debts, and income. I also ask each side to send me a confidential email identifying what they already agree upon and what they believe the primary disputed issues are.

If attorneys are involved, I ask for mediation briefs outlining their positions. When necessary, I'll research the law beforehand and think through various possible solutions to the disputed issues. The more preparation everyone does before we sit down together, the more productive the mediation becomes.

Q: When a mediation reaches an impasse, how do you help parties move forward?

Patton: I usually begin by identifying where the parties already agree and then narrowing the discussion to the issues that are actually preventing settlement.

Often there are only one or two issues standing in the way.

I ask each party how they think those issues can be resolved, and I work to help each side achieve something that is particularly important to them. I also draw on my trial experience to explain what I believe a court might do if the matter proceeds to trial, while reminding everyone about the financial costs, emotional toll, and uncertainty of litigation.

Areas of Expertise:

- High-net-worth divorce
- Business owners and executives
- Business valuation disputes
- Stock options and executive compensation
- Real estate and investment portfolios
- Child custody disputes
- Child and spousal support
- Domestic violence restraining orders
- Pre- and post-marital agreements
- High-conflict divorce litigation

If we don't yet have enough information, I'm perfectly comfortable recommending that we adjourn, gather what's needed, and reconvene later.

Q: You mention that you've experienced divorce personally. Has that changed the way you approach mediation?

Patton: Absolutely.

I've been where many of these parties are.

I understand firsthand how emotionally difficult divorce can be, and I think that experience helps me connect with people while remaining objective. I try to be compassionate, but I also believe it's important to be honest and help people make decisions that are in their long-term best interests.

"I've been where they are."

Q: What motivates you most about your work as a mediator?

Patton: It's incredibly rewarding to help people avoid unnecessary conflict.

When parties are able to resolve their divorce amicably—especially when children are involved—and move forward with their lives on good terms, that's the best outcome.

Seeing people leave mediation with a resolution instead of years of continued litigation is why I wanted to devote my practice to this work.

Q: How do you think attorneys who work with you would describe you?

Patton: I hope they would say I'm experienced, knowledgeable, professional, approachable, and practical.

My goal is always to help attorneys and their clients resolve even the most difficult cases efficiently, thoughtfully, and with confidence.

David Patton brings to mediation more than three decades of experience handling California's most complex family law disputes, including high-net-worth divorces, sophisticated financial matters, and high-conflict custody cases. As a Certified Family Law Specialist, founding partner of Silicon Valley's largest family law firm, and longtime settlement officer and Judge Pro Tem, he combines exceptional legal expertise with the perspective of someone who has personally experienced divorce—bringing meticulous preparation, practical judgment, and genuine empathy to every mediation.

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