



Jeffrey S. Galvin Partner

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Jeffrey Galvin represents clients in civil cases, focusing on California trust litigation and probate disputes. His work often arises from conflicts between siblings, step-parents, and other family members. He practices in Sacramento County, across Northern California, and in Northern Nevada.

Jeff advises trustees and executors who find themselves in conflict with beneficiaries, and he helps beneficiaries assert their rights to a share of trust and probate estates. He prosecutes and defends trust contests and will contests, which frequently raise issues of mental capacity, undue influence, and elder financial abuse. He also represents clients in contested conservatorships, as when siblings are in dispute over an aging parent's care and finances. Dementia, usually attributed to Alzheimer's disease, is a major issue in many of the cases that Jeff handles.

He often works with clients who have little or no experience with legal disputes. He helps clients understand their rights and duties, looks for cost-effective solutions, pursues information through the discovery process, uses mediation when appropriate, and takes matters to trial. He brings an assertive, thoughtful and experienced approach to this emotionally-charged area of litigation. He collaborates with colleagues at the firm who handle estate planning and trust/probate administration. He speaks often on trust and estate litigation topics to estate planning attorneys and other wealth management professionals. He is the creator and editor of **Trust on Trial**, a blog that discusses big issues and recent developments in California trust litigation.

Industries

Retail

Practices

Trust & Estate Litigation
Complex Business Litigation

Education

J.D., University of California at Los Angeles, School of Law, Order of the Coif, 1993

A.B., *cum laude*, Harvard College, Cambridge, Massachusetts, 1988

Jeff handles complex business litigation and contract disputes in addition to trust and estate cases, with special interest in the areas of unfair competition and false advertising.

Experience

Jeff has successfully resolved the following California trust and estate disputes:

- Represented a successor trustee who defended his father's trust and will against his step-mother's contest on a theory of undue influence. The judge ruled in favor of Jeff's client following a 25-day trial that featured testimony from forensic psychiatrists and other witnesses. Judgment affirmed on appeal with costs awarded to client.
- Represented co-trustees sued for terminating family members who were acting as property managers of a trust-owned shopping center. After a four-day hearing, the arbitrator ruled in favor of Jeff's clients and awarded them more than \$200,000 in legal expenses.
- Represented a trustee in a petition to settle an accounting. After a two-day trial, the judge overruled the objections of the trustee's siblings/beneficiaries.
- Appealed from an adverse ruling after a two-day trial and persuaded the Court of Appeal to overrule the judge's order removing and surcharging his trustee client.
- Represented an institutional fiduciary as beneficiary of a trust in a dispute over a general partner's handling of a limited partnership that owned a valuable property near Lake Tahoe. After two-day arbitration, the judge ruled in favor of Jeff's client.
- Represented claimant in \$15M conservatorship dispute regarding validity of holographic (handwritten) will. Case resolved successfully for client after trial began.
- Represented clients who alleged that family member breached his oral promises to keep assets in the family by executing will and trust favoring non-family members. Recovered valuable real estate asset for clients in settlement agreement.
- Represented clients in contested conservatorship proceeding and trust amendment contest involving their mother. Conservator appointed.

Jeff's other litigation experience includes the following:

- Represented national bank in trial against large insurance company. Pierced corporate veil to hold affiliated corporation liable. Prevailed on appeal and collected \$2.1M judgment for client.
- Represented truck manufacturer in administrative trial before California New Motor Vehicle Board regarding termination of dealer. Agency upheld termination.
- Represented Sacramento City Unified School District in challenge to charter school at Sacramento High campus. Case resolved favorably for client.
- Represented defendant accused of defamation in the context of political commentary. Won special motion to strike on First Amendment ground.
- Represented large grocery chain in successful appeal involving scope of state constitutional right to circulate petitions.
- Represented challengers to California's 2001 redistricting plan in trial court and on appeal.
- Represented delivery company in statewide class action involving status of individuals as independent contractors or employees. Limited scope of certified class.

- While working at the Federal Trade Commission in Washington, Jeff investigated and sued businesses engaged in deceptive practices in federal courts around the country.

Jeff also has substantial appellate experience, having argued five appeals before the California Court of Appeal and one appeal before the U.S. Ninth Circuit Court of Appeals.

Professional & Community Service

- Anthony M. Kennedy American Inn of Court, Master and Barrister Member, 2010-present
- Sacramento Estate Planning Council, Community Service Chair
- Sacramento Food Bank & Family Services, Director and Executive Committee Member
- VLSP Estate Planning Clinic, Lead Organizer
- Sacramento County Bar Association Pro Bono Committee, Chair
- State Bar Trusts and Estates Section, Litigation Subcommittee Member, 2012-2017
- Linking Education and Economic Development, Former Director
- Diogenes Youth Services, Former Director
- Legal Services of Northern California and the Voluntary Legal Services Program (VLSP), Former Director
- Sacramento County Bar Association Judiciary Committee, Probate and Estate Planning Section, Former Vice-Chair and Member
- Downey Brand LLP, Pro Bono Coordinator, 2001-2008, 2011-2015
- Downey Brand LLP, Assistant General Counsel

Honors & Rankings

- AV Preeminent® Rating by Martindale-Hubbell®
- AVVO Rating 10 out of 10
- Recipient, Joe Ramsey Voice of Conscience Award, Anthony M. Kennedy Inn of Court, 2018
- Recipient, June Black Pro Bono Award, 2017
- *Sacramento Business Journal*, Best of the Bar, 2015, 2017-2018
- *Sacramento Magazine*, Top Lawyer, Estate Planning & Probate, General Litigation, 2015-2019
- Attorney Delegate from the Eastern District of California to the Ninth Circuit Judicial Conference
- Law Clerk to the Honorable John G. Davies, United States District Court, Central District of California

Legal Alerts

- *Small Adjustments to Estate Plans Can Save Income Tax Without Triggering Estate Tax*, July 27, 2015

Publications

- *Yellow Light: Trustee May Follow Authorization to Defend Contested Amendment Until Enjoined by Probate Judge*, California Trusts and Estates Quarterly, Vol. 21, Issue 4, March 2016
- *Risk Factors for Estate Plan Combustion*, Pathways, Fall 2013

- *The Andersen Twist in Trust Contests: Testamentary Capacity Standard Sometimes Applies When Document Resembles a Will*, California Trusts and Estates Quarterly -- Volume 17, Issue 2, Summer 2011
- *Trust and Estate Litigation in Sacramento - A Peek Into Department 129*, Sacramento Lawyer Magazine, November/December 2010
- *The Rising Tide of Will and Trust Contests*, San Francisco and Los Angeles Daily Journals, June 15, 2010
- *Stranger in a Strange Land: Entering Trust and Estate Litigation*, San Francisco and Los Angeles Daily Journals, May 12, 2010
- *Consumer Protection Law Developments*, American Bar Association, Section of Antitrust Law, Nevada Sub-Chapter, 2009
- *Prospecting in the Silver State: Nevada Offers Plenty of Opportunity*, San Francisco and Los Angeles Daily Journals, February 6, 2008

Speaking Engagements / Events

- *Heir Turbulence Ahead - Sometimes You Can See It Coming*, Speaker, Northern Nevada Estate Planning Council, March 19, 2019
- *Should I Step into This Hot Mess? A Litigator's Take on Considerations for Successor Trustees*, Speaker, Professional Fiduciary Association of California, Placer County Chapter, February 26, 2019
- *Dementia and Other Capacity Concerns*, Speaker, Placer County Bar Association, May 7, 2018
- *Clients with Diminished Capacity*, Co-Presenter, Sacramento County Bar Association, Solo/Small Practice Division, December 5, 2017
- *On the Lookout for Undue Influence*, Speaker, East Bay Estate Planning Council, 2017
- *Heir Turbulence Ahead - Collecting Bequests Amidst Family Conduct*, Speaker, Planned Giving Forum of Greater Sacramento, June 2017
- *Mental Capacity and Undue Influence Issues in Trust and Estate Disputes*, Speaker, Sacramento Legal Secretaries Association, 2016
- *Will and Trust Contests*, Speaker, SCBA Probate/Trust Litigation Boot Camp, 2016
- *On the Lookout for Undue Influence*, Speaker, South Placer Estate Planning Council, 2016
- *A Litigator's Take on How to Avoid or Reduce Estate Plan Combustion*, Speaker, Placer County Bar Association, 2016
- *Mental Capacity Rules and Riddles After Andersen v. Hunt*, Speaker, Sacramento County Bar Association, 2013
- *Trapdoors for Trustees*, Speaker, Professional Fiduciary Association of California, Northern California Region, 2013
- *How Do I Avoid a Fight Over My Estate Plan*, Speaker, University Retirement Community, Davis, CA, 2013
- *Mental Capacity Rules and Riddles After Andersen v. Hunt*, Speaker, The Bar Association of San Francisco, 2013
- *Competently Litigating Competency In Trust and Estates Matters*, Speaker, State Bar of California, Annual Meeting, 2012
- *Sister Sue[d] Me! Trust and Estate Disputes and How to Avoid Them*, Speaker, Placer County Bar Association, 2012

- *Wayward Trustees, Pushy Heirs and Other Threats to Charitable Gifts*, Speaker, Planned Giving Forum of Sacramento, 2011
- *Trapdoors for Trustees: A Litigator's Take on the Perils of Trust Administration*, Speaker, South Placer Estate Planning Council, 2011
- *The Rising Tide of Will and Trust Contests*, Speaker, California Society of Certified Public Accountants, Sacramento Chapter, 2011
- *The Rising Tide of Will and Trust Contests*, Speaker, Professional Fiduciary Association of California, Sacramento Chapter, 2011
- *The Rising Tide of Will and Trust Contests*, Speaker, Yolo County Bar Association, 2011

Blogs

- *A Thin Blue Line: APS and the DA Have Few Resources to Combat Financial Elder Abuse*, June 5, 2019
- *The Uncertain Role of Court Appointed Counsel in California Conservatorship Cases*, May 20, 2019
- *Life Insurance Policy Benefits, Once Given Away, Cannot Be Redirected*, May 7, 2019
- *Probate Code Provides Ground Rules for Who Gets What from Wills and Trusts*, March 25, 2019
- *Trustees Must Terminate California Trust if Terms Compel Distribution*, February 19, 2019
- *Litigators Should Be Collaborators, Not Lone Rangers*, January 30, 2019
- *A Neuropsychologist's Take on Mental Capacity Evaluation*, January 22, 2019
- *Purple Rain Shower in California — Prince's Estate Chases Northern California Law Firm*, January 7, 2019
- *Barefoot No More - California Supreme Court to Review Standing of Trust Contestants*, December 17, 2018
- *Trustee Fees in California - Tips for Family Member Trustees*, December 10, 2018
- *California Court Can Apply Impossibility Doctrine*, November 26, 2018
- *California Courts Can Excuse Trustee Who Acts in Good Faith*, November 5, 2018
- *California Courts May Scrutinize Conservator Fees*, October 3, 2018
- *Fore! California Court Drives Away Claim that Trustee's Attorney Breached Trust*, August 27, 2018
- *Why Contingency Fee Representation Is Hard to Obtain in Trust and Will Contests*, August 6, 2018
- *Don't Let Time Run Out on Updating Your Life Insurance Beneficiaries*, July 2, 2018
- *Successor Trustee Gets Privileged Documents Even if Trust Says Otherwise*, June 25, 2018
- *Resolving California Trust and Estate Disputes - A Mediator's Perspective*, May 21, 2018
- *Mental Capacity Standards in California Civil Litigation*, May 14, 2018
- *Stepmother vs. Stepchild, Now Playing in a California Probate Court Near You*, April 23, 2018
- *Executor Can Swing Away at an Omitted Spouse Petition*, March 5, 2018
- *New Judge in Sacramento County Superior Court Probate Department*, January 30, 2018
- *Sacramento Court: Only a Health Care Agent Can Contract for Placement in an RCFE*, January 2, 2018
- *Doctors Who Disobey Health Care Agents in California May Be Liable for Elder Abuse*, December 4, 2017
- *Anti-SLAPP Case Features Arm Wrestling Siblings and a Prep School*, October 9, 2017

- *Look! Up in the Sky! It's Sibling Lawyer!*, September 5, 2017
- *California Professional Fiduciaries Help Elders and Resolve Conflicts*, August 1, 2017
- *Look for Mild Cognitive Impairment in California Trust and Estate Disputes*, July 10, 2017
- *Co-Trustee Conflict Fuels California Trust Litigation*, June 26, 2017
- *Courts Should Read Elder Abuse Act Broadly to Stop Wrongdoers*, June 14, 2017
- *Constructive Trusts Can Catch Wayward Trust Assets*, May 15, 2017
- *California Courts Must Examine Outgoing Trustee's Assertion of Attorney-Client Privilege*, April 30, 2017
- *Rapid Increase in Sacramento Conservatorship Cases*, April 17, 2017
- *Pro Bono Estate Planning Clinic Starts in Sacramento*, March 24, 2017
- *New Judges in Placer County and Yolo County Probate Departments*, March 6, 2017
- *California Wage and Hour Lawsuits Spreading to Mom's Living Room*, February 21, 2017
- *Watch Out for Tax Issues When Paying California Caregivers*, January 31, 2017
- *Sacramento Appellate Court Rejects Personal Liability for Legal Fees in Trust Disputes*, January 23, 2017
- *Sacramento Financial Elder Abuse - Next Steps for Victims and Their Advocates*, January 2, 2017
- *A Sacramento Estate Planner Shares Thoughts on Conflict Avoidance*, December 12, 2016
- *New Guidance on Role of Mental Health Experts in California Undue Influence Cases*, October 31, 2016
- *Sacramento Court Limits Reach of Anti-SLAPP Law in Trust Disputes*, October 17, 2016
- *When Does Bad Behavior in Trust and Estate Disputes Become Criminal?*, October 3, 2016
- *Sacramento Trust and Probate Litigation "Boot Camp" Program*, September 26, 2016
- *Court in California Trust Contest Invalidates Transfer to Drafting Attorney*, August 15, 2016
- *Watch Out for SLAPPs in California Trust and Estate Litigation*, July 11, 2016
- *Parent Custody Battles Leave Everyone Bruised*, June 27, 2016
- *"You Don't Have to Be Rich" to Need a Plan*, May 16, 2016
- *Alzheimer's Disease Requires a Close Look in California Trust Litigation*, May 9, 2016
- *Fund Your California Trust Now to Avoid the "Lost and Found" Later*, April 18, 2016
- *Undue Influence - A Titanic Challenge for Estate Planning Attorneys*, April 11, 2016
- *California Trust Litigation Update: Trust Assets May Be Used to Defend Contests ... Sometimes*, March 22, 2016
- *Opening the Curtains of Attorney-Client Privilege*, March 7, 2016
- *What Role Should Mental Health Experts Play in Undue Influence Cases?*, February 29, 2016
- *When Can You Remove a Problem Trustee?*, February 8, 2016
- *How Fictional Is John Grisham's Novel About a Will Contest?*, January 25, 2016