

Nicole Whyte

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This mother of four and power lawyer talks about South African wildlife, custody battles and gay divorce.

BY TERENCE LOOSE

Juggling four kids, a husband and a Newport Beach-based family law firm that handles multi-million-dollar cases would daunt even the most dauntless of moms. But not Nicole Whyte.

Maybe it's because she grew up around wildlife in South Africa (suggested for all moms); maybe it's because her instincts drive her toward advocacy and helping others; maybe she's just

too busy to consider breaking down; but whatever the reason, Whyte has managed to build a reputation as one impressive person in her community and in her profession.

In fact, in a survey conducted by *Los Angeles Magazine* and *Super Lawyer Magazine*, Whyte was named California "Super Lawyer" in 2005. And we're pretty sure she has a "Super Mom" mug or two in her cabinets.

What was your childhood like?

I grew up in Johannesburg as one of four siblings, and we were a pretty tight-knit, close family. I had parents who loved nature and wildlife, so from a very early age I was able to travel throughout Southern Africa and was exposed to the wilderness, safaris and big game viewing.

Is that quite different than your children's upbringing?

We grew up with a great deal of freedom. It was a fairly rural area, and there was still wildlife running around our neighborhood – deer, foxes, snakes. We grew up respecting that and the dangers that came with it. Today, my kids have a very different lifestyle. Hopefully, I'll get to take them back to Africa on safari, and show them the wildlife that I grew up knowing.

Did you feel any dangers due to racial tensions and/or to apartheid?

Yes, there were some issues growing out of that, but as a child, I had no concept of segregation and what that meant. There were still a lot of black people in our area and everyone was very friendly and felt safe. In fact, I think there was less crime during that era than currently.

Why?

Because once the first [multi-racial] democratic election took place in 1994, massive amounts of people came to the cities looking for employment. That resulted in mass unemployment and homelessness, which in turn resulted in an exponential amount of crime. So [crime] was more of an indirect result of the apartheid era. From my conversations with friends still living in South Africa, this same problem still exists.

Why did you choose law as a profession?

I got into law because I believed, and still do, that the law provided the best way for people to resolve differences, large or small.

Is that what attracted you to family law?

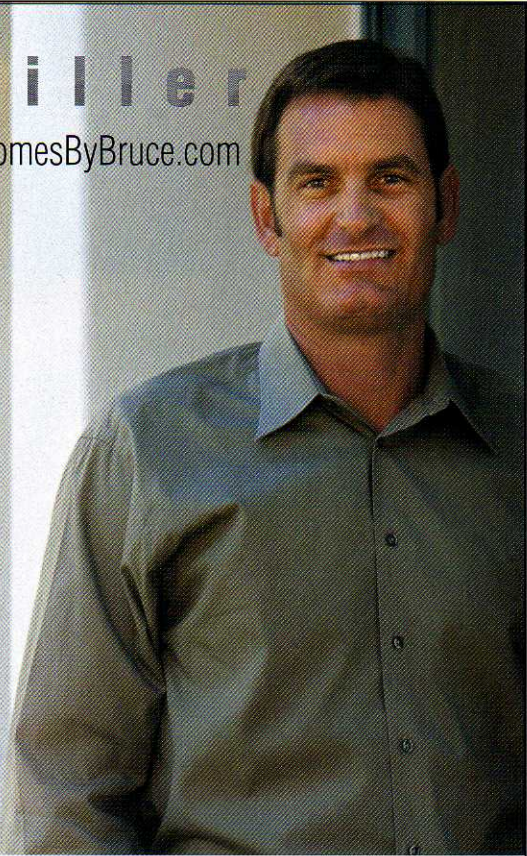
Yes. I have practiced in civil law, but family law allows much more of a close and personal relationship with my client and the appeal for me is to help individuals through a very difficult and stressful time.

Does being a mother help?

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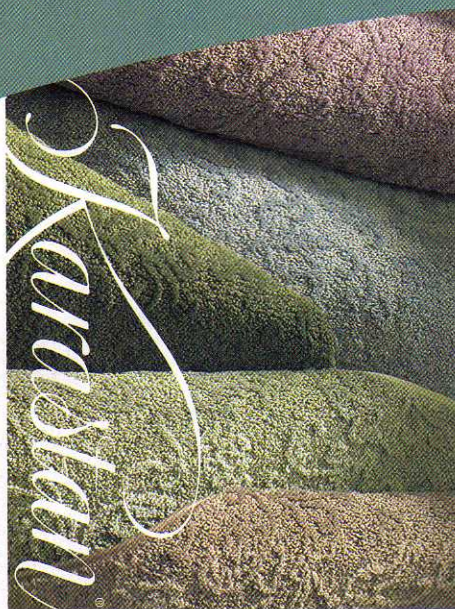
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In some regards it does, especially in custody issues. As a wife and a mother, I can better understand my client's views and emotions. I also think that it makes me a better mom and wife, because I can avoid making some of the same mistakes that I see people bringing to me. As a parent relating to another mother or father going through a divorce with children, it can be especially heartbreaking. So it's important to show empathy, but to remember I'm also an advocate, which is why I often advise clients to get counseling to help them with their emotional issues and as a support to the divorce they're going through.

Are the toughest cases the custody cases?

Definitely, because they're so emotional. The way the law looks at it is that the law is always concerned with the best interests of the children, so from a lawyer's perspective, even though you represent the mom or the dad, you have a legal obligation to the children, too. So you must always counsel your client in the best interests of the children, but that may not always be the same as the client's wishes.

What would be your most important advice to couples contemplating divorce?

If there are children involved, try to look at it from the children's perspective. So the most important advice I can give to a parent involved in a custody battle is to never bad-mouth the other parent, particularly to the children. Regardless of what's going on, take the high road, because I believe that the truth will eventually come out, and in the long run the children will respect that parent so much more for doing the right thing.

They say litigation brings out the worst in people. True?

It can be, but I think it also brings out the best. In family law, I must admit, you're more prone to see the worst because of the emotional aspect. But again, that's why it's so important as counsel to remind the client to think of the children first and that a year from now, they'll look back and be very glad they did.

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