

Leslie
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Attorney &
Counselor
at Law



Certified Family Law
Specialist

Certified Appellate
Law Specialist

(State Bar of California,
Board of Legal
Specialization)

Fellow, International
Academy of
Matrimonial Lawyers

Emphasis:

Writs & Appeals

Child Custody

Parentage

Interstate/
International
Jurisdiction

Collaborative
Family Law

Mediation

Parenting Plan
Coordination

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Biographical Information

Leslie Ellen Shear

J.D., UCLA School of Law, 1976

Admitted to State Bar of California, 1976

Admitted to U.S. Supreme Court, 1989

State Bar of California, Board of Legal Specialization:

Certified Family Law Specialist, 1983

Certified Appellate Law Specialist, 2009

Fellow, International Academy of Matrimonial Lawyers

AV Rated by Martindale-Hubbell

Rated 10 (Superb) by Avvo.com

Pasadena Magazine: 2010 Top Attorney

Los Angeles Magazine: L.A.'s SuperLawyers, 2004-2011

Los Angeles Magazine: Top Attorneys of Southern California, 2011

PRACTICE EMPHASIS

Family Law Trial Court Proceedings

Representation and consultation in complex child custody, complex parentage and assisted reproduction, interstate and international jurisdiction (including Hague Abduction Convention and UCCJEA) cases.

Representation of children in family court by court appointment.

Consensual Dispute Resolution

Trained in mediation, parenting plan coordination (child custody special master), collaborative family law.

Appellate Court Proceedings

Appeals, writs, and amicus curiae representation in family law appellate cases.

PUBLISHED APPELLATE DECISIONS

U.S. Supreme Court

Michael H. v. Gerald D. (1989) 491 U.S. 110

Parentage presumptions. Constitutionality of California's "conclusive" marital presumption of paternity, minor child's constitutional interest in preservation of established father-daughter relationship with her biological and psychological father despite mother's reconciliation with maritally-presumed father. Affirmed, on other grounds, plurality adopted legal theories advanced. (Minor's counsel in trial and appellate proceedings.)

California Supreme Court

Hocharian v. Superior Court (1981) 28 Cal.3d 714

Mandatory dismissal of civil action for failure to serve summons within statutory period. Guidelines for trial courts in determining whether a plaintiff may be excused from mandatory dismissal under former Code Civ. Proc. §581a upon a showing of due diligence, late discovery of identity of Doe defendant. Reversed. (Appellant)

Montenegro v. Diaz (2001) 26 Cal.4th 249

Child custody modification. Inapplicability of changed circumstances doctrine to proceedings for modification of temporary child custody orders. Reversed Court of Appeal. (Amicus for minor child)



Marriage of LaMusga (2004) 32 Cal.4th 1072

Child custody relocation. Scope of trial court discretion, factors to be considered, application of Fam. Code §7501 in child custody relocation proceedings. Judgment of Court of Appeal reversed and matter remanded with directions. (Amicus for minor children)

Kristine H. v. Lisa R. (2005) 37 Cal.4th 156

Parentage (maternity of non-biological lesbian co-parent). Gender-neutral application of parentage presumptions, collateral attack on judgments, pre-birth parentage judgments, establishment of parentage by stipulation, estoppel, intended-parent doctrine, evidence of biology doesn't refute presumed parenthood. Affirmed.

(Respondent, fully briefed and argued all issues presented by this case and *Elisa B. v. Sup. Ct. (Emily B.)* (2005) 37 Cal.4th 108, and *K.M. v. E.G.* (2005) 37 Cal.4th 130)

Strauss v. Horton, et al (2009) 46 Cal.4th 364

Validity of Proposition 8 amending California Constitution to bar recognition of marriages between same-sex partners. Court refused retroactive application, but upheld constitutional validity of amendment. (Amicus for Association of Certified Family Law Specialists and Academy of Matrimonial Lawyers, Northern California Chapter.)

Court of Appeal of California

Ohmer v. Superior Court (1983, 2nd District) 148 Cal.App.3d 661

Child custody evaluations, due process. Validity of former Los Angeles Superior Court policy barring custody litigants from cross-examining child custody investigators, and prohibiting custody litigants from obtaining and presenting evidence of investigator's lack of mental health education and training. Affirmed. (Appellant)

People v. Moore (1987, 2nd District) 189 Cal.App.3d 1537

Prosecution's failure to turn over an investigating officer's notes of conversation with defense witness, despite informal agreement between prosecution and defense for complete discovery, was not prejudicial error. Affirmed. (Appellant)

Marriage of Buzzanca (1998, 4th District, Santa Ana) 61 Cal.App.4th 1410

Nonbiological parentage. Application of equitable estoppel and intended-parent doctrines to recognize husband and wife who used assisted reproduction technology (donor egg and sperm and services of gestational surrogate) to have a child of their marriage. Reversed. (Amicus on behalf of minor child)

Marriage of Kelso (1998, 2nd District) 67 Cal.App.4th 374

Procedure and due-process rights of family lawyers in proceedings for award of fees from other party for representation of former client. Court cannot use post-recusal findings of judge formerly assigned to case. Reversed. (Amicus for Appellant)

Marriage of Rose and Richardson (2002, 2nd District) 102 Cal.App.4th 941

Child custody (relocation, modification). Inapplicability of changed circumstances doctrine to child custody relocation case where child custody provisions in stipulated judgment did not contain unequivocal provisions that the child custody orders were intended to be final. Reversed. (Appellant)

Marriage of Abargil (2003, 2nd District) 106 Cal.App.4th 1294

Child custody (international relocation). Scope of trial court discretion to order international relocation. Duty to preserve California jurisdiction, issue abduction prevention orders, and meaningfully protect child's relationship with left-behind parent when permitting international relocation. Remanded for adequate jurisdictional protection orders. (Appellant)



Craig L. v. Sandy S. (2004, 4th District, San Diego) 125 Cal.App.4th 36
Marital and functional paternity presumptions. Standing, rights of biological and psychological father to recognition of paternity over claims of maritally-presumed father. Reversed. (Appellant)

Marriage of Seagondollar (2006, 4th District, Santa Ana) 139 Cal.App.4th 1116
Child custody relocation, fairness of post-judgment OSC proceedings, ethical obligations of evaluator and minor's counsel, requirements for orders appointing child custody evaluator. Reversed. (Appellant)

Amy G. v. M.W. (2006, 2nd District) 142 Cal.App.4th 1
Gender-neutral application of parentage presumptions. Where policy of statutory scheme based on continuity of child's family relationships and integrity of marital family, may statutes be construed to make biological parenthood irrelevant for paternity while determinative for maternity? Standing and joinder. Affirmed. (Petitioners-Appellants)

Marriage of Paillier (2006, 4th District, Riverside) 144 Cal.App.4th 461
California family court cannot enforce ne exeat and visitation provisions of French child custody decree under Cal-UCCJEA by modifying orders to transfer custody from mother to father or by sending child to France. Reversed. (Appellant)

Marriage of Laffkas (2007, 2nd District) 153 Cal.App.4th 1429
Court of Appeal lacked jurisdiction to consider former husband's appeal of order issued after bifurcated trial on classification and division of community and separate interests in a partnership, where appeal was not taken from judgment dissolving the marriage. "Further Judgment" was not a separately appealable order but was merely preliminary to a final order characterizing, valuing, and dividing all marital assets, and former husband failed to obtain certificate of probable cause from family law court. Dismissed. (Respondent)

H.S. v. Superior Court (2010, 4th District, Riverside) 183 Cal.App.4th 1502
Voluntary declaration of paternity executed by married woman void. Alleged biological father lacks standing to challenge maritally-presumed father. Conflict between parentage statutes resolved by considering whether construction furthers or frustrates policies of statutory schemes. Reversed. (Petitioners)

SELECTED LEGAL COMMUNITY ACTIVITIES

- » Past Commissioner, Family Law Advisory Commission, State Bar of California, Board of Legal Specialization Reviewed applications for certification and recertification of specialists. Drafted and graded family law specialization exams. Reviewed qualifications for specialty.
- » Association of Certified Family Law Specialists (ACFLS). Current Past President; President 2010; various board positions including Newsletter Editor, Technology Coordinator and Secretary from 1997. Author of many ACFLS amicus curiae briefs, current Co-chair of Amicus Committee.
- » Editorial Board and contributor, *Journal of Child Custody*, published by Taylor and Francis.
- » Association of Family and Conciliation Courts (AFCC), Past Board Member, California Chapter, Director at Large, Co-chair 2001 Statewide Conference, Steering Committee 2003 Statewide Conference, frequent speaker at state and international conferences. Contributor to *Family Court Review*.
- » Fellow, International Academy of Matrimonial Lawyers.



- » Faculty member, 1981 Vallambrosa Retreat: Mediation of Child Custody and Visitation Disputes (trained statewide court staff mediators for California Courts following enactment of mandatory custody mediation legislation).
- » Past member, Los Angeles County Bar Family Law Section Executive Committee, chairing the Special Master Subcommittee, co-chair 2000 Child Custody Colloquium Subcommittee, co-chair Judicial Council Family Law Advisory Committee Liaison Subcommittee and past chair and member of the Minors Counsel, Family Court Services Liaison, Parent's Day, Settlement Stipulation Form Drafting, and Child Support DA Liaison subcommittees; developed stipulation for appointment of child custody special masters. Member of 2007 committee to review and revise child custody parenting plan coordinator stipulation.
- » Member, State Bar Family Law Section Subcommittee on Children's Issues (South). Drafted statutory definition of legal custody. Co-Chaired the Child Custody Evaluation Process Project in 1981-82. Frequent presenter at State Bar Annual Meeting and Section Institutes on child custody, and parentage issues.
- » Los Angeles County Superior Court, Family Law Department (volunteer): temporary judge; attorney mediator, Central and North Districts; drafted rule of court governing confidentiality of Conciliation Court proceedings; and provided in-service training to Family Court Services staff.
- » Center for Families, Children and the Courts. Member, drafting committee for California Rule of Court rule 5.225: Education, Experience, and Training Standards for Court-Appointed Child Custody Investigators and Evaluators; Presenter at 2005 Southern California Regional Training for Family Court Services personnel.
- » Other professional affiliations: American Bar Association (Family Law Section, Council of Appellate Lawyers); National Association of Children's Counsel; International Child Abduction Attorney Network (ICAAN - a collaborative project of the American Bar Association Center on Children and the Law, the U.S. Department of State, Office of Children's Issues; Los Angeles County Bar Association (Family Law, Small Firms and International Law Sections and Appellate Courts Committee); and Scribes (the American Society of Legal Writers).

PRESENTATIONS

Frequent lecturer to lawyers, judicial officers, mental health professionals, parent educators and parents on issues relating to child custody, parentage and family law. Groups include Association of Family and Conciliation Courts (International Conferences and Symposia, California Chapter Conferences and Idaho Chapter Conference); Association of Certified Family Law Specialists; State Bar of California (Annual Meetings and Section Institutes); International Bar Association; American Academy of Matrimonial Lawyers (Northern and Southern California Chapters); Los Angeles County Bar Association Family Law Section; American Bar Association; American Psychological Association; Law Education Institute; and Continuing Education of the Bar.



PUBLICATIONS

Developing Written Agreements and Working Effectively With Attorneys, California Chapter Association of Family and Conciliation Courts, Mediation of Child Custody and Visitation Disputes (1981)

Drafting Post-Separation Orders Allocating Parental Rights and Responsibilities, Fifth Annual Los Angeles County Bar Association Family Law Colloquium Handbook: The Child, the Family and the Legal System (1981)

Drafting Plans Allocating Parental Responsibility, The Newsletter (Association of Family Conciliation Courts California Chapter) Column ran quarterly from Winter 1981 through Fall 1983

Child Custody Evaluations: A Guide for Attorneys and Evaluators (with Dr. Norman Stone), LACBA Family Law Section Child Custody Colloquium (1982)

The Boundaries of Mental Health Expertise in Dependency and Family Law: A Proposal for Standards of Practice (with Dr. Norman Stone), 26 Conciliation Courts Review 49-67 (June 1988)

Guest Editorial (*User-fees for Mandatory Custody Mediation*), 34 Family and Conciliation Courts Review 194-197 (April 1996); Also appeared in the Los Angeles Daily Journal in December 1995 in slightly different form.

Children's Lawyers in California Family Law Courts: Balancing Competing Policies and Values Regarding Questions of Ethics, 34 Family and Conciliation Courts Review 256-302 (April 1996)

Life Stories, Doctrines and Decisionmaking: Three High Courts Confront the Move-Away Dilemma, 35 Family and Conciliation Courts Review 439-458 (September 1996)

Painting Family Portraits for the New Paradigm: The Modern Art of Parenting Plan Evaluations, Faculty Handbook (1997) joint conferences, ABA Family Law Section and the American Psychological Association (April 1997)

From Competition to Complementarity: Legal Issues and Their Clinical Implications in Custody, Kyle Pruett & Marsha Kline Pruett, Eds., Child and Adolescent Psychiatric Clinics of North America: Child Custody (W.B. Saunders: April 1998)

Comment: Montenegro v. Diaz - Cal Supreme Court Quietly Changes the Child Custody Landscape While Sidestepping Central Questions, Winter 2001 AFCC-Cal Newsletter 10, simultaneously published in the ACFLS Newsletter.

Will This Child Move? The Structure of Move-Away Analysis, Winter 2001 AFCC-Cal Newsletter 11, simultaneously published in the ACFLS Newsletter

Chapter 4: "Parenting Plans" in CEB, *California Child Custody Litigation and Practice* (2006-2011)

In Search of Statutory Authority for Parenting Coordinator Orders in California: Using a Grass-roots, Hybrid Model Without an Enabling Statute, 5 Journal of Child Custody 88 (2008)

Relocation Realities: Developing a Long-Distance Parenting Plan, ABA Family Advocate, Vol. 33, No. 1 (July 2010)

Book review columns for Journal of Child Custody, "Custody Matters" and "Tipping Points" columns for ACFLS Newsletter and numerous articles in ACFLS, AFCC and other professional newsletters.