

Trust & Estate Litigation

Our trust and estate litigation attorneys handle trust and estate disputes across California. Our clients range from family members who have never faced litigation to bank trust departments, private professional fiduciaries and charitable beneficiaries. The breadth of our work is reflected in [Trust on Trial](#), a leading blog on California trust and estate litigation that is a resource for lawyers and members of the public. Links to several of our blog posts appear below.

We attack and defend the validity of wills, trusts, powers of attorney and death beneficiary designations. Such estate planning documents may be contested in California on the grounds of [mental incapacity](#), [undue influence](#), mistake, or failure to follow formalities. Our contest cases often involve elders who make estate planning changes later in life when they have adverse health conditions such as [Alzheimer's disease](#). We advise clients regarding [no contest clauses](#).

There can be many complicating factors in managing a trust or estate in California, starting with requirements and principles set forth in the Probate Code, appellate court opinions, and state and local court rules. Our attorneys represent fiduciaries (i.e., trustees, executors and administrators) in disputes over the administration of trusts and estates, guiding them in dealing with beneficiaries who may be angry, unrealistic and/or uncooperative. We help fiduciaries navigate issues such as the [interpretation of trusts and wills](#), the management, valuation and sale of assets, the preparation and settling of accountings, the handling of discretionary distributions, and the [calculation of trustee's fees](#). When siblings or other co-trustees [disagree](#) on how to administer a trust, we seek direction from the court on how to move forward.

Our attorneys advocate for beneficiaries who are frustrated because they have been unable to obtain information, accountings or distributions. Fiduciaries may lack the ability or time to handle administration, misunderstand their duties, or seek to feather their own nests as beneficiaries. When fiduciaries misbehave and decline to "straighten up and fly right," we ask courts to take corrective action. The court may suspend or [remove a trustee](#) from office, order a trustee to act properly, stop a trustee from using trust money to pay for legal expenses, [reduce a trustee's fee](#), or require a trustee to pay damages.

California law protects the vulnerable by facilitating [financial elder abuse claims](#). Our lawyers bring such claims on behalf of elders and their successors in interest, and defend those accused of abuse. The alleged abusers are often family members or paid caregivers.

Our lawyers represent family members in [conservatorship disputes](#), such as when siblings are in conflict over an ailing parent's finances or living arrangements. A conservatorship over the estate allows a court-appointed conservator to manage the conservatee's finances and a conservatorship over the person permits the

conservator to oversee the conservatee's health care and other personal needs.

We evaluate, and prosecute or defend, claims that unmarried partners may have against the estates of their deceased partners under the California Supreme Court's decision in *Marvin v. Marvin*, which recognized that such partners may have express or implied contractual rights.

Trust and estate litigation almost always occurs in an emotionally-charged environment. Many of our cases arise between **siblings** or between **step-parents and step-children**. Frequently the parties are in conflict over the ownership and control of family businesses and real estate. We resolve many disagreements through negotiation and mediation, often seeking to separate out economic interests so that the various parties can go their own ways. Family members often have strong feelings and divergent goals such that some disputes can only be resolved through trials.

We litigate in the Superior Courts of Sacramento County, Placer County, Yolo County, El Dorado County, Nevada County, San Joaquin County, the San Francisco Bay Area counties, and other counties across Northern California. Our trust and estate litigation attorneys collaborate with colleagues at the firm who focus on estate planning, tax, corporate, environmental and real estate matters so as to better advise and advocate for clients.

Selected Experience

- Represented a rice farmer who had his inheritance halved by the exertion of his sister's undue influence. After a three-day trial in Colusa County, we negotiated a complete buy out of the family's farming operation so as to allow our client to continue farming his family's land.
- Represented bank trustee in successful defense of trust contest filed in Sacramento County, after a three-day trial. Further successful in having no-contest clause enforced against contesting beneficiary pursuant to the terms of the written trust instrument. Defended trial court victory on appeal.
- Represented co-trustees accused of breaching trust related to investment decisions in connection with sub-trusts for nieces. Prevailed in the Marin County trial court after an 11-day trial, and preserved win on appeal to the Court of Appeal and the California Supreme Court.
- Represented step-son in successful effort to buy out step-mother's life estate so as to fully and finally divide trust interests and to complete trust administration now rather than incurring costs of ongoing administration for the rest of step-mother's life.
- Represented beneficiary in trust contest in Nevada County on basis of undue influence. The matter was scheduled for an eight-day trial but was able to demonstrate at the first day of trial that the estate planner had acted fraudulently and swapped out pages of the third amendment after the settlor signed the document.
- Represented surviving spouse in connection with her sale of deceased husband's one-half interest in small business in Sacramento County.

- Represented major San Francisco arts non-profit in assuming the role of trustee and taking possession of millions of dollars of assets bequeathed to the organization for its mission.
- Represented university against trustee who refused to honor charitable gift provided for by the trust instrument, and recovered the entirety of the \$500,000 donation.

Trade Groups

- California Lawyers Association, Trusts and Estates Section
- Sacramento County Bar Association, Probate and Estate Planning section
- Sacramento Estate Planning Council (SEPC)