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A Tree Grows In...

By Jeffrey
Klineman

Photograph by
Russ Curtis

Call her Paul Bunyan's worst nightmare. Barri Bonapart of Bonapart & Associates, is one of just a few attorneys in the country who derive the bulk of their cases in the niche of tree law.

Her practice covers areas of civil litigation that can involve insurance costs, injury disputes, property rights and local environmental or historical ordinances. While she has grown her practice in liberal eco-sensitive Mill Valley, Calif., Bonapart believes that tree law is growing nationally.

She first got involved in the area of practice back in 1990 when a friend of the family came to her with a problem: a neighbor had cut down some of her trees without her permission.

"I asked myself: 'How much time could it take to resolve?'" Bonapart says. "But as I got into the case, I found that there was a very large body of law. We won a large award in arbitration, and the arborist I worked with on the case, an expert [in tree maintenance], was impressed with the work I was doing, and word of mouth got out." The arborist recommended her for cases, she says, and she then started addressing local and national arborist organizations as her experience grew, resulting in even more referrals.

Trees don't pay the bills themselves, but they are usually at the (ahem) root of the dispute between her clients and their neighbors. Having a tree branch fall from one yard onto a neighbor's roof or car, spoiling a neighbor's view by failing to trim one's trees, or planting rows of them to create a sense of privacy — or just for spite — can create the kinds of disputes that call for Bonapart's expertise.

Seventy percent of the tree law cases she handles involving disputes between neighbors can get ugly, says Bonapart. "They're usually not about trees per se, but the trees become a sort of lightning rod regarding the property dispute," she says. "It's 'You opposed my remodel, so I'm going to plant a line of trees that will block your view.' They're emotionally charged. When it's your property, nothing seems petty."

"They get very heated," she adds. "Even more so than in some family law cases, because at least in those cases, usually someone's moved out of the house. Instead, the neighbors see each other all the time, so it's like a constant reminder of the fight."

Bonapart is trained in mediation and negotiation and, because of the proximity of the disputants, she often tries to move in the direction of one of those two conflict resolution methods before going to court.

Complex litigation generally uses up a lot of paper — i.e., it kills a lot of trees. But at least Bonapart has been able to generate efficiency by using those trees to grow her profits, as well as her case files. **SFB**

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