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ROSE PONDEL &
FERTILITY LAW

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Fertility attorney Rose Pondel helps clients navigate surrogacy law.

Creating a Family

It was on a Sunday at 6:30 p.m. in Malibu when fertility lawyer Rose Pondel, still standing in a salty wetsuit, finished a call with a same-sex couple in Hong Kong about their surrogacy options in the United States.

Pondel is a mother of two boys, a wife and conduit for people trying to have babies of their own. Her life is full of transnational experiences, where time zones don't exist and contracts must be airtight—and emotions move in every direction.

"This is a highly emotional area of law ... I'm usually people's last stop before they can begin down the path of welcoming a new baby into the world," she said from her Malibu home on Las Flores Beach (aka Dog Beach). "Making sure people have adequate time to understand their rights can be tricky."

However, she didn't set out to become a fertility lawyer. Pondel was a corporate transactional attorney when a friend asked her to review a surrogacy contract. A lightbulb then went off in Pondel's mind, and she saw parallels between business and surrogacy contracts.

"As emotional as fertility issues can be, applying a structure as definitive as corporate law is key to keeping intended parents, surrogates and newborn babies protected," she said.

Pondel helps her clients navigate all of the moving parts. She recently represented a surrogate who must abide by strict dietary rules set forth by an intended parent. She also works with couples who live in countries where surrogacy is illegal, forcing them to consider options in the United States.

Her latest challenge is helping polyamorous partners (relationships consisting of more than one partner) receive parenting rights for a baby born via surrogacy. As the definition of "parent" changes, Pondel must adapt her practice and write contracts that often have no legal precedent.

Her biggest hope for the fertility industry is that regulations will ensure more protection for intended parents, egg donors and surrogates.

"I am in the fortunate position of helping people have children, and I can't think of a greater privilege," Pondel said. "But that comes with a huge responsibility to ensure all parties involved

are acting in an ethical way."

Among her most rewarding experiences is working with nonprofit Baby Quest Foundation, which provides in-vitro fertilization (IVF) and surrogacy grants to those who cannot afford such options. Pondel recalled working with Baby Quest to help a woman whose cancer and chemotherapy treatments caused fertility issues. The woman and her husband approached Baby Quest and worked with Pondel to help them have a child via surrogate. Today their child is four years old.

As people continue to desire children later in life and what defines "parent" continues to evolve, Pondel sees a lot of twists and turns in the legal road ahead for her industry. Her advice for people thinking about surrogacy as an option: make sure to receive a referral from a doctor or lawyer for a trusted surrogacy agency.

She also advises intended parents and surrogates to be on the same page with how they view the pregnancy and what kind of relationship they may want following the birth of a baby. And finally, she said it is important to work with a good mental health professional to ensure all parties involved can get through the emotional challenges.

Pondel is quick to give credit to her team of colleagues she considers family, and rightly so, as working in this area of law requires a level of dedication and trust only family members would understand. Most important are Pondel's husband, Evan, president of investor relations firm PondelWilkinson, and kids, Benny and Henry; she squeezes in consultations between making dinner and doing bath time.

She met her husband at a wedding at Geoffrey's—they dated for a couple of years before moving to their Las Flores Beach house and marrying in their beachfront backyard a year later.

"Being a mom has really helped me understand the emotions and desire to be a parent," Pondel said. "Having been through fertility challenges of my own, my law practice is a very personal experience." ■

pondellaw.com; Instagram: @rose_pondel



Pondel keeps her own stress levels down with a beach walk—"It's a must." She also loves cooking at her kitchen counter with a view of her children playing in the sand and her husband surfing.

"This is my happy place. Tide at my toes. Ocean waves calling. Surrounded by my loves, my family," Pondel said.



Rose Pondel, with husband Evan and sons Benny and Henry, said, "Being a mom has really helped me understand the emotions and desires to be a parent ... my law practice is a very personal experience."

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