

Trust & Estate Litigation

Led by partners [Jeffrey Galvin](#) and [Tyson Hubbard](#), our attorneys handle trust and estate disputes across Northern 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. We 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.

We advocate for trust and estate 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](#). We 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.

We 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. One of our partners also handles trust and estate disputes in the State of Nevada. Our 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 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 our client following a 25-day trial in Calaveras County and the ruling was affirmed on appeal.
- 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 in Sacramento County, the arbitrator ruled in favor of our clients and awarded them over \$200,000 in legal expenses.
- 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 a trustee in a petition to settle an accounting. After a two-day trial in San Joaquin County, the judge overruled the objections of the trustee's siblings/beneficiaries.
- Represented an institutional fiduciary as trustee in a dispute over a general partner's handling of a limited partnership that owned a valuable property near Lake Tahoe. After a two-day arbitration in El Dorado County, the judge ruled in favor of our client.
- Represented claimant in a \$15M conservatorship dispute in Fresno County regarding the validity of a holographic (handwritten) will. Case resolved successfully for our client after the trial began, with settlement providing for the creation of a park in Folsom.
- Represented family member in Calaveras County trust dispute involving historic cattle ranch. Client obtained favorable outcome in negotiated division of trust assets.
- 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 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 \(SEPC\)](#)